

1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 373.250, F.S.; deleting an obsolete provision;
4 providing examples of reclaimed water use that may
5 create an impact offset; revising the required
6 provisions of the water resource implementation rule;
7 amending s. 403.064, F.S.; revising legislative
8 findings; requiring the Department of Environmental
9 Protection and the water management districts to
10 develop and enter into a memorandum of agreement
11 providing for a coordinated review of any reclaimed
12 water project requiring a reclaimed water facility
13 permit, an underground injection control permit, and a
14 consumptive use permit; specifying the required
15 provisions of such memorandum; specifying the date by
16 which the memorandum must be developed and executed;
17 amending s. 403.706, F.S.; prohibiting counties and
18 municipalities from requiring the recycling of
19 contaminated recyclable material; providing that
20 counties, municipalities, and recyclable material
21 contractors are not required to collect, transport, or
22 process contaminated recyclable material; defining the
23 term "contaminated recyclable material"; providing
24 applicability; amending s. 403.813, F.S.; providing
25 that a local government may not require further

26 verification from the department for certain projects;
 27 revising the types of dock and pier replacements and
 28 repairs that are exempt from such verification and
 29 certain permitting requirements; providing a directive
 30 to the Division of Law Revision and Information;
 31 providing an effective date.

32

33 Be It Enacted by the Legislature of the State of Florida:

34

35 Section 1. Subsection (5) of section 373.250, Florida
 36 Statutes, is amended to read:

37 373.250 Reuse of reclaimed water.—

38 (5) (a) ~~No later than October 1, 2012, the department shall~~
 39 ~~initiate rulemaking to adopt revisions to~~ The water resource
 40 implementation rule, as defined in s. 373.019(25), must ~~which~~
 41 ~~shall~~ include:

42 1. Criteria for the use of a proposed impact offset
 43 derived from the use of reclaimed water when a water management
 44 district evaluates an application for a consumptive use permit.
 45 As used in this subparagraph, the term "impact offset" means the
 46 use of reclaimed water to reduce or eliminate a harmful impact
 47 that has occurred or would otherwise occur as a result of other
 48 surface water or groundwater withdrawals. Examples of reclaimed
 49 water use that may create an impact offset include, but are not
 50 limited to, the use of reclaimed water to:

51 a. Prevent or stop further saltwater intrusion;
52 b. Raise aquifer levels;
53 c. Improve the water quality of an aquifer; or
54 d. Augment surface water to increase the quantity of water
55 available for water supply.

56 2. Criteria for the use of substitution credits where a
57 water management district has adopted rules establishing
58 withdrawal limits from a specified water resource within a
59 defined geographic area. As used in this subparagraph, the term
60 "substitution credit" means the use of reclaimed water to
61 replace all or a portion of an existing permitted use of
62 resource-limited surface water or groundwater, allowing a
63 different user or use to initiate a withdrawal or increase its
64 withdrawal from the same resource-limited surface water or
65 groundwater source provided that the withdrawal creates no net
66 adverse impact on the limited water resource or creates a net
67 positive impact if required by water management district rule as
68 part of a strategy to protect or recover a water resource.

69 3. Criteria by which an impact offset or substitution
70 credit may be applied to the issuance, renewal, or extension of
71 the utility's or another user's consumptive use permit or may be
72 used to address additional water resource constraints imposed
73 through the adoption of a recovery or prevention strategy under
74 s. 373.0421.

75 (b) Within 60 days after the final adoption by the

76 department of the revisions to the water resource implementation
77 rule required under paragraph (a), each water management
78 district must ~~shall~~ initiate rulemaking to incorporate those
79 revisions by reference into the rules of the district.

80 Section 2. Subsection (1) of section 403.064, Florida
81 Statutes, is amended, and subsection (17) is added to that
82 section, to read:

83 403.064 Reuse of reclaimed water.—

84 (1) The encouragement and promotion of water conservation,
85 and reuse of reclaimed water, as defined by the department, are
86 state objectives and are considered to be in the public
87 interest. The Legislature finds that the reuse of reclaimed
88 water, including reuse through aquifer recharge, is a critical
89 component of meeting the state's existing and future water
90 supply needs while sustaining natural systems. The Legislature
91 further finds that for those wastewater treatment plants
92 permitted and operated under an approved reuse program by the
93 department, the reclaimed water shall be considered
94 environmentally acceptable and not a threat to public health and
95 safety. The Legislature encourages the development of incentive-
96 based programs for reuse implementation.

