

By the Committee on Environmental Preservation and Conservation;  
and 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.; requiring counties and  
18      municipalities to address contamination of recyclable  
19      material in specified contracts; prohibiting counties  
20      and municipalities from requiring the collection or  
21      transport of contaminated recyclable material by  
22      residential recycling collectors; defining the term  
23      "residential recycling collector"; specifying required  
24      contract provisions in residential recycling collector  
25      and materials recovery facility contracts with  
26      counties and municipalities; providing applicability;  
27      amending s. 403.813, F.S.; providing that a local  
28      government may not require further verification from  
29      the department for certain projects; revising the

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30 types of dock and pier replacements and repairs that  
31 are exempt from such verification and certain  
32 permitting requirements; providing a directive to the  
33 Division of Law Revision and Information; providing an  
34 effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Subsection (5) of section 373.250, Florida  
39 Statutes, is amended to read:

40 373.250 Reuse of reclaimed water.—

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

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

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

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

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

78           (b) Within 60 days after the final adoption by the  
79 department of the revisions to the water resource implementation  
80 rule required under paragraph (a), each water management  
81 district must ~~shall~~ initiate rulemaking to incorporate those  
82 revisions by reference into the rules of the district.

83           Section 2. Subsection (1) of section 403.064, Florida  
84 Statutes, is amended, and subsection (17) is added to that  
85 section, to read:

86           403.064 Reuse of reclaimed water.—

87           (1) The encouragement and promotion of water conservation,

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

100 (17) The department and the water management districts  
101 shall develop and enter into a memorandum of agreement providing  
102 for a coordinated review of any reclaimed water project  
103 requiring a reclaimed water facility permit, an underground  
104 injection control permit, and a consumptive use permit. The  
105 memorandum of agreement must provide that the coordinated review  
106 is performed only if the applicant for such permits requests a  
107 coordinated review. The goal of the coordinated review is to  
108 share information, avoid requesting the applicant to submit  
109 redundant information, and ensure, to the extent feasible, a  
110 harmonized review of the reclaimed water project under these  
111 various permitting programs, including the use of a proposed  
112 impact offset or substitution credit in accordance with s.  
113 373.250(5). The department and the water management districts  
114 must develop and execute such memorandum of agreement no later  
115 than December 1, 2018.

116 Section 3. Present subsection (22) of section 403.706,

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117 Florida Statutes, is renumbered as subsection (23), and a new  
118 subsection (22) is added to that section, to read:

119 403.706 Local government solid waste responsibilities.—

120 (22) Counties and municipalities shall address the  
121 contamination of recyclable material in contracts for the  
122 collection, transportation, and processing of residential  
123 recyclable material based upon the following:

124 (a) A residential recycling collector may not be required  
125 to collect or transport contaminated recyclable material. As  
126 used in this subsection, the term "residential recycling  
127 collector" means a for-profit business entity that collects and  
128 transports residential recyclable material on behalf of a county  
129 or municipality.

130 (b) A materials recovery facility may not be required to  
131 process contaminated recyclable material.

132 (c) Each contract between a residential recycling collector  
133 and a county or municipality for the collection or transport of  
134 residential recyclable material, and each request for proposal  
135 for residential recyclable material, must define the term  
136 "contaminated recyclable material" in a manner that is  
137 appropriate for the local community, based on the available  
138 markets for recyclable material. The contract and request for  
139 proposal must include:

140 1. The respective strategies and obligations of the county  
141 or municipality and the collector to reduce the amount of  
142 contaminated recyclable material being collected;

143 2. The procedures for identifying, documenting, managing,  
144 and rejecting residential recycling containers, carts, or bins  
145 that contain contaminated recyclable material;

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146 3. The remedies that will be used if a container, cart, or  
147 bin contains contaminated recyclable material; and

148 4. The education and enforcement measures that will be used  
149 to reduce the amount of contaminated recyclable material.

150 (d) Each contract between a materials recovery facility and  
151 a county or municipality for processing residential recyclable  
152 material must define the term "contaminated recyclable material"  
153 in a manner that is appropriate for the local community, based  
154 on the available markets for recyclable material. The contract  
155 must include:

156 1. The respective strategies and obligations of the parties  
157 to reduce the amount of contaminated recyclable material being  
158 processed;

159 2. The procedures for identifying, documenting, managing,  
160 and rejecting residential recycling containers or loads that  
161 contain contaminated recyclable material; and

162 3. The remedies that will be used if a container or load  
163 contains contaminated recyclable material.

