

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; creating s. 403.7034, F.S.;
19 prohibiting local government entities from adopting or
20 enforcing local ordinances or regulations relating to
21 single-use plastic straws before a specified date;
22 providing for expiration of the moratorium; providing
23 an effective date.

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

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

403.706 Local government solid waste responsibilities.—

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

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

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

(c) Each contract between a residential recycling collector and a county or municipality for the collection or transport of residential recyclable material, and each request for proposal or other solicitation for the collection of residential recyclable material, must define the term "contaminated recyclable material." The term should be defined

51 in a manner that is appropriate for the local community, taking
52 into consideration available markets for recyclable material,
53 available waste composition studies, and other relevant factors.

54 The contract and request for proposal or other solicitation must
55 include:

56 1. The respective strategies and obligations of the county
57 or municipality and the residential recycling collector to
58 reduce the amount of contaminated recyclable material being
59 collected;

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

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

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

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

76 must include:

77 1. The respective strategies and obligations of the county
78 or municipality and the facility to reduce the amount of
79 contaminated recyclable material being collected and processed;

80 2. The procedures for identifying, documenting, managing,
81 and rejecting residential recycling containers, truck loads,
82 carts, or bins that contain contaminated recyclable material;
83 and

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

86 (e) This subsection applies to each contract between a
87 municipality or county and a residential recycling collector or
88 recovered materials processing facility executed or renewed
89 after July 1, 2019.

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

101 waste remediation.

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

104 403.813 Permits issued at district centers; exceptions.—

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

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

123 (b) The installation and repair of mooring pilings and
124 dolphins associated with private docking facilities or piers and
125 the installation of private docks, piers, and recreational

126 | docking facilities, or piers and recreational docking facilities
 127 | of local governmental entities when the local governmental
 128 | entity's activities will not take place in any manatee habitat,
 129 | any of which docks:

130 | 1. Has 500 square feet or less of over-water surface area
 131 | for a dock ~~which is~~ located in an area designated as Outstanding
 132 | Florida Waters or 1,000 square feet or less of over-water
 133 | surface area for a dock ~~which is~~ located in an area that ~~which~~
 134 | is not designated as Outstanding Florida Waters;

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

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

140 | 4. Is used for recreational, noncommercial activities
 141 | associated with the mooring or storage of boats and boat
 142 | paraphernalia; and

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

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 149 | ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
 150 | from taking appropriate enforcement action pursuant to this

151 chapter to abate or prohibit any activity otherwise exempt from
152 permitting pursuant to this paragraph if the department can
153 demonstrate that the exempted activity has caused water
154 pollution in violation of this chapter.

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

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

176 upgrades to current structural and design standards.

177 (e) The restoration of seawalls at their previous
178 locations or upland of, or within 18 inches waterward of, their
179 previous locations. However, this may ~~shall~~ not affect the
180 permitting requirements of chapter 161, and department rules
181 shall clearly indicate that this exception does not constitute
182 an exception from the permitting requirements of chapter 161.

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

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

226 material removed during such maintenance dredging. However, no
227 charge shall be exacted by the state for material removed during
228 such maintenance dredging by a public port authority. The
229 removing party may subsequently sell such material; however,
230 proceeds from such sale that exceed the costs of maintenance
231 dredging shall be remitted to the state and deposited in the
232 Internal Improvement Trust Fund.

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

251 irrigation or drainage ditch to its original design
252 specifications.

253 (h) The repair or replacement of existing functional pipes
254 or culverts the purpose of which is the discharge or conveyance
255 of stormwater. In all cases, the invert elevation, the diameter,
256 and the length of the culvert may ~~shall~~ not be changed. However,
257 the material used for the culvert may be different from the
258 original.

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

268 (j) The construction and maintenance of swales.

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

272 (l) The replacement or repair of existing open-trestle
273 foot bridges and vehicular bridges that are 100 feet or less in
274 length and two lanes or less in width, provided that no more
275 dredging or filling of submerged lands is performed other than

276 | that which is necessary to replace or repair pilings and that
277 | the structure to be replaced or repaired is the same length, the
278 | same configuration, and in the same location as the original
279 | bridge. No debris from the original bridge shall be allowed to
280 | remain in the waters of the state.