97 (17) The department and the water management districts
98 shall develop and enter into a memorandum of agreement providing
99 for a coordinated review of any reclaimed water project
100 requiring a reclaimed water facility permit, an underground

101 injection control permit, and a consumptive use permit. The
102 memorandum of agreement must provide that the coordinated review
103 is performed only if the applicant for such permits requests a
104 coordinated review. The goal of the coordinated review is to
105 share information, avoid requesting the applicant to submit
106 redundant information, and ensure, to the extent feasible, a
107 harmonized review of the reclaimed water project under these
108 various permitting programs, including the use of a proposed
109 impact offset or substitution credit in accordance with s.
110 373.250(5). The department and the water management districts
111 must develop and execute such memorandum of agreement no later
112 than December 1, 2018.

113 Section 3. Present subsection (22) of section 403.706,
114 Florida Statutes, is renumbered as subsection (23), and a new
115 subsection (22) is added to that section, to read:

116 403.706 Local government solid waste responsibilities.—

117 (22) Upon the effective date of this act and except as
118 provided in paragraph (d):

119 (a) A county or municipality may not require the recycling
120 of contaminated recyclable material.

121 (b) A county, municipality, or recyclable material
122 contractor is not required to collect, transport, or process
123 contaminated recyclable material.

124 (c) As used in this subsection, the term "contaminated
125 recyclable material" means recyclable material having 15 percent

126 | or more, measured by weight or volume, of municipal solid waste
 127 | or nonrecyclable material comingled with recyclable material.

128 | (d) This subsection does not apply to a contract between a
 129 | county or municipality and a recyclable material contractor for
 130 | the collection, transportation, or processing of recyclable
 131 | material that includes stated terms allowing contamination
 132 | percentages of 15 percent or more and that was executed before
 133 | the effective date of this act. This exclusion continues until
 134 | the remaining term of the existing contract expires or until
 135 | July 1, 2023, whichever occurs first.

136 | Section 4. Subsection (1) of section 403.813, Florida
 137 | Statutes, is amended to read:

138 | 403.813 Permits issued at district centers; exceptions.—

139 | (1) A permit is not required under this chapter, chapter
 140 | 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 141 | chapter 25270, 1949, Laws of Florida, and a local government may
 142 | not require further verification from the department, for
 143 | activities associated with the following types of projects;
 144 | however, except as otherwise provided in this subsection, this
 145 | subsection does not relieve an applicant from any requirement to
 146 | obtain permission to use or occupy lands owned by the Board of
 147 | Trustees of the Internal Improvement Trust Fund or a water
 148 | management district in its governmental or proprietary capacity
 149 | or from complying with applicable local pollution control
 150 | programs authorized under this chapter or other requirements of

151 county and municipal governments:

152 (a) The installation of overhead transmission lines,
153 having ~~with~~ support structures that ~~which~~ are not constructed in
154 waters of the state and which do not create a navigational
155 hazard.

156 (b) The installation and repair of mooring pilings and
157 dolphins associated with private docking facilities or piers and
158 the installation of private docks, piers, and recreational
159 docking facilities, or piers and recreational docking facilities
160 of local governmental entities when the local governmental
161 entity's activities will not take place in any manatee habitat,
162 any of which docks:

163 1. Has 500 square feet or less of over-water surface area
164 for a dock ~~which is~~ located in an area designated as Outstanding
165 Florida Waters or 1,000 square feet or less of over-water
166 surface area for a dock ~~which is~~ located in an area that ~~which~~
167 is not designated as Outstanding Florida Waters;

168 2. Is constructed on or held in place by pilings or is a
169 floating dock ~~which is~~ constructed so as not to involve filling
170 or dredging other than that necessary to install the pilings;

171 3. May ~~shall~~ not substantially impede the flow of water or
172 create a navigational hazard;

173 4. Is used for recreational, noncommercial activities
174 associated with the mooring or storage of boats and boat
175 paraphernalia; and

176 5. Is the sole dock constructed pursuant to this exemption
177 as measured along the shoreline for a distance of 65 feet,
178 unless the parcel of land or individual lot as platted is less
179 than 65 feet in length along the shoreline, in which case there
180 may be one exempt dock allowed per parcel or lot.