164 (e) This subsection shall apply to each contract between a  
165 municipality or county and a residential recycling collector or  
166 materials recovery facility executed or renewed after the  
167 effective date of this act.

168 Section 4. Subsection (1) of section 403.813, Florida  
169 Statutes, is amended to read:

170 403.813 Permits issued at district centers; exceptions.—

171 (1) A permit is not required under this chapter, chapter  
172 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
173 chapter 25270, 1949, Laws of Florida, and a local government may  
174 not require further verification from the department, for

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175 activities associated with the following types of projects;  
176 however, except as otherwise provided in this subsection, this  
177 subsection does not relieve an applicant from any requirement to  
178 obtain permission to use or occupy lands owned by the Board of  
179 Trustees of the Internal Improvement Trust Fund or a water  
180 management district in its governmental or proprietary capacity  
181 or from complying with applicable local pollution control  
182 programs authorized under this chapter or other requirements of  
183 county and municipal governments:

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

187 (b) The installation and repair of mooring pilings and  
188 dolphins associated with private docking facilities or piers and  
189 the installation of private docks, piers, and recreational  
190 docking facilities, or piers and recreational docking facilities  
191 of local governmental entities when the local governmental  
192 entity's activities will not take place in any manatee habitat,  
193 any of which docks:

194 1. Has 500 square feet or less of over-water surface area  
195 for a dock ~~which is~~ located in an area designated as Outstanding  
196 Florida Waters or 1,000 square feet or less of over-water  
197 surface area for a dock ~~which is~~ located in an area that ~~which~~  
198 is not designated as Outstanding Florida Waters;

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

202 3. May ~~Shall~~ not substantially impede the flow of water or  
203 create a navigational hazard;

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204 4. Is used for recreational, noncommercial activities  
205 associated with the mooring or storage of boats and boat  
206 paraphernalia; and

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

212

213 ~~Nothing in~~ This paragraph does not shall prohibit the department  
214 from taking appropriate enforcement action pursuant to this  
215 chapter to abate or prohibit any activity otherwise exempt from  
216 permitting pursuant to this paragraph if the department can  
217 demonstrate that the exempted activity has caused water  
218 pollution in violation of this chapter.

219 (c) The installation and maintenance to design  
220 specifications of boat ramps on artificial bodies of water where  
221 navigational access to the proposed ramp exists or the  
222 installation of boat ramps open to the public in any waters of  
223 the state where navigational access to the proposed ramp exists  
224 and where the construction of the proposed ramp will be less  
225 than 30 feet wide and will involve the removal of less than 25  
226 cubic yards of material from the waters of the state, and the  
227 maintenance to design specifications of such ramps; however, the  
228 material to be removed shall be placed upon a self-contained  
229 upland site so as to prevent the escape of the spoil material  
230 into the waters of the state.

231 (d) The replacement or repair of existing docks and piers,  
232 except that fill material may not be used and the replacement or



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233 repaired dock or pier must be in approximately the same location  
234 and no larger in size than the existing dock or pier, and no  
235 additional aquatic resources may be adversely and permanently  
236 impacted by such replacement or repair ~~the same location and of~~  
237 ~~the same configuration and dimensions as the dock or pier being~~  
238 ~~replaced or repaired.~~ This does not preclude the use of  
239 different construction materials or minor deviations to allow  
240 upgrades to current structural and design standards.

241 (e) The restoration of seawalls at their previous locations  
242 or upland of, or within 18 inches waterward of, their previous  
243 locations. However, this may ~~shall~~ not affect the permitting  
244 requirements of chapter 161, and department rules shall clearly  
245 indicate that this exception does not constitute an exception  
246 from the permitting requirements of chapter 161.

