

1 A bill to be entitled
 2 An act relating to environmental regulation; amending
 3 s. 403.706, F.S.; requiring counties and
 4 municipalities to address the contamination of
 5 recyclable material in specified contracts;
 6 prohibiting counties and municipalities from requiring
 7 the collection or transport of contaminated recyclable
 8 material by residential recycling collectors; defining
 9 the term "residential recycling collector"; specifying
 10 required contract provisions in residential recycling
 11 collector and materials recovery facility contracts
 12 with counties and municipalities; amending s. 403.813,
 13 F.S.; prohibiting a local government from requiring
 14 from the Department of Environmental Protection
 15 further verification for certain projects; revising
 16 the types of dock and pier replacements and repairs
 17 that are exempt from such verification and certain
 18 permitting requirements; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Present subsection (22) of section 403.706,
 23 Florida Statutes, is redesignated as subsection (23), and a new
 24 subsection (22) is added to that section, to read:

25 403.706 Local government solid waste responsibilities.—

26 (22) Counties and municipalities must address the
27 contamination of recyclable material in contracts for the
28 collection, transportation, and processing of residential
29 recyclable material based upon all of the following:

30 (a) A residential recycling collector is not required to
31 collect or transport contaminated recyclable material, except
32 pursuant to a contract consistent with paragraph (c). As used in
33 this subsection, the term "residential recycling collector"
34 means a for-profit business entity that collects and transports
35 residential recyclable material on behalf of a county or
36 municipality.

37 (b) A recovered materials processing facility is not
38 required to process contaminated recyclable material, except
39 pursuant to a contract consistent with paragraph (d).

40 (c) Each contract between a residential recycling
41 collector and a county or municipality for the collection or
42 transport of residential recyclable material, and each request
43 for proposal or other solicitation for the collection of
44 residential recyclable material, must define the term
45 "contaminated recyclable material." The term should be defined
46 in a manner that is appropriate for the local community, taking
47 into consideration available markets for recyclable material,
48 available waste composition studies, and other relevant factors.
49 The contract and request for proposal or other solicitation must
50 include:

51 1. The respective strategies and obligations of the county
52 or municipality and the residential recycling collector to
53 reduce the amount of contaminated recyclable material being
54 collected;

55 2. The procedures for identifying, documenting, managing,
56 and rejecting residential recycling containers, truck loads,
57 carts, or bins that contain contaminated recyclable material;

58 3. The remedies authorized to be used if a container,
59 cart, or bin contains contaminated recyclable material; and

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

62 (d) Each contract between a recovered materials processing
63 facility and a county or municipality for processing residential
64 recyclable material, and each request for proposal or other
65 solicitation for processing residential recyclable material,
66 must define the term "contaminated recyclable material." The
67 term should be defined in a manner that is appropriate for the
68 local community, taking into consideration available markets for
69 recyclable material, available waste composition studies, and
70 other relevant factors. The contract and request for proposal
71 must include:

72 1. The respective strategies and obligations of the county
73 or municipality and the facility to reduce the amount of
74 contaminated recyclable material being collected and processed;

75 2. The procedures for identifying, documenting, managing,

76 and rejecting residential recycling containers, truck loads,
 77 carts, or bins that contain contaminated recyclable material;
 78 and

79 3. The remedies authorized to be used if a container or
 80 truck load contains contaminated recyclable material.

81 (e) This subsection applies to each contract between a
 82 municipality or county and a residential recycling collector or
 83 recovered materials processing facility executed or renewed
 84 after July 1, 2019.

85 (f) This subsection applies only to the collection and
 86 processing of material obtained from residential recycling
 87 activities. As used in this subsection, the term "contaminated
 88 recyclable material" refers only to recyclable material that is
 89 comingled or mixed with solid waste or other nonhazardous
 90 material. The term does not include contamination as that term
 91 or a derivation of that term is used in chapter 376 and other
 92 sections of chapter 403, including, but not limited to,
 93 brownfield site cleanup, water quality remediation, drycleaning-
 94 solvent-contaminated site cleanup, petroleum-contaminated site
 95 cleanup, cattle dipping vat site cleanup, or other hazardous
 96 waste remediation.