181
182 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
183 from taking appropriate enforcement action pursuant to this
184 chapter to abate or prohibit any activity otherwise exempt from
185 permitting pursuant to this paragraph if the department can
186 demonstrate that the exempted activity has caused water
187 pollution in violation of this chapter.

188 (c) The installation and maintenance to design
189 specifications of boat ramps on artificial bodies of water where
190 navigational access to the proposed ramp exists or the
191 installation of boat ramps open to the public in any waters of
192 the state where navigational access to the proposed ramp exists
193 and where the construction of the proposed ramp will be less
194 than 30 feet wide and will involve the removal of less than 25
195 cubic yards of material from the waters of the state, and the
196 maintenance to design specifications of such ramps; however, the
197 material to be removed shall be placed upon a self-contained
198 upland site so as to prevent the escape of the spoil material
199 into the waters of the state.

200 (d) The replacement or repair of existing docks and piers,

201 except that fill material may not be used and the replacement or
202 repaired dock or pier must be in approximately the same location
203 and no larger in size than the existing dock or pier, and no
204 additional aquatic resources may be adversely and permanently
205 impacted by such replacement or repair ~~the same location and of~~
206 ~~the same configuration and dimensions as the dock or pier being~~
207 ~~replaced or repaired.~~ This does not preclude the use of
208 different construction materials or minor deviations to allow
209 upgrades to current structural and design standards.

210 (e) The restoration of seawalls at their previous
211 locations or upland of, or within 18 inches waterward of, their
212 previous locations. However, this may ~~shall~~ not affect the
213 permitting requirements of chapter 161, and department rules
214 shall clearly indicate that this exception does not constitute
215 an exception from the permitting requirements of chapter 161.

216 (f) The performance of maintenance dredging of existing
217 manmade canals, channels, intake and discharge structures, and
218 previously dredged portions of natural water bodies within
219 drainage rights-of-way or drainage easements which have been
220 recorded in the public records of the county, where the spoil
221 material is to be removed and deposited on a self-contained,
222 upland spoil site which will prevent the escape of the spoil
223 material into the waters of the state, provided that no more
224 dredging is to be performed than is necessary to restore the
225 canals, channels, and intake and discharge structures, and

226 | previously dredged portions of natural water bodies, to original
227 | design specifications or configurations, provided that the work
228 | is conducted in compliance with s. 379.2431(2)(d), provided that
229 | no significant impacts occur to previously undisturbed natural
230 | areas, and provided that control devices for return flow and
231 | best management practices for erosion and sediment control are
232 | utilized to prevent bank erosion and scouring and to prevent
233 | turbidity, dredged material, and toxic or deleterious substances
234 | from discharging into adjacent waters during maintenance
235 | dredging. Further, for maintenance dredging of previously
236 | dredged portions of natural water bodies within recorded
237 | drainage rights-of-way or drainage easements, an entity that
238 | seeks an exemption must notify the department or water
239 | management district, as applicable, at least 30 days before
240 | ~~prior to~~ dredging and provide documentation of original design
241 | specifications or configurations where such exist. This
242 | exemption applies to all canals and previously dredged portions
243 | of natural water bodies within recorded drainage rights-of-way
244 | or drainage easements constructed before ~~prior to~~ April 3, 1970,
245 | and to those canals and previously dredged portions of natural
246 | water bodies constructed on or after April 3, 1970, pursuant to
247 | all necessary state permits. This exemption does not apply to
248 | the removal of a natural or manmade barrier separating a canal
249 | or canal system from adjacent waters. When no previous permit
250 | has been issued by the Board of Trustees of the Internal

251 Improvement Trust Fund or the United States Army Corps of
252 Engineers for construction or maintenance dredging of the
253 existing manmade canal or intake or discharge structure, such
254 maintenance dredging shall be limited to a depth of no more than
255 5 feet below mean low water. The Board of Trustees of the
256 Internal Improvement Trust Fund may fix and recover from the
257 permittee an amount equal to the difference between the fair
258 market value and the actual cost of the maintenance dredging for
259 material removed during such maintenance dredging. However, no
260 charge shall be exacted by the state for material removed during
261 such maintenance dredging by a public port authority. The
262 removing party may subsequently sell such material; however,
263 proceeds from such sale that exceed the costs of maintenance
264 dredging shall be remitted to the state and deposited in the
265 Internal Improvement Trust Fund.

