

By Senator Perry

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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

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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 derived
43 from the use of reclaimed water when a water management district
44 evaluates an application for a consumptive use permit. As used
45 in this subparagraph, the term "impact offset" means the use of
46 reclaimed water to reduce or eliminate a harmful impact that has
47 occurred or would otherwise occur as a result of other surface
48 water or groundwater withdrawals. Examples of reclaimed water
49 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

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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

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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.—

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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

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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, having
153 ~~with~~ support structures that ~~which~~ are not constructed in waters
154 of the state and which do not create a navigational hazard.

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

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

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

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

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

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

180
181 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
182 from taking appropriate enforcement action pursuant to this
183 chapter to abate or prohibit any activity otherwise exempt from
184 permitting pursuant to this paragraph if the department can
185 demonstrate that the exempted activity has caused water
186 pollution in violation of this chapter.

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

199 (d) The replacement or repair of existing docks and piers,
200 except that fill material may not be used and the replacement or
201 repaired dock or pier must be in approximately the same location
202 and no larger in size than the existing dock or pier, and no
203 additional aquatic resources may be adversely and permanently

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204 impacted by such replacement or repair ~~the same location and of~~
205 ~~the same configuration and dimensions as the dock or pier being~~
206 ~~replaced or repaired.~~ This does not preclude the use of
207 different construction materials or minor deviations to allow
208 upgrades to current structural and design standards.

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

215 (f) The performance of maintenance dredging of existing
216 manmade canals, channels, intake and discharge structures, and
217 previously dredged portions of natural water bodies within
218 drainage rights-of-way or drainage easements which have been
219 recorded in the public records of the county, where the spoil
220 material is to be removed and deposited on a self-contained,
221 upland spoil site which will prevent the escape of the spoil
222 material into the waters of the state, provided that no more
223 dredging is to be performed than is necessary to restore the
224 canals, channels, and intake and discharge structures, and
225 previously dredged portions of natural water bodies, to original
226 design specifications or configurations, provided that the work
227 is conducted in compliance with s. 379.2431(2)(d), provided that
228 no significant impacts occur to previously undisturbed natural
229 areas, and provided that control devices for return flow and
230 best management practices for erosion and sediment control are
231 utilized to prevent bank erosion and scouring and to prevent
232 turbidity, dredged material, and toxic or deleterious substances

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233 from discharging into adjacent waters during maintenance
234 dredging. Further, for maintenance dredging of previously
235 dredged portions of natural water bodies within recorded
236 drainage rights-of-way or drainage easements, an entity that
237 seeks an exemption must notify the department or water
238 management district, as applicable, at least 30 days before
239 ~~prior to~~ dredging and provide documentation of original design
240 specifications or configurations where such exist. This
241 exemption applies to all canals and previously dredged portions
242 of natural water bodies within recorded drainage rights-of-way
243 or drainage easements constructed before ~~prior to~~ April 3, 1970,
244 and to those canals and previously dredged portions of natural
245 water bodies constructed on or after April 3, 1970, pursuant to
246 all necessary state permits. This exemption does not apply to
247 the removal of a natural or manmade barrier separating a canal
248 or canal system from adjacent waters. When no previous permit
249 has been issued by the Board of Trustees of the Internal
250 Improvement Trust Fund or the United States Army Corps of
251 Engineers for construction or maintenance dredging of the
252 existing manmade canal or intake or discharge structure, such
253 maintenance dredging shall be limited to a depth of no more than
254 5 feet below mean low water. The Board of Trustees of the
255 Internal Improvement Trust Fund may fix and recover from the
256 permittee an amount equal to the difference between the fair
257 market value and the actual cost of the maintenance dredging for
258 material removed during such maintenance dredging. However, no
259 charge shall be exacted by the state for material removed during
260 such maintenance dredging by a public port authority. The
261 removing party may subsequently sell such material; however,

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262 proceeds from such sale that exceed the costs of maintenance
263 dredging shall be remitted to the state and deposited in the
264 Internal Improvement Trust Fund.