247 (f) The performance of maintenance dredging of existing  
248 manmade canals, channels, intake and discharge structures, and  
249 previously dredged portions of natural water bodies within  
250 drainage rights-of-way or drainage easements which have been  
251 recorded in the public records of the county, where the spoil  
252 material is to be removed and deposited on a self-contained,  
253 upland spoil site which will prevent the escape of the spoil  
254 material into the waters of the state, provided that no more  
255 dredging is to be performed than is necessary to restore the  
256 canals, channels, and intake and discharge structures, and  
257 previously dredged portions of natural water bodies, to original  
258 design specifications or configurations, provided that the work  
259 is conducted in compliance with s. 379.2431(2)(d), provided that  
260 no significant impacts occur to previously undisturbed natural  
261 areas, and provided that control devices for return flow and

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262 best management practices for erosion and sediment control are  
263 utilized to prevent bank erosion and scouring and to prevent  
264 turbidity, dredged material, and toxic or deleterious substances  
265 from discharging into adjacent waters during maintenance  
266 dredging. Further, for maintenance dredging of previously  
267 dredged portions of natural water bodies within recorded  
268 drainage rights-of-way or drainage easements, an entity that  
269 seeks an exemption must notify the department or water  
270 management district, as applicable, at least 30 days before  
271 ~~prior to~~ dredging and provide documentation of original design  
272 specifications or configurations where such exist. This  
273 exemption applies to all canals and previously dredged portions  
274 of natural water bodies within recorded drainage rights-of-way  
275 or drainage easements constructed before ~~prior to~~ April 3, 1970,  
276 and to those canals and previously dredged portions of natural  
277 water bodies constructed on or after April 3, 1970, pursuant to  
278 all necessary state permits. This exemption does not apply to  
279 the removal of a natural or manmade barrier separating a canal  
280 or canal system from adjacent waters. When no previous permit  
281 has been issued by the Board of Trustees of the Internal  
282 Improvement Trust Fund or the United States Army Corps of  
283 Engineers for construction or maintenance dredging of the  
284 existing manmade canal or intake or discharge structure, such  
285 maintenance dredging shall be limited to a depth of no more than  
286 5 feet below mean low water. The Board of Trustees of the  
287 Internal Improvement Trust Fund may fix and recover from the  
288 permittee an amount equal to the difference between the fair  
289 market value and the actual cost of the maintenance dredging for  
290 material removed during such maintenance dredging. However, no

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291 charge shall be exacted by the state for material removed during  
292 such maintenance dredging by a public port authority. The  
293 removing party may subsequently sell such material; however,  
294 proceeds from such sale that exceed the costs of maintenance  
295 dredging shall be remitted to the state and deposited in the  
296 Internal Improvement Trust Fund.

297 (g) The maintenance of existing insect control structures,  
298 dikes, and irrigation and drainage ditches, provided that spoil  
299 material is deposited on a self-contained, upland spoil site  
300 which will prevent the escape of the spoil material into waters  
301 of the state. In the case of insect control structures, if the  
302 cost of using a self-contained upland spoil site is so  
303 excessive, as determined by the Department of Health, pursuant  
304 to s. 403.088(1), that it will inhibit proposed insect control,  
305 then-existing spoil sites or dikes may be used, upon  
306 notification to the department. In the case of insect control  
307 where upland spoil sites are not used pursuant to this  
308 exemption, turbidity control devices shall be used to confine  
309 the spoil material discharge to that area previously disturbed  
310 when the receiving body of water is used as a potable water  
311 supply, is designated as shellfish harvesting waters, or  
312 functions as a habitat for commercially or recreationally  
313 important shellfish or finfish. In all cases, no more dredging  
314 is to be performed than is necessary to restore the dike or  
315 irrigation or drainage ditch to its original design  
316 specifications.

317 (h) The repair or replacement of existing functional pipes  
318 or culverts the purpose of which is the discharge or conveyance  
319 of stormwater. In all cases, the invert elevation, the diameter,

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320 and the length of the culvert may ~~shall~~ not be changed. However,  
321 the material used for the culvert may be different from the  
322 original.

323 (i) The construction of private docks of 1,000 square feet  
324 or less of over-water surface area and seawalls in artificially  
325 created waterways where such construction will not violate  
326 existing water quality standards, impede navigation, or affect  
327 flood control. This exemption does not apply to the construction  
328 of vertical seawalls in estuaries or lagoons unless the proposed  
329 construction is within an existing manmade canal where the  
330 shoreline is currently occupied in whole or part by vertical  
331 seawalls.

332 (j) The construction and maintenance of swales.