266 (g) The maintenance of existing insect control structures,
267 dikes, and irrigation and drainage ditches, provided that spoil
268 material is deposited on a self-contained, upland spoil site
269 which will prevent the escape of the spoil material into waters
270 of the state. In the case of insect control structures, if the
271 cost of using a self-contained upland spoil site is so
272 excessive, as determined by the Department of Health, pursuant
273 to s. 403.088(1), that it will inhibit proposed insect control,
274 then-existing spoil sites or dikes may be used, upon
275 notification to the department. In the case of insect control

276 | where upland spoil sites are not used pursuant to this
277 | exemption, turbidity control devices shall be used to confine
278 | the spoil material discharge to that area previously disturbed
279 | when the receiving body of water is used as a potable water
280 | supply, is designated as shellfish harvesting waters, or
281 | functions as a habitat for commercially or recreationally
282 | important shellfish or finfish. In all cases, no more dredging
283 | is to be performed than is necessary to restore the dike or
284 | irrigation or drainage ditch to its original design
285 | specifications.

286 | (h) The repair or replacement of existing functional pipes
287 | or culverts the purpose of which is the discharge or conveyance
288 | of stormwater. In all cases, the invert elevation, the diameter,
289 | and the length of the culvert may ~~shall~~ not be changed. However,
290 | the material used for the culvert may be different from the
291 | original.

292 | (i) The construction of private docks of 1,000 square feet
293 | or less of over-water surface area and seawalls in artificially
294 | created waterways where such construction will not violate
295 | existing water quality standards, impede navigation, or affect
296 | flood control. This exemption does not apply to the construction
297 | of vertical seawalls in estuaries or lagoons unless the proposed
298 | construction is within an existing manmade canal where the
299 | shoreline is currently occupied in whole or part by vertical
300 | seawalls.

301 (j) The construction and maintenance of swales.

302 (k) The installation of aids to navigation and buoys
303 associated with such aids, provided the devices are marked
304 pursuant to s. 327.40.

305 (l) The replacement or repair of existing open-trestle
306 foot bridges and vehicular bridges that are 100 feet or less in
307 length and two lanes or less in width, provided that no more
308 dredging or filling of submerged lands is performed other than
309 that which is necessary to replace or repair pilings and that
310 the structure to be replaced or repaired is the same length, the
311 same configuration, and in the same location as the original
312 bridge. No debris from the original bridge shall be allowed to
313 remain in the waters of the state.

314 (m) The installation of subaqueous transmission and
315 distribution lines laid on, or embedded in, the bottoms of
316 waters in the state, except in Class I and Class II waters and
317 aquatic preserves, provided no dredging or filling is necessary.

318 (n) The replacement or repair of subaqueous transmission
319 and distribution lines laid on, or embedded in, the bottoms of
320 waters of the state.

321 (o) The construction of private seawalls in wetlands or
322 other surface waters where such construction is between and
323 adjoins at both ends existing seawalls; follows a continuous and
324 uniform seawall construction line with the existing seawalls; is
325 no more than 150 feet in length; and does not violate existing

326 water quality standards, impede navigation, or affect flood
327 control. However, in estuaries and lagoons the construction of
328 vertical seawalls is limited to the circumstances and purposes
329 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
330 the permitting requirements of chapter 161, and department rules
331 must clearly indicate that this exception does not constitute an
332 exception from the permitting requirements of chapter 161.

333 (p) The restoration of existing insect control impoundment
334 dikes which are less than 100 feet in length. Such impoundments
335 shall be connected to tidally influenced waters for 6 months
336 each year beginning September 1 and ending February 28 if
337 feasible or operated in accordance with an impoundment
338 management plan approved by the department. A dike restoration
339 may involve no more dredging than is necessary to restore the
340 dike to its original design specifications. For the purposes of
341 this paragraph, restoration does not include maintenance of
342 impoundment dikes of operating insect control impoundments.