97 Section 2. Subsection (1) of section 403.813, Florida
 98 Statutes, is amended to read:

99 403.813 Permits issued at district centers; exceptions.—

100 (1) A permit is not required under this chapter, chapter

101 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 102 chapter 25270, 1949, Laws of Florida, and a local government may
 103 not require a person claiming this exception to provide further
 104 department verification, for activities associated with the
 105 following types of projects; however, except as otherwise
 106 provided in this subsection, this subsection does not relieve an
 107 applicant from any requirement to obtain permission to use or
 108 occupy lands owned by the Board of Trustees of the Internal
 109 Improvement Trust Fund or a water management district in its
 110 governmental or proprietary capacity or from complying with
 111 applicable local pollution control programs authorized under
 112 this chapter or other requirements of county and municipal
 113 governments:

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

118 (b) The installation and repair of mooring pilings and
 119 dolphins associated with private docking facilities or piers and
 120 the installation of private docks, piers, and recreational
 121 docking facilities, or piers and recreational docking facilities
 122 of local governmental entities when the local governmental
 123 entity's activities will not take place in any manatee habitat,
 124 any of which docks:

125 1. Has 500 square feet or less of over-water surface area

126 | for a dock ~~which is~~ located in an area designated as Outstanding
127 | Florida Waters or 1,000 square feet or less of over-water
128 | surface area for a dock ~~which is~~ located in an area that ~~which~~
129 | is not designated as Outstanding Florida Waters;

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

133 | 3. May ~~shall~~ not substantially impede the flow of water or
134 | create a navigational hazard;

135 | 4. Is used for recreational, noncommercial activities
136 | associated with the mooring or storage of boats and boat
137 | paraphernalia; and

138 | 5. Is the sole dock constructed pursuant to this exemption
139 | as measured along the shoreline for a distance of 65 feet,
140 | unless the parcel of land or individual lot as platted is less
141 | than 65 feet in length along the shoreline, in which case there
142 | may be one exempt dock allowed per parcel or lot.

143 |
144 | ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
145 | from taking appropriate enforcement action pursuant to this
146 | chapter to abate or prohibit any activity otherwise exempt from
147 | permitting pursuant to this paragraph if the department can
148 | demonstrate that the exempted activity has caused water
149 | pollution in violation of this chapter.

150 | (c) The installation and maintenance to design

151 specifications of boat ramps on artificial bodies of water where
152 navigational access to the proposed ramp exists or the
153 installation of boat ramps open to the public in any waters of
154 the state where navigational access to the proposed ramp exists
155 and where the construction of the proposed ramp will be less
156 than 30 feet wide and will involve the removal of less than 25
157 cubic yards of material from the waters of the state, and the
158 maintenance to design specifications of such ramps; however, the
159 material to be removed shall be placed upon a self-contained
160 upland site so as to prevent the escape of the spoil material
161 into the waters of the state.

162 (d) The replacement or repair of existing docks and piers,
163 except that fill material may not be used and the replacement or
164 repaired dock or pier must be within 5 feet of the same location
165 and no larger in size than the existing dock or pier, and no
166 additional aquatic resources may be adversely and permanently
167 impacted by such replacement or repair ~~in the same location and~~
168 ~~of the same configuration and dimensions as the dock or pier~~
169 ~~being replaced or repaired.~~ This does not preclude the use of
170 different construction materials or minor deviations to allow
171 upgrades to current structural and design standards.

172 (e) The restoration of seawalls at their previous
173 locations or upland of, or within 18 inches waterward of, their
174 previous locations. However, this may ~~shall~~ not affect the
175 permitting requirements of chapter 161, and department rules

176 shall clearly indicate that this exception does not constitute
177 an exception from the permitting requirements of chapter 161.