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

336 (l) The replacement or repair of existing open-trestle foot  
337 bridges and vehicular bridges that are 100 feet or less in  
338 length and two lanes or less in width, provided that no more  
339 dredging or filling of submerged lands is performed other than  
340 that which is necessary to replace or repair pilings and that  
341 the structure to be replaced or repaired is the same length, the  
342 same configuration, and in the same location as the original  
343 bridge. No debris from the original bridge shall be allowed to  
344 remain in the waters of the state.

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

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349 (n) The replacement or repair of subaqueous transmission  
350 and distribution lines laid on, or embedded in, the bottoms of  
351 waters of the state.

352 (o) The construction of private seawalls in wetlands or  
353 other surface waters where such construction is between and  
354 adjoins at both ends existing seawalls; follows a continuous and  
355 uniform seawall construction line with the existing seawalls; is  
356 no more than 150 feet in length; and does not violate existing  
357 water quality standards, impede navigation, or affect flood  
358 control. However, in estuaries and lagoons the construction of  
359 vertical seawalls is limited to the circumstances and purposes  
360 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect  
361 the permitting requirements of chapter 161, and department rules  
362 must clearly indicate that this exception does not constitute an  
363 exception from the permitting requirements of chapter 161.

364 (p) The restoration of existing insect control impoundment  
365 dikes which are less than 100 feet in length. Such impoundments  
366 shall be connected to tidally influenced waters for 6 months  
367 each year beginning September 1 and ending February 28 if  
368 feasible or operated in accordance with an impoundment  
369 management plan approved by the department. A dike restoration  
370 may involve no more dredging than is necessary to restore the  
371 dike to its original design specifications. For the purposes of  
372 this paragraph, restoration does not include maintenance of  
373 impoundment dikes of operating insect control impoundments.

374 (q) The construction, operation, or maintenance of  
375 stormwater management facilities which are designed to serve  
376 single-family residential projects, including duplexes,  
377 triplexes, and quadruplexes, if they are less than 10 acres

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378 total land and have less than 2 acres of impervious surface and  
379 if the facilities:

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

382 2. Are not part of a larger common plan of development or  
383 sale; and

384 3. Discharge into a stormwater discharge facility exempted  
385 or permitted by the department under this chapter which has  
386 sufficient capacity and treatment capability as specified in  
387 this chapter and is owned, maintained, or operated by a city,  
388 county, special district with drainage responsibility, or water  
389 management district; however, this exemption does not authorize  
390 discharge to a facility without the facility owner's prior  
391 written consent.

392 (r) The removal of aquatic plants, the removal of tussocks,  
393 the associated replanting of indigenous aquatic plants, and the  
394 associated removal from lakes of organic detrital material when  
395 such planting or removal is performed and authorized by permit  
396 or exemption granted under s. 369.20 or s. 369.25, provided  
397 that:

398 1. Organic detrital material that exists on the surface of  
399 natural mineral substrate shall be allowed to be removed to a  
400 depth of 3 feet or to the natural mineral substrate, whichever  
401 is less;

402 2. All material removed pursuant to this paragraph shall be  
403 deposited in an upland site in a manner that will prevent the  
404 reintroduction of the material into waters in the state except  
405 when spoil material is permitted to be used to create wildlife  
406 islands in freshwater bodies of the state when a governmental

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

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

411 4. No activities under this exemption are conducted in  
412 wetland areas, as defined in s. 373.019(27), which are supported  
413 by a natural soil as shown in applicable United States  
414 Department of Agriculture county soil surveys, except when a  
415 governmental entity is permitted pursuant to s. 369.20 to  
416 conduct such activities as a part of a restoration or  
417 enhancement project.

418

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

421 (s) The construction, installation, operation, or  
422 maintenance of floating vessel platforms or floating boat lifts,  
423 provided that such structures:

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

427 2. Are wholly contained within a boat slip previously  
428 permitted under ss. 403.91-403.929, 1984 Supplement to the  
429 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
430 do not exceed a combined total of 500 square feet, or 200 square  
431 feet in an Outstanding Florida Water, when associated with a  
432 dock that is exempt under this subsection or associated with a  
433 permitted dock with no defined boat slip or attached to a  
434 bulkhead on a parcel of land where there is no other docking  
435 structure;

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

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

446           5. Are not constructed in areas specifically prohibited for  
447 boat mooring under conditions of a permit issued in accordance  
448 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes  
449 1983, as amended, or part IV of chapter 373, or other form of  
450 authorization issued by a local government.