343 (q) The construction, operation, or maintenance of
344 stormwater management facilities which are designed to serve
345 single-family residential projects, including duplexes,
346 triplexes, and quadruplexes, if they are less than 10 acres
347 total land and have less than 2 acres of impervious surface and
348 if the facilities:

349 1. Comply with all regulations or ordinances applicable to
350 stormwater management and adopted by a city or county;

351 2. Are not part of a larger common plan of development or
352 sale; and

353 3. Discharge into a stormwater discharge facility exempted
354 or permitted by the department under this chapter which has
355 sufficient capacity and treatment capability as specified in
356 this chapter and is owned, maintained, or operated by a city,
357 county, special district with drainage responsibility, or water
358 management district; however, this exemption does not authorize
359 discharge to a facility without the facility owner's prior
360 written consent.

361 (r) The removal of aquatic plants, the removal of
362 tussocks, the associated replanting of indigenous aquatic
363 plants, and the associated removal from lakes of organic
364 detrital material when such planting or removal is performed and
365 authorized by permit or exemption granted under s. 369.20 or s.
366 369.25, provided that:

367 1. Organic detrital material that exists on the surface of
368 natural mineral substrate shall be allowed to be removed to a
369 depth of 3 feet or to the natural mineral substrate, whichever
370 is less;

371 2. All material removed pursuant to this paragraph shall
372 be deposited in an upland site in a manner that will prevent the
373 reintroduction of the material into waters in the state except
374 when spoil material is permitted to be used to create wildlife
375 islands in freshwater bodies of the state when a governmental

376 entity is permitted pursuant to s. 369.20 to create such islands
377 as a part of a restoration or enhancement project;

378 3. All activities are performed in a manner consistent
379 with state water quality standards; and

380 4. No activities under this exemption are conducted in
381 wetland areas, as defined in s. 373.019(27), which are supported
382 by a natural soil as shown in applicable United States
383 Department of Agriculture county soil surveys, except when a
384 governmental entity is permitted pursuant to s. 369.20 to
385 conduct such activities as a part of a restoration or
386 enhancement project.

387

388 The department may not adopt implementing rules for this
389 paragraph, notwithstanding any other provision of law.

390 (s) The construction, installation, operation, or
391 maintenance of floating vessel platforms or floating boat lifts,
392 provided that such structures:

393 1. Float at all times in the water for the sole purpose of
394 supporting a vessel so that the vessel is out of the water when
395 not in use;

396 2. Are wholly contained within a boat slip previously
397 permitted under ss. 403.91-403.929, 1984 Supplement to the
398 Florida Statutes 1983, as amended, or part IV of chapter 373, or
399 do not exceed a combined total of 500 square feet, or 200 square
400 feet in an Outstanding Florida Water, when associated with a

401 dock that is exempt under this subsection or associated with a
402 permitted dock with no defined boat slip or attached to a
403 bulkhead on a parcel of land where there is no other docking
404 structure;

405 3. Are not used for any commercial purpose or for mooring
406 vessels that remain in the water when not in use, and do not
407 substantially impede the flow of water, create a navigational
408 hazard, or unreasonably infringe upon the riparian rights of
409 adjacent property owners, as defined in s. 253.141;

410 4. Are constructed and used so as to minimize adverse
411 impacts to submerged lands, wetlands, shellfish areas, aquatic
412 plant and animal species, and other biological communities,
413 including locating such structures in areas where seagrasses are
414 least dense adjacent to the dock or bulkhead; and

415 5. Are not constructed in areas specifically prohibited
416 for boat mooring under conditions of a permit issued in
417 accordance with ss. 403.91-403.929, 1984 Supplement to the
418 Florida Statutes 1983, as amended, or part IV of chapter 373, or
419 other form of authorization issued by a local government.

420
421 Structures that qualify for this exemption are relieved from any
422 requirement to obtain permission to use or occupy lands owned by
423 the Board of Trustees of the Internal Improvement Trust Fund
424 and, with the exception of those structures attached to a
425 bulkhead on a parcel of land where there is no docking