178 (f) The performance of maintenance dredging of existing
179 manmade canals, channels, intake and discharge structures, and
180 previously dredged portions of natural water bodies within
181 drainage rights-of-way or drainage easements which have been
182 recorded in the public records of the county, where the spoil
183 material is to be removed and deposited on a self-contained,
184 upland spoil site which will prevent the escape of the spoil
185 material into the waters of the state, provided that no more
186 dredging is to be performed than is necessary to restore the
187 canals, channels, and intake and discharge structures, and
188 previously dredged portions of natural water bodies, to original
189 design specifications or configurations, provided that the work
190 is conducted in compliance with s. 379.2431(2)(d), provided that
191 no significant impacts occur to previously undisturbed natural
192 areas, and provided that control devices for return flow and
193 best management practices for erosion and sediment control are
194 utilized to prevent bank erosion and scouring and to prevent
195 turbidity, dredged material, and toxic or deleterious substances
196 from discharging into adjacent waters during maintenance
197 dredging. Further, for maintenance dredging of previously
198 dredged portions of natural water bodies within recorded
199 drainage rights-of-way or drainage easements, an entity that
200 seeks an exemption must notify the department or water

201 management district, as applicable, at least 30 days before
202 ~~prior to~~ dredging and provide documentation of original design
203 specifications or configurations where such exist. This
204 exemption applies to all canals and previously dredged portions
205 of natural water bodies within recorded drainage rights-of-way
206 or drainage easements constructed before ~~prior to~~ April 3, 1970,
207 and to those canals and previously dredged portions of natural
208 water bodies constructed on or after April 3, 1970, pursuant to
209 all necessary state permits. This exemption does not apply to
210 the removal of a natural or manmade barrier separating a canal
211 or canal system from adjacent waters. When no previous permit
212 has been issued by the Board of Trustees of the Internal
213 Improvement Trust Fund or the United States Army Corps of
214 Engineers for construction or maintenance dredging of the
215 existing manmade canal or intake or discharge structure, such
216 maintenance dredging shall be limited to a depth of no more than
217 5 feet below mean low water. The Board of Trustees of the
218 Internal Improvement Trust Fund may fix and recover from the
219 permittee an amount equal to the difference between the fair
220 market value and the actual cost of the maintenance dredging for
221 material removed during such maintenance dredging. However, no
222 charge shall be exacted by the state for material removed during
223 such maintenance dredging by a public port authority. The
224 removing party may subsequently sell such material; however,
225 proceeds from such sale that exceed the costs of maintenance

226 dredging shall be remitted to the state and deposited in the
227 Internal Improvement Trust Fund.

228 (g) The maintenance of existing insect control structures,
229 dikes, and irrigation and drainage ditches, provided that spoil
230 material is deposited on a self-contained, upland spoil site
231 which will prevent the escape of the spoil material into waters
232 of the state. In the case of insect control structures, if the
233 cost of using a self-contained upland spoil site is so
234 excessive, as determined by the Department of Health, pursuant
235 to s. 403.088(1), that it will inhibit proposed insect control,
236 then-existing spoil sites or dikes may be used, upon
237 notification to the department. In the case of insect control
238 where upland spoil sites are not used pursuant to this
239 exemption, turbidity control devices shall be used to confine
240 the spoil material discharge to that area previously disturbed
241 when the receiving body of water is used as a potable water
242 supply, is designated as shellfish harvesting waters, or
243 functions as a habitat for commercially or recreationally
244 important shellfish or finfish. In all cases, no more dredging
245 is to be performed than is necessary to restore the dike or
246 irrigation or drainage ditch to its original design
247 specifications.

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

251 and the length of the culvert may ~~shall~~ not be changed. However,
252 the material used for the culvert may be different from the
253 original.

254 (i) The construction of private docks of 1,000 square feet
255 or less of over-water surface area and seawalls in artificially
256 created waterways where such construction will not violate
257 existing water quality standards, impede navigation, or affect
258 flood control. This exemption does not apply to the construction
259 of vertical seawalls in estuaries or lagoons unless the proposed
260 construction is within an existing manmade canal where the
261 shoreline is currently occupied in whole or part by vertical
262 seawalls.

263 (j) The construction and maintenance of swales.

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

267 (l) The replacement or repair of existing open-trestle
268 foot bridges and vehicular bridges that are 100 feet or less in
269 length and two lanes or less in width, provided that no more
270 dredging or filling of submerged lands is performed other than
271 that which is necessary to replace or repair pilings and that
272 the structure to be replaced or repaired is the same length, the
273 same configuration, and in the same location as the original
274 bridge. No debris from the original bridge shall be allowed to
275 remain in the waters of the state.