281 | (m) The installation of subaqueous transmission and
282 | distribution lines laid on, or embedded in, the bottoms of
283 | waters in the state, except in Class I and Class II waters and
284 | aquatic preserves, provided no dredging or filling is necessary.

285 | (n) The replacement or repair of subaqueous transmission
286 | and distribution lines laid on, or embedded in, the bottoms of
287 | waters of the state.

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

300 | (p) The restoration of existing insect control impoundment

301 dikes which are less than 100 feet in length. Such impoundments
302 shall be connected to tidally influenced waters for 6 months
303 each year beginning September 1 and ending February 28 if
304 feasible or operated in accordance with an impoundment
305 management plan approved by the department. A dike restoration
306 may involve no more dredging than is necessary to restore the
307 dike to its original design specifications. For the purposes of
308 this paragraph, restoration does not include maintenance of
309 impoundment dikes of operating insect control impoundments.

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

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

318 2. Are not part of a larger common plan of development or
319 sale; and

320 3. Discharge into a stormwater discharge facility exempted
321 or permitted by the department under this chapter which has
322 sufficient capacity and treatment capability as specified in
323 this chapter and is owned, maintained, or operated by a city,
324 county, special district with drainage responsibility, or water
325 management district; however, this exemption does not authorize

326 discharge to a facility without the facility owner's prior
327 written consent.

328 (r) The removal of aquatic plants, the removal of
329 tussocks, the associated replanting of indigenous aquatic
330 plants, and the associated removal from lakes of organic
331 detrital material when such planting or removal is performed and
332 authorized by permit or exemption granted under s. 369.20 or s.
333 369.25, provided that:

334 1. Organic detrital material that exists on the surface of
335 natural mineral substrate shall be allowed to be removed to a
336 depth of 3 feet or to the natural mineral substrate, whichever
337 is less;

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

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

347 4. No activities under this exemption are conducted in
348 wetland areas, as defined in s. 373.019(27), which are supported
349 by a natural soil as shown in applicable United States
350 Department of Agriculture county soil surveys, except when a

351 governmental entity is permitted pursuant to s. 369.20 to
352 conduct such activities as a part of a restoration or
353 enhancement project.

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

357 (s) The construction, installation, operation, or
358 maintenance of floating vessel platforms or floating boat lifts,
359 provided that such structures:

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

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

372 3. Are not used for any commercial purpose or for mooring
373 vessels that remain in the water when not in use, and do not
374 substantially impede the flow of water, create a navigational
375 hazard, or unreasonably infringe upon the riparian rights of

376 adjacent property owners, as defined in s. 253.141;

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

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

387

388 Structures that qualify for this exemption are relieved from any
389 requirement to obtain permission to use or occupy lands owned by
390 the Board of Trustees of the Internal Improvement Trust Fund
391 and, with the exception of those structures attached to a
392 bulkhead on a parcel of land where there is no docking
393 structure, may ~~shall~~ not be subject to any more stringent
394 permitting requirements, registration requirements, or other
395 regulation by any local government. Local governments may
396 require either permitting or one-time registration of floating
397 vessel platforms to be attached to a bulkhead on a parcel of
398 land where there is no other docking structure as necessary to
399 ensure compliance with local ordinances, codes, or regulations.
400 Local governments may require either permitting or one-time

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

426 compliance with the general permit in this section; to ensure
427 compliance with local ordinances, codes, or regulations relating
428 to building or zoning that are no more stringent than the
429 general permit in this section; and to ensure proper
430 installation and maintenance of a floating vessel platform or
431 floating boat lift that is proposed to be attached to a bulkhead
432 or parcel of land where there is no other docking structure.

433 (t) The repair, stabilization, or paving of existing
434 county maintained roads and the repair or replacement of bridges
435 that are part of the roadway, within the Northwest Florida Water
436 Management District and the Suwannee River Water Management
437 District, provided:

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

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

448 3. The construction activity does not expand the existing
449 width of an existing vehicular bridge in excess of that
450 reasonably necessary to properly connect the bridge with the

451 road being repaired, stabilized, paved, or repaved to safely
452 accommodate the traffic expected on the road, which may include
453 expanding the width of the bridge to match the existing
454 connected road. However, no debris from the original bridge
455 shall be allowed to remain in waters of the state, including
456 wetlands;

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

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

461 6. No more dredging or filling of wetlands or water of the
462 state is performed than that which is reasonably necessary to
463 repair, stabilize, pave, or repave the road or to repair or
464 replace the bridge, in accordance with generally accepted
465 engineering standards; and

466 7. Notice of intent to use the exemption is provided to
467 the department, if the work is to be performed within the
468 Northwest Florida Water Management District, or to the Suwannee
469 River Water Management District, if the work is to be performed
470 within the Suwannee River Water Management District, 30 days
471 before ~~prior to~~ performing any work under the exemption.