426 structure, may ~~shall~~ not be subject to any more stringent
427 permitting requirements, registration requirements, or other
428 regulation by any local government. Local governments may
429 require either permitting or one-time registration of floating
430 vessel platforms to be attached to a bulkhead on a parcel of
431 land where there is no other docking structure as necessary to
432 ensure compliance with local ordinances, codes, or regulations.
433 Local governments may require either permitting or one-time
434 registration of all other floating vessel platforms as necessary
435 to ensure compliance with the exemption criteria in this
436 section; to ensure compliance with local ordinances, codes, or
437 regulations relating to building or zoning, which are no more
438 stringent than the exemption criteria in this section or address
439 subjects other than subjects addressed by the exemption criteria
440 in this section; and to ensure proper installation, maintenance,
441 and precautionary or evacuation action following a tropical
442 storm or hurricane watch of a floating vessel platform or
443 floating boat lift that is proposed to be attached to a bulkhead
444 or parcel of land where there is no other docking structure. The
445 exemption provided in this paragraph shall be in addition to the
446 exemption provided in paragraph (b). The department shall adopt
447 a general permit by rule for the construction, installation,
448 operation, or maintenance of those floating vessel platforms or
449 floating boat lifts that do not qualify for the exemption
450 provided in this paragraph but do not cause significant adverse

451 impacts to occur individually or cumulatively. The issuance of
452 such general permit shall also constitute permission to use or
453 occupy lands owned by the Board of Trustees of the Internal
454 Improvement Trust Fund. No local government shall impose a more
455 stringent regulation, permitting requirement, registration
456 requirement, or other regulation covered by such general permit.
457 Local governments may require either permitting or one-time
458 registration of floating vessel platforms as necessary to ensure
459 compliance with the general permit in this section; to ensure
460 compliance with local ordinances, codes, or regulations relating
461 to building or zoning that are no more stringent than the
462 general permit in this section; and to ensure proper
463 installation and maintenance of a floating vessel platform or
464 floating boat lift that is proposed to be attached to a bulkhead
465 or parcel of land where there is no other docking structure.

466 (t) The repair, stabilization, or paving of existing
467 county maintained roads and the repair or replacement of bridges
468 that are part of the roadway, within the Northwest Florida Water
469 Management District and the Suwannee River Water Management
470 District, provided:

471 1. The road and associated bridge were in existence and in
472 use as a public road or bridge, and were maintained by the
473 county as a public road or bridge on or before January 1, 2002;

474 2. The construction activity does not realign the road or
475 expand the number of existing traffic lanes of the existing

476 road; however, the work may include the provision of safety
477 shoulders, clearance of vegetation, and other work reasonably
478 necessary to repair, stabilize, pave, or repave the road,
479 provided that the work is constructed by generally accepted
480 engineering standards;

481 3. The construction activity does not expand the existing
482 width of an existing vehicular bridge in excess of that
483 reasonably necessary to properly connect the bridge with the
484 road being repaired, stabilized, paved, or repaved to safely
485 accommodate the traffic expected on the road, which may include
486 expanding the width of the bridge to match the existing
487 connected road. However, no debris from the original bridge
488 shall be allowed to remain in waters of the state, including
489 wetlands;

490 4. Best management practices for erosion control shall be
491 employed as necessary to prevent water quality violations;

492 5. Roadside swales or other effective means of stormwater
493 treatment must be incorporated as part of the project;

494 6. No more dredging or filling of wetlands or water of the
495 state is performed than that which is reasonably necessary to
496 repair, stabilize, pave, or repave the road or to repair or
497 replace the bridge, in accordance with generally accepted
498 engineering standards; and

499 7. Notice of intent to use the exemption is provided to
500 the department, if the work is to be performed within the

501 Northwest Florida Water Management District, or to the Suwannee
 502 River Water Management District, if the work is to be performed
 503 within the Suwannee River Water Management District, 30 days
 504 before ~~prior to~~ performing any work under the exemption.

505
 506 Within 30 days after this act becomes a law, the department
 507 shall initiate rulemaking to adopt a no fee general permit for
 508 the repair, stabilization, or paving of existing roads that are
 509 maintained by the county and the repair or replacement of
 510 bridges that are part of the roadway where such activities do
 511 not cause significant adverse impacts to occur individually or
 512 cumulatively. The general permit shall apply statewide and, with
 513 no additional rulemaking required, apply to qualified projects
 514 reviewed by the Suwannee River Water Management District, the
 515 St. Johns River Water Management District, the Southwest Florida
 516 Water Management District, and the South Florida Water
 517 Management District under the division of responsibilities
 518 contained in the operating agreements applicable to part IV of
 519 chapter 373. Upon adoption, this general permit shall, pursuant
 520 to ~~the provisions of~~ subsection (2), supersede and replace the
 521 exemption in this paragraph.