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

280 (n) The replacement or repair of subaqueous transmission
281 and distribution lines laid on, or embedded in, the bottoms of
282 waters of the state.

283 (o) The construction of private seawalls in wetlands or
284 other surface waters where such construction is between and
285 adjoins at both ends existing seawalls; follows a continuous and
286 uniform seawall construction line with the existing seawalls; is
287 no more than 150 feet in length; and does not violate existing
288 water quality standards, impede navigation, or affect flood
289 control. However, in estuaries and lagoons the construction of
290 vertical seawalls is limited to the circumstances and purposes
291 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
292 the permitting requirements of chapter 161, and department rules
293 must clearly indicate that this exception does not constitute an
294 exception from the permitting requirements of chapter 161.

295 (p) The restoration of existing insect control impoundment
296 dikes which are less than 100 feet in length. Such impoundments
297 shall be connected to tidally influenced waters for 6 months
298 each year beginning September 1 and ending February 28 if
299 feasible or operated in accordance with an impoundment
300 management plan approved by the department. A dike restoration

301 may involve no more dredging than is necessary to restore the
302 dike to its original design specifications. For the purposes of
303 this paragraph, restoration does not include maintenance of
304 impoundment dikes of operating insect control impoundments.

305 (q) The construction, operation, or maintenance of
306 stormwater management facilities which are designed to serve
307 single-family residential projects, including duplexes,
308 triplexes, and quadruplexes, if they are less than 10 acres
309 total land and have less than 2 acres of impervious surface and
310 if the facilities:

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

313 2. Are not part of a larger common plan of development or
314 sale; and

315 3. Discharge into a stormwater discharge facility exempted
316 or permitted by the department under this chapter which has
317 sufficient capacity and treatment capability as specified in
318 this chapter and is owned, maintained, or operated by a city,
319 county, special district with drainage responsibility, or water
320 management district; however, this exemption does not authorize
321 discharge to a facility without the facility owner's prior
322 written consent.

323 (r) The removal of aquatic plants, the removal of
324 tussocks, the associated replanting of indigenous aquatic
325 plants, and the associated removal from lakes of organic

326 detrital material when such planting or removal is performed and
327 authorized by permit or exemption granted under s. 369.20 or s.
328 369.25, provided that:

329 1. Organic detrital material that exists on the surface of
330 natural mineral substrate shall be allowed to be removed to a
331 depth of 3 feet or to the natural mineral substrate, whichever
332 is less;

333 2. All material removed pursuant to this paragraph shall
334 be deposited in an upland site in a manner that will prevent the
335 reintroduction of the material into waters in the state except
336 when spoil material is permitted to be used to create wildlife
337 islands in freshwater bodies of the state when a governmental
338 entity is permitted pursuant to s. 369.20 to create such islands
339 as a part of a restoration or enhancement project;

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

342 4. No activities under this exemption are conducted in
343 wetland areas, as defined in s. 373.019(27), which are supported
344 by a natural soil as shown in applicable United States
345 Department of Agriculture county soil surveys, except when a
346 governmental entity is permitted pursuant to s. 369.20 to
347 conduct such activities as a part of a restoration or
348 enhancement project.

349
350 The department may not adopt implementing rules for this

351 paragraph, notwithstanding any other provision of law.

352 (s) The construction, installation, operation, or
353 maintenance of floating vessel platforms or floating boat lifts,
354 provided that such structures:

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

358 2. Are wholly contained within a boat slip previously
359 permitted under ss. 403.91-403.929, 1984 Supplement to the
360 Florida Statutes 1983, as amended, or part IV of chapter 373, or
361 do not exceed a combined total of 500 square feet, or 200 square
362 feet in an Outstanding Florida Water, when associated with a
363 dock that is exempt under this subsection or associated with a
364 permitted dock with no defined boat slip or attached to a
365 bulkhead on a parcel of land where there is no other docking
366 structure;

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

372 4. Are constructed and used so as to minimize adverse
373 impacts to submerged lands, wetlands, shellfish areas, aquatic
374 plant and animal species, and other biological communities,
375 including locating such structures in areas where seagrasses are