265 (g) The maintenance of existing insect control structures,
266 dikes, and irrigation and drainage ditches, provided that spoil
267 material is deposited on a self-contained, upland spoil site
268 which will prevent the escape of the spoil material into waters
269 of the state. In the case of insect control structures, if the
270 cost of using a self-contained upland spoil site is so
271 excessive, as determined by the Department of Health, pursuant
272 to s. 403.088(1), that it will inhibit proposed insect control,
273 then-existing spoil sites or dikes may be used, upon
274 notification to the department. In the case of insect control
275 where upland spoil sites are not used pursuant to this
276 exemption, turbidity control devices shall be used to confine
277 the spoil material discharge to that area previously disturbed
278 when the receiving body of water is used as a potable water
279 supply, is designated as shellfish harvesting waters, or
280 functions as a habitat for commercially or recreationally
281 important shellfish or finfish. In all cases, no more dredging
282 is to be performed than is necessary to restore the dike or
283 irrigation or drainage ditch to its original design
284 specifications.

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

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

300 (j) The construction and maintenance of swales.

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

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

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

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

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320 (o) The construction of private seawalls in wetlands or
321 other surface waters where such construction is between and
322 adjoins at both ends existing seawalls; follows a continuous and
323 uniform seawall construction line with the existing seawalls; is
324 no more than 150 feet in length; and does not violate existing
325 water quality standards, impede navigation, or affect flood
326 control. However, in estuaries and lagoons the construction of
327 vertical seawalls is limited to the circumstances and purposes
328 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
329 the permitting requirements of chapter 161, and department rules
330 must clearly indicate that this exception does not constitute an
331 exception from the permitting requirements of chapter 161.

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

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

348 1. Comply with all regulations or ordinances applicable to

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349 stormwater management and adopted by a city or county;

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

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

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

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

370 2. All material removed pursuant to this paragraph shall be
371 deposited in an upland site in a manner that will prevent the
372 reintroduction of the material into waters in the state except
373 when spoil material is permitted to be used to create wildlife
374 islands in freshwater bodies of the state when a governmental
375 entity is permitted pursuant to s. 369.20 to create such islands
376 as a part of a restoration or enhancement project;

377 3. All activities are performed in a manner consistent with

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378 state water quality standards; and

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

386

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

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

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

395 2. Are wholly contained within a boat slip previously
396 permitted under ss. 403.91-403.929, 1984 Supplement to the
397 Florida Statutes 1983, as amended, or part IV of chapter 373, or
398 do not exceed a combined total of 500 square feet, or 200 square
399 feet in an Outstanding Florida Water, when associated with a
400 dock that is exempt under this subsection or associated with a
401 permitted dock with no defined boat slip or attached to a
402 bulkhead on a parcel of land where there is no other docking
403 structure;

404 3. Are not used for any commercial purpose or for mooring
405 vessels that remain in the water when not in use, and do not
406 substantially impede the flow of water, create a navigational

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407 hazard, or unreasonably infringe upon the riparian rights of
408 adjacent property owners, as defined in s. 253.141;

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

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

419
420 Structures that qualify for this exemption are relieved from any
421 requirement to obtain permission to use or occupy lands owned by
422 the Board of Trustees of the Internal Improvement Trust Fund
423 and, with the exception of those structures attached to a
424 bulkhead on a parcel of land where there is no docking
425 structure, may ~~shall~~ not be subject to any more stringent
426 permitting requirements, registration requirements, or other
427 regulation by any local government. Local governments may
428 require either permitting or one-time registration of floating
429 vessel platforms to be attached to a bulkhead on a parcel of
430 land where there is no other docking structure as necessary to
431 ensure compliance with local ordinances, codes, or regulations.
432 Local governments may require either permitting or one-time
433 registration of all other floating vessel platforms as necessary
434 to ensure compliance with the exemption criteria in this
435 section; to ensure compliance with local ordinances, codes, or