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473 Within 30 days after this act becomes a law, the department
474 shall initiate rulemaking to adopt a no fee general permit for
475 the repair, stabilization, or paving of existing roads that are

476 maintained by the county and the repair or replacement of
477 bridges that are part of the roadway where such activities do
478 not cause significant adverse impacts to occur individually or
479 cumulatively. The general permit shall apply statewide and, with
480 no additional rulemaking required, apply to qualified projects
481 reviewed by the Suwannee River Water Management District, the
482 St. Johns River Water Management District, the Southwest Florida
483 Water Management District, and the South Florida Water
484 Management District under the division of responsibilities
485 contained in the operating agreements applicable to part IV of
486 chapter 373. Upon adoption, this general permit shall, pursuant
487 to ~~the provisions of~~ subsection (2), supersede and replace the
488 exemption in this paragraph.

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

498 1. No activities under this exemption are conducted in
499 wetland areas, as defined in s. 373.019(27), which are supported
500 by a natural soil as shown in applicable United States

501 Department of Agriculture county soil surveys.

502 2. No filling or peat mining is allowed.

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

505 4. When removing organic detrital material, no portion of
506 the underlying natural mineral substrate or rocky substrate is
507 removed.

508 5. Organic detrital material and plant material removed is
509 deposited in an upland site in a manner that will not cause
510 water quality violations.

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

514 7. Replanting with a variety of aquatic plants native to
515 the state shall occur in a minimum of 25 percent of the
516 preexisting vegetated areas where organic detrital material is
517 removed, except for areas where the material is removed to bare
518 rocky substrate; however, an area may be maintained clear of
519 vegetation as an access corridor. The access corridor width may
520 not exceed 50 percent of the property owner's frontage or 50
521 feet, whichever is less, and may be a sufficient length
522 waterward to create a corridor to allow access for a boat or
523 swimmer to reach open water. Replanting must be at a minimum
524 density of 2 feet on center and be completed within 90 days
525 after removal of existing aquatic vegetation, except that under

526 dewatered conditions replanting must be completed within 90 days
527 after reflooding. The area to be replanted must extend waterward
528 from the ordinary high water line to a point where normal water
529 depth would be 3 feet or the preexisting vegetation line,
530 whichever is less. Individuals are required to make a reasonable
531 effort to maintain planting density for a period of 6 months
532 after replanting is complete, and the plants, including
533 naturally recruited native aquatic plants, must be allowed to
534 expand and fill in the revegetation area. Native aquatic plants
535 to be used for revegetation must be salvaged from the
536 enhancement project site or obtained from an aquatic plant
537 nursery regulated by the Department of Agriculture and Consumer
538 Services. Plants that are not native to the state may not be
539 used for replanting.

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

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

551 10. The department is provided written certification of
552 compliance with the terms and conditions of this paragraph
553 within 30 days after completion of any activity occurring under
554 this exemption.

555 (v) Notwithstanding any other provision in this chapter,
556 chapter 373, or chapter 161, a permit or other authorization is
557 not required for the following exploratory activities associated
558 with beach restoration and nourishment projects and inlet
559 management activities:

560 1. The collection of geotechnical, geophysical, and
561 cultural resource data, including surveys, mapping, acoustic
562 soundings, benthic and other biologic sampling, and coring.

563 2. Oceanographic instrument deployment, including
564 temporary installation on the seabed of coastal and
565 oceanographic data collection equipment.

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

568 Section 3. Section 403.7034, Florida Statutes, is created
569 to read:

570 403.7034 Local regulation of single-use plastic straws;
571 moratorium.—Before July 1, 2024, a county, a municipality, or
572 another entity of local government may not adopt or enforce an
573 ordinance or other local regulation relating to single-use
574 plastic straws. The moratorium on local regulation and
575 enforcement under this section expires July 1, 2024.

CS/CS/HB 771

2019

576 | Section 4. This act shall take effect July 1, 2019. |