376 | least dense adjacent to the dock or bulkhead; and
 377 | 5. Are not constructed in areas specifically prohibited
 378 | for boat mooring under conditions of a permit issued in
 379 | accordance with ss. 403.91-403.929, 1984 Supplement to the
 380 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
 381 | other form of authorization issued by a local government.
 382 |
 383 | Structures that qualify for this exemption are relieved from any
 384 | requirement to obtain permission to use or occupy lands owned by
 385 | the Board of Trustees of the Internal Improvement Trust Fund
 386 | and, with the exception of those structures attached to a
 387 | bulkhead on a parcel of land where there is no docking
 388 | structure, may ~~shall~~ not be subject to any more stringent
 389 | permitting requirements, registration requirements, or other
 390 | regulation by any local government. Local governments may
 391 | require either permitting or one-time registration of floating
 392 | vessel platforms to be attached to a bulkhead on a parcel of
 393 | land where there is no other docking structure as necessary to
 394 | ensure compliance with local ordinances, codes, or regulations.
 395 | Local governments may require either permitting or one-time
 396 | registration of all other floating vessel platforms as necessary
 397 | to ensure compliance with the exemption criteria in this
 398 | section; to ensure compliance with local ordinances, codes, or
 399 | regulations relating to building or zoning, which are no more
 400 | stringent than the exemption criteria in this section or address

401 subjects other than subjects addressed by the exemption criteria
402 in this section; and to ensure proper installation, maintenance,
403 and precautionary or evacuation action following a tropical
404 storm or hurricane watch of a floating vessel platform or
405 floating boat lift that is proposed to be attached to a bulkhead
406 or parcel of land where there is no other docking structure. The
407 exemption provided in this paragraph shall be in addition to the
408 exemption provided in paragraph (b). The department shall adopt
409 a general permit by rule for the construction, installation,
410 operation, or maintenance of those floating vessel platforms or
411 floating boat lifts that do not qualify for the exemption
412 provided in this paragraph but do not cause significant adverse
413 impacts to occur individually or cumulatively. The issuance of
414 such general permit shall also constitute permission to use or
415 occupy lands owned by the Board of Trustees of the Internal
416 Improvement Trust Fund. No local government shall impose a more
417 stringent regulation, permitting requirement, registration
418 requirement, or other regulation covered by such general permit.
419 Local governments may require either permitting or one-time
420 registration of floating vessel platforms as necessary to ensure
421 compliance with the general permit in this section; to ensure
422 compliance with local ordinances, codes, or regulations relating
423 to building or zoning that are no more stringent than the
424 general permit in this section; and to ensure proper
425 installation and maintenance of a floating vessel platform or

426 floating boat lift that is proposed to be attached to a bulkhead
427 or parcel of land where there is no other docking structure.

428 (t) The repair, stabilization, or paving of existing
429 county maintained roads and the repair or replacement of bridges
430 that are part of the roadway, within the Northwest Florida Water
431 Management District and the Suwannee River Water Management
432 District, provided:

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

436 2. The construction activity does not realign the road or
437 expand the number of existing traffic lanes of the existing
438 road; however, the work may include the provision of safety
439 shoulders, clearance of vegetation, and other work reasonably
440 necessary to repair, stabilize, pave, or repave the road,
441 provided that the work is constructed by generally accepted
442 engineering standards;

443 3. The construction activity does not expand the existing
444 width of an existing vehicular bridge in excess of that
445 reasonably necessary to properly connect the bridge with the
446 road being repaired, stabilized, paved, or repaved to safely
447 accommodate the traffic expected on the road, which may include
448 expanding the width of the bridge to match the existing
449 connected road. However, no debris from the original bridge
450 shall be allowed to remain in waters of the state, including

451 wetlands;

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

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

456 6. No more dredging or filling of wetlands or water of the
457 state is performed than that which is reasonably necessary to
458 repair, stabilize, pave, or repave the road or to repair or
459 replace the bridge, in accordance with generally accepted
460 engineering standards; and

461 7. Notice of intent to use the exemption is provided to
462 the department, if the work is to be performed within the
463 Northwest Florida Water Management District, or to the Suwannee
464 River Water Management District, if the work is to be performed
465 within the Suwannee River Water Management District, 30 days
466 before ~~prior to~~ performing any work under the exemption.