451  
452 Structures that qualify for this exemption are relieved from any  
453 requirement to obtain permission to use or occupy lands owned by  
454 the Board of Trustees of the Internal Improvement Trust Fund  
455 and, with the exception of those structures attached to a  
456 bulkhead on a parcel of land where there is no docking  
457 structure, may ~~shall~~ not be subject to any more stringent  
458 permitting requirements, registration requirements, or other  
459 regulation by any local government. Local governments may  
460 require either permitting or one-time registration of floating  
461 vessel platforms to be attached to a bulkhead on a parcel of  
462 land where there is no other docking structure as necessary to  
463 ensure compliance with local ordinances, codes, or regulations.  
464 Local governments may require either permitting or one-time



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465 registration of all other floating vessel platforms as necessary  
466 to ensure compliance with the exemption criteria in this  
467 section; to ensure compliance with local ordinances, codes, or  
468 regulations relating to building or zoning, which are no more  
469 stringent than the exemption criteria in this section or address  
470 subjects other than subjects addressed by the exemption criteria  
471 in this section; and to ensure proper installation, maintenance,  
472 and precautionary or evacuation action following a tropical  
473 storm or hurricane watch of a floating vessel platform or  
474 floating boat lift that is proposed to be attached to a bulkhead  
475 or parcel of land where there is no other docking structure. The  
476 exemption provided in this paragraph shall be in addition to the  
477 exemption provided in paragraph (b). The department shall adopt  
478 a general permit by rule for the construction, installation,  
479 operation, or maintenance of those floating vessel platforms or  
480 floating boat lifts that do not qualify for the exemption  
481 provided in this paragraph but do not cause significant adverse  
482 impacts to occur individually or cumulatively. The issuance of  
483 such general permit shall also constitute permission to use or  
484 occupy lands owned by the Board of Trustees of the Internal  
485 Improvement Trust Fund. No local government shall impose a more  
486 stringent regulation, permitting requirement, registration  
487 requirement, or other regulation covered by such general permit.  
488 Local governments may require either permitting or one-time  
489 registration of floating vessel platforms as necessary to ensure  
490 compliance with the general permit in this section; to ensure  
491 compliance with local ordinances, codes, or regulations relating  
492 to building or zoning that are no more stringent than the  
493 general permit in this section; and to ensure proper

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494 installation and maintenance of a floating vessel platform or  
495 floating boat lift that is proposed to be attached to a bulkhead  
496 or parcel of land where there is no other docking structure.

497 (t) The repair, stabilization, or paving of existing county  
498 maintained roads and the repair or replacement of bridges that  
499 are part of the roadway, within the Northwest Florida Water  
500 Management District and the Suwannee River Water Management  
501 District, provided:

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

505 2. The construction activity does not realign the road or  
506 expand the number of existing traffic lanes of the existing  
507 road; however, the work may include the provision of safety  
508 shoulders, clearance of vegetation, and other work reasonably  
509 necessary to repair, stabilize, pave, or repave the road,  
510 provided that the work is constructed by generally accepted  
511 engineering standards;

512 3. The construction activity does not expand the existing  
513 width of an existing vehicular bridge in excess of that  
514 reasonably necessary to properly connect the bridge with the  
515 road being repaired, stabilized, paved, or repaved to safely  
516 accommodate the traffic expected on the road, which may include  
517 expanding the width of the bridge to match the existing  
518 connected road. However, no debris from the original bridge  
519 shall be allowed to remain in waters of the state, including  
520 wetlands;

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

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

525 6. No more dredging or filling of wetlands or water of the  
526 state is performed than that which is reasonably necessary to  
527 repair, stabilize, pave, or repave the road or to repair or  
528 replace the bridge, in accordance with generally accepted  
529 engineering standards; and

530 7. Notice of intent to use the exemption is provided to the  
531 department, if the work is to be performed within the Northwest  
532 Florida Water Management District, or to the Suwannee River  
533 Water Management District, if the work is to be performed within  
534 the Suwannee River Water Management District, 30 days before  
535 ~~prior to~~ performing any work under the exemption.