522 (u) Notwithstanding any provision to the contrary in this
 523 subsection, a permit or other authorization under chapter 253,
 524 chapter 369, chapter 373, or this chapter is not required for an
 525 individual residential property owner for the removal of organic

526 | detrital material from freshwater rivers or lakes that have a
527 | natural sand or rocky substrate and that are not Aquatic
528 | Preserves or for the associated removal and replanting of
529 | aquatic vegetation for the purpose of environmental enhancement,
530 | providing that:

531 | 1. No activities under this exemption are conducted in
532 | wetland areas, as defined in s. 373.019(27), which are supported
533 | by a natural soil as shown in applicable United States
534 | Department of Agriculture county soil surveys.

535 | 2. No filling or peat mining is allowed.

536 | 3. No removal of native wetland trees, including, but not
537 | limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

538 | 4. When removing organic detrital material, no portion of
539 | the underlying natural mineral substrate or rocky substrate is
540 | removed.

541 | 5. Organic detrital material and plant material removed is
542 | deposited in an upland site in a manner that will not cause
543 | water quality violations.

544 | 6. All activities are conducted in such a manner, and with
545 | appropriate turbidity controls, so as to prevent any water
546 | quality violations outside the immediate work area.

547 | 7. Replanting with a variety of aquatic plants native to
548 | the state shall occur in a minimum of 25 percent of the
549 | preexisting vegetated areas where organic detrital material is
550 | removed, except for areas where the material is removed to bare

551 rocky substrate; however, an area may be maintained clear of
552 vegetation as an access corridor. The access corridor width may
553 not exceed 50 percent of the property owner's frontage or 50
554 feet, whichever is less, and may be a sufficient length
555 waterward to create a corridor to allow access for a boat or
556 swimmer to reach open water. Replanting must be at a minimum
557 density of 2 feet on center and be completed within 90 days
558 after removal of existing aquatic vegetation, except that under
559 dewatered conditions replanting must be completed within 90 days
560 after reflooding. The area to be replanted must extend waterward
561 from the ordinary high water line to a point where normal water
562 depth would be 3 feet or the preexisting vegetation line,
563 whichever is less. Individuals are required to make a reasonable
564 effort to maintain planting density for a period of 6 months
565 after replanting is complete, and the plants, including
566 naturally recruited native aquatic plants, must be allowed to
567 expand and fill in the revegetation area. Native aquatic plants
568 to be used for revegetation must be salvaged from the
569 enhancement project site or obtained from an aquatic plant
570 nursery regulated by the Department of Agriculture and Consumer
571 Services. Plants that are not native to the state may not be
572 used for replanting.

573 8. No activity occurs any farther than 100 feet waterward
574 of the ordinary high water line, and all activities must be
575 designed and conducted in a manner that will not unreasonably

576 restrict or infringe upon the riparian rights of adjacent upland
577 riparian owners.

578 9. The person seeking this exemption notifies the
579 applicable department district office in writing at least 30
580 days before commencing work and allows the department to conduct
581 a preconstruction site inspection. Notice must include an
582 organic-detrital-material removal and disposal plan and, if
583 applicable, a vegetation-removal and revegetation plan.

584 10. The department is provided written certification of
585 compliance with the terms and conditions of this paragraph
586 within 30 days after completion of any activity occurring under
587 this exemption.

588 (v) Notwithstanding any other provision in this chapter,
589 chapter 373, or chapter 161, a permit or other authorization is
590 not required for the following exploratory activities associated
591 with beach restoration and nourishment projects and inlet
592 management activities:

593 1. The collection of geotechnical, geophysical, and
594 cultural resource data, including surveys, mapping, acoustic
595 soundings, benthic and other biologic sampling, and coring.

596 2. Oceanographic instrument deployment, including
597 temporary installation on the seabed of coastal and
598 oceanographic data collection equipment.

599 3. Incidental excavation associated with any of the
600 activities listed under subparagraph 1. or subparagraph 2.

HB 1149

2018

601 Section 5. The Division of Law Revision and Information is
602 directed to replace the phrase "the effective date of this act"
603 wherever it occurs in this act with the date the act becomes a
604 law.

605 Section 6. This act shall take effect upon becoming a law.