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436 regulations relating to building or zoning, which are no more
437 stringent than the exemption criteria in this section or address
438 subjects other than subjects addressed by the exemption criteria
439 in this section; and to ensure proper installation, maintenance,
440 and precautionary or evacuation action following a tropical
441 storm or hurricane watch of a floating vessel platform or
442 floating boat lift that is proposed to be attached to a bulkhead
443 or parcel of land where there is no other docking structure. The
444 exemption provided in this paragraph shall be in addition to the
445 exemption provided in paragraph (b). The department shall adopt
446 a general permit by rule for the construction, installation,
447 operation, or maintenance of those floating vessel platforms or
448 floating boat lifts that do not qualify for the exemption
449 provided in this paragraph but do not cause significant adverse
450 impacts to occur individually or cumulatively. The issuance of
451 such general permit shall also constitute permission to use or
452 occupy lands owned by the Board of Trustees of the Internal
453 Improvement Trust Fund. No local government shall impose a more
454 stringent regulation, permitting requirement, registration
455 requirement, or other regulation covered by such general permit.
456 Local governments may require either permitting or one-time
457 registration of floating vessel platforms as necessary to ensure
458 compliance with the general permit in this section; to ensure
459 compliance with local ordinances, codes, or regulations relating
460 to building or zoning that are no more stringent than the
461 general permit in this section; and to ensure proper
462 installation and maintenance of a floating vessel platform or
463 floating boat lift that is proposed to be attached to a bulkhead
464 or parcel of land where there is no other docking structure.

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

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

473 2. The construction activity does not realign the road or
474 expand the number of existing traffic lanes of the existing
475 road; however, the work may include the provision of safety
476 shoulders, clearance of vegetation, and other work reasonably
477 necessary to repair, stabilize, pave, or repave the road,
478 provided that the work is constructed by generally accepted
479 engineering standards;

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

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

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

493 6. No more dredging or filling of wetlands or water of the

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494 state is performed than that which is reasonably necessary to
495 repair, stabilize, pave, or repave the road or to repair or
496 replace the bridge, in accordance with generally accepted
497 engineering standards; and

498 7. Notice of intent to use the exemption is provided to the
499 department, if the work is to be performed within the Northwest
500 Florida Water Management District, or to the Suwannee River
501 Water Management District, if the work is to be performed within
502 the Suwannee River Water Management District, 30 days before
503 ~~prior to~~ performing any work under the exemption.

504
505 Within 30 days after this act becomes a law, the department
506 shall initiate rulemaking to adopt a no fee general permit for
507 the repair, stabilization, or paving of existing roads that are
508 maintained by the county and the repair or replacement of
509 bridges that are part of the roadway where such activities do
510 not cause significant adverse impacts to occur individually or
511 cumulatively. The general permit shall apply statewide and, with
512 no additional rulemaking required, apply to qualified projects
513 reviewed by the Suwannee River Water Management District, the
514 St. Johns River Water Management District, the Southwest Florida
515 Water Management District, and the South Florida Water
516 Management District under the division of responsibilities
517 contained in the operating agreements applicable to part IV of
518 chapter 373. Upon adoption, this general permit shall, pursuant
519 to ~~the provisions of~~ subsection (2), supersede and replace the
520 exemption in this paragraph.

521 (u) Notwithstanding any provision to the contrary in this
522 subsection, a permit or other authorization under chapter 253,

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523 chapter 369, chapter 373, or this chapter is not required for an
524 individual residential property owner for the removal of organic
525 detrital material from freshwater rivers or lakes that have a
526 natural sand or rocky substrate and that are not Aquatic
527 Preserves or for the associated removal and replanting of
528 aquatic vegetation for the purpose of environmental enhancement,
529 providing that:

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

534 2. No filling or peat mining is allowed.

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

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

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

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

546 7. Replanting with a variety of aquatic plants native to
547 the state shall occur in a minimum of 25 percent of the
548 preexisting vegetated areas where organic detrital material is
549 removed, except for areas where the material is removed to bare
550 rocky substrate; however, an area may be maintained clear of
551 vegetation as an access corridor. The access corridor width may

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

572 8. No activity occurs any farther than 100 feet waterward
573 of the ordinary high water line, and all activities must be
574 designed and conducted in a manner that will not unreasonably
575 restrict or infringe upon the riparian rights of adjacent upland
576 riparian owners.

577 9. The person seeking this exemption notifies the
578 applicable department district office in writing at least 30
579 days before commencing work and allows the department to conduct
580 a preconstruction site inspection. Notice must include an

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581 organic-detrital-material removal and disposal plan and, if
582 applicable, a vegetation-removal and revegetation plan.

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

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

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

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

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

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

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