536  
537 Within 30 days after this act becomes a law, the department  
538 shall initiate rulemaking to adopt a no fee general permit for  
539 the repair, stabilization, or paving of existing roads that are  
540 maintained by the county and the repair or replacement of  
541 bridges that are part of the roadway where such activities do  
542 not cause significant adverse impacts to occur individually or  
543 cumulatively. The general permit shall apply statewide and, with  
544 no additional rulemaking required, apply to qualified projects  
545 reviewed by the Suwannee River Water Management District, the  
546 St. Johns River Water Management District, the Southwest Florida  
547 Water Management District, and the South Florida Water  
548 Management District under the division of responsibilities  
549 contained in the operating agreements applicable to part IV of  
550 chapter 373. Upon adoption, this general permit shall, pursuant  
551 to ~~the provisions of~~ subsection (2), supersede and replace the

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552 exemption in this paragraph.

553 (u) Notwithstanding any provision to the contrary in this  
554 subsection, a permit or other authorization under chapter 253,  
555 chapter 369, chapter 373, or this chapter is not required for an  
556 individual residential property owner for the removal of organic  
557 detrital material from freshwater rivers or lakes that have a  
558 natural sand or rocky substrate and that are not Aquatic  
559 Preserves or for the associated removal and replanting of  
560 aquatic vegetation for the purpose of environmental enhancement,  
561 providing that:

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

566 2. No filling or peat mining is allowed.

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

569 4. When removing organic detrital material, no portion of  
570 the underlying natural mineral substrate or rocky substrate is  
571 removed.

572 5. Organic detrital material and plant material removed is  
573 deposited in an upland site in a manner that will not cause  
574 water quality violations.

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

578 7. Replanting with a variety of aquatic plants native to  
579 the state shall occur in a minimum of 25 percent of the  
580 preexisting vegetated areas where organic detrital material is

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581 removed, except for areas where the material is removed to bare  
582 rocky substrate; however, an area may be maintained clear of  
583 vegetation as an access corridor. The access corridor width may  
584 not exceed 50 percent of the property owner's frontage or 50  
585 feet, whichever is less, and may be a sufficient length  
586 waterward to create a corridor to allow access for a boat or  
587 swimmer to reach open water. Replanting must be at a minimum  
588 density of 2 feet on center and be completed within 90 days  
589 after removal of existing aquatic vegetation, except that under  
590 dewatered conditions replanting must be completed within 90 days  
591 after reflooding. The area to be replanted must extend waterward  
592 from the ordinary high water line to a point where normal water  
593 depth would be 3 feet or the preexisting vegetation line,  
594 whichever is less. Individuals are required to make a reasonable  
595 effort to maintain planting density for a period of 6 months  
596 after replanting is complete, and the plants, including  
597 naturally recruited native aquatic plants, must be allowed to  
598 expand and fill in the revegetation area. Native aquatic plants  
599 to be used for revegetation must be salvaged from the  
600 enhancement project site or obtained from an aquatic plant  
601 nursery regulated by the Department of Agriculture and Consumer  
602 Services. Plants that are not native to the state may not be  
603 used for replanting.

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

609 9. The person seeking this exemption notifies the

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610 applicable department district office in writing at least 30  
611 days before commencing work and allows the department to conduct  
612 a preconstruction site inspection. Notice must include an  
613 organic-detrital-material removal and disposal plan and, if  
614 applicable, a vegetation-removal and revegetation plan.

615 10. The department is provided written certification of  
616 compliance with the terms and conditions of this paragraph  
617 within 30 days after completion of any activity occurring under  
618 this exemption.

619 (v) Notwithstanding any other provision in this chapter,  
620 chapter 373, or chapter 161, a permit or other authorization is  
621 not required for the following exploratory activities associated  
622 with beach restoration and nourishment projects and inlet  
623 management activities:

624 1. The collection of geotechnical, geophysical, and  
625 cultural resource data, including surveys, mapping, acoustic  
626 soundings, benthic and other biologic sampling, and coring.

627 2. Oceanographic instrument deployment, including temporary  
628 installation on the seabed of coastal and oceanographic data  
629 collection equipment.

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

632 Section 5. The Division of Law Revision and Information is  
633 directed to replace the phrase "the effective date of this act"  
634 wherever it occurs in this act with the date the act becomes a  
635 law.

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