467
468 Within 30 days after this act becomes a law, the department
469 shall initiate rulemaking to adopt a no fee general permit for
470 the repair, stabilization, or paving of existing roads that are
471 maintained by the county and the repair or replacement of
472 bridges that are part of the roadway where such activities do
473 not cause significant adverse impacts to occur individually or
474 cumulatively. The general permit shall apply statewide and, with
475 no additional rulemaking required, apply to qualified projects

476 reviewed by the Suwannee River Water Management District, the
477 St. Johns River Water Management District, the Southwest Florida
478 Water Management District, and the South Florida Water
479 Management District under the division of responsibilities
480 contained in the operating agreements applicable to part IV of
481 chapter 373. Upon adoption, this general permit shall, pursuant
482 to ~~the provisions of~~ subsection (2), supersede and replace the
483 exemption in this paragraph.

484 (u) Notwithstanding any provision to the contrary in this
485 subsection, a permit or other authorization under chapter 253,
486 chapter 369, chapter 373, or this chapter is not required for an
487 individual residential property owner for the removal of organic
488 detrital material from freshwater rivers or lakes that have a
489 natural sand or rocky substrate and that are not Aquatic
490 Preserves or for the associated removal and replanting of
491 aquatic vegetation for the purpose of environmental enhancement,
492 providing that:

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

497 2. No filling or peat mining is allowed.

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

500 4. When removing organic detrital material, no portion of

501 the underlying natural mineral substrate or rocky substrate is
502 removed.

503 5. Organic detrital material and plant material removed is
504 deposited in an upland site in a manner that will not cause
505 water quality violations.

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

509 7. Replanting with a variety of aquatic plants native to
510 the state shall occur in a minimum of 25 percent of the
511 preexisting vegetated areas where organic detrital material is
512 removed, except for areas where the material is removed to bare
513 rocky substrate; however, an area may be maintained clear of
514 vegetation as an access corridor. The access corridor width may
515 not exceed 50 percent of the property owner's frontage or 50
516 feet, whichever is less, and may be a sufficient length
517 waterward to create a corridor to allow access for a boat or
518 swimmer to reach open water. Replanting must be at a minimum
519 density of 2 feet on center and be completed within 90 days
520 after removal of existing aquatic vegetation, except that under
521 dewatered conditions replanting must be completed within 90 days
522 after reflooding. The area to be replanted must extend waterward
523 from the ordinary high water line to a point where normal water
524 depth would be 3 feet or the preexisting vegetation line,
525 whichever is less. Individuals are required to make a reasonable

526 effort to maintain planting density for a period of 6 months
527 after replanting is complete, and the plants, including
528 naturally recruited native aquatic plants, must be allowed to
529 expand and fill in the revegetation area. Native aquatic plants
530 to be used for revegetation must be salvaged from the
531 enhancement project site or obtained from an aquatic plant
532 nursery regulated by the Department of Agriculture and Consumer
533 Services. Plants that are not native to the state may not be
534 used for replanting.

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

540 9. The person seeking this exemption notifies the
541 applicable department district office in writing at least 30
542 days before commencing work and allows the department to conduct
543 a preconstruction site inspection. Notice must include an
544 organic-detrital-material removal and disposal plan and, if
545 applicable, a vegetation-removal and revegetation plan.

546 10. The department is provided written certification of
547 compliance with the terms and conditions of this paragraph
548 within 30 days after completion of any activity occurring under
549 this exemption.

550 (v) Notwithstanding any other provision in this chapter,

551 chapter 373, or chapter 161, a permit or other authorization is
552 not required for the following exploratory activities associated
553 with beach restoration and nourishment projects and inlet
554 management activities:

555 1. The collection of geotechnical, geophysical, and
556 cultural resource data, including surveys, mapping, acoustic
557 soundings, benthic and other biologic sampling, and coring.

558 2. Oceanographic instrument deployment, including
559 temporary installation on the seabed of coastal and
560 oceanographic data collection equipment.

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

563 Section 3. This act shall take effect July 1, 2019.