

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; requiring  
23          the Office of Program Policy Analysis and Government  
24          Accountability to conduct a study of local ordinances  
25          and regulations restricting or prohibiting the use of

26 |       single-use plastic straws; providing for the scope of  
 27 |       the study; requiring the Office of Program Policy  
 28 |       Analysis and Government Accountability to submit a  
 29 |       report to the President of the Senate and the Speaker  
 30 |       of the House of Representatives by a specified date;  
 31 |       providing an effective date.

32 |  
 33 | Be It Enacted by the Legislature of the State of Florida:

34 |  
 35 |       Section 1. Present subsection (22) of section 403.706,  
 36 |       Florida Statutes, is redesignated as subsection (23), and a new  
 37 |       subsection (22) is added to that section, to read:

38 |       403.706 Local government solid waste responsibilities.—

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

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

50 |       (b) A recovered materials processing facility is not

51 required to process contaminated recyclable material, except  
52 pursuant to a contract consistent with paragraph (d).

53 (c) Each contract between a residential recycling  
54 collector and a county or municipality for the collection or  
55 transport of residential recyclable material, and each request  
56 for proposal or other solicitation for the collection of  
57 residential recyclable material, must define the term  
58 "contaminated recyclable material." The term should be defined  
59 in a manner that is appropriate for the local community, taking  
60 into consideration available markets for recyclable material,  
61 available waste composition studies, and other relevant factors.  
62 The contract and request for proposal or other solicitation must  
63 include:

64 1. The respective strategies and obligations of the county  
65 or municipality and the residential recycling collector to  
66 reduce the amount of contaminated recyclable material being  
67 collected;

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

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

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

75 (d) Each contract between a recovered materials processing

76 facility and a county or municipality for processing residential  
77 recyclable material, and each request for proposal or other  
78 solicitation for processing residential recyclable material,  
79 must define the term "contaminated recyclable material." The  
80 term should be defined in a manner that is appropriate for the  
81 local community, taking into consideration available markets for  
82 recyclable material, available waste composition studies, and  
83 other relevant factors. The contract and request for proposal  
84 must include:

85 1. The respective strategies and obligations of the county  
86 or municipality and the facility to reduce the amount of  
87 contaminated recyclable material being collected and processed;

88 2. The procedures for identifying, documenting, managing,  
89 and rejecting residential recycling containers, truck loads,  
90 carts, or bins that contain contaminated recyclable material;  
91 and

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

94 (e) This subsection applies to each contract between a  
95 municipality or county and a residential recycling collector or  
96 recovered materials processing facility executed or renewed  
97 after October 1, 2019.

98 (f) This subsection applies only to the collection and  
99 processing of material obtained from residential recycling  
100 activities. As used in this subsection, the term "contaminated

101 recyclable material" refers only to recyclable material that is  
102 comingled or mixed with solid waste or other nonhazardous  
103 material. The term does not include contamination as that term  
104 or a derivation of that term is used in chapter 376 and other  
105 sections of chapter 403, including, but not limited to,  
106 brownfield site cleanup, water quality remediation, drycleaning-  
107 solvent-contaminated site cleanup, petroleum-contaminated site  
108 cleanup, cattle dipping vat site cleanup, or other hazardous  
109 waste remediation.

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

112 403.813 Permits issued at district centers; exceptions.—

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

126 governments:

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

131 (b) The installation and repair of mooring pilings and  
132 dolphins associated with private docking facilities or piers and  
133 the installation of private docks, piers, and recreational  
134 docking facilities, or piers and recreational docking facilities  
135 of local governmental entities when the local governmental  
136 entity's activities will not take place in any manatee habitat,  
137 any of which docks:

138 1. Has 500 square feet or less of over-water surface area  
139 for a dock ~~which is~~ located in an area designated as Outstanding  
140 Florida Waters or 1,000 square feet or less of over-water  
141 surface area for a dock ~~which is~~ located in an area that ~~which~~  
142 is not designated as Outstanding Florida Waters;

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

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

148 4. Is used for recreational, noncommercial activities  
149 associated with the mooring or storage of boats and boat  
150 paraphernalia; and

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

156  
157 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department  
158 from taking appropriate enforcement action pursuant to this  
159 chapter to abate or prohibit any activity otherwise exempt from  
160 permitting pursuant to this paragraph if the department can  
161 demonstrate that the exempted activity has caused water  
162 pollution in violation of this chapter.

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

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

176 | except that fill material may not be used and the replacement or  
177 | repaired dock or pier must be within 5 feet of the same location  
178 | and no larger in size than the existing dock or pier, and no  
179 | additional aquatic resources may be adversely and permanently  
180 | impacted by such replacement or repair in the same location and  
181 | ~~of the same configuration and dimensions as the dock or pier~~  
182 | ~~being replaced or repaired.~~ This does not preclude the use of  
183 | different construction materials or minor deviations to allow  
184 | upgrades to current structural and design standards.

185 |       (e) The restoration of seawalls at their previous  
186 | locations or upland of, or within 18 inches waterward of, their  
187 | previous locations. However, this may ~~shall~~ not affect the  
188 | permitting requirements of chapter 161, and department rules  
189 | shall clearly indicate that this exception does not constitute  
190 | an exception from the permitting requirements of chapter 161.

191 |       (f) The performance of maintenance dredging of existing  
192 | manmade canals, channels, intake and discharge structures, and  
193 | previously dredged portions of natural water bodies within  
194 | drainage rights-of-way or drainage easements which have been  
195 | recorded in the public records of the county, where the spoil  
196 | material is to be removed and deposited on a self-contained,  
197 | upland spoil site which will prevent the escape of the spoil  
198 | material into the waters of the state, provided that no more  
199 | dredging is to be performed than is necessary to restore the  
200 | canals, channels, and intake and discharge structures, and



201 | previously dredged portions of natural water bodies, to original  
202 | design specifications or configurations, provided that the work  
203 | is conducted in compliance with s. 379.2431(2)(d), provided that  
204 | no significant impacts occur to previously undisturbed natural  
205 | areas, and provided that control devices for return flow and  
206 | best management practices for erosion and sediment control are  
207 | utilized to prevent bank erosion and scouring and to prevent  
208 | turbidity, dredged material, and toxic or deleterious substances  
209 | from discharging into adjacent waters during maintenance  
210 | dredging. Further, for maintenance dredging of previously  
211 | dredged portions of natural water bodies within recorded  
212 | drainage rights-of-way or drainage easements, an entity that  
213 | seeks an exemption must notify the department or water  
214 | management district, as applicable, at least 30 days before  
215 | ~~prior to~~ dredging and provide documentation of original design  
216 | specifications or configurations where such exist. This  
217 | exemption applies to all canals and previously dredged portions  
218 | of natural water bodies within recorded drainage rights-of-way  
219 | or drainage easements constructed before ~~prior to~~ April 3, 1970,  
220 | and to those canals and previously dredged portions of natural  
221 | water bodies constructed on or after April 3, 1970, pursuant to  
222 | all necessary state permits. This exemption does not apply to  
223 | the removal of a natural or manmade barrier separating a canal  
224 | or canal system from adjacent waters. When no previous permit  
225 | has been issued by the Board of Trustees of the Internal

226 Improvement Trust Fund or the United States Army Corps of  
227 Engineers for construction or maintenance dredging of the  
228 existing manmade canal or intake or discharge structure, such  
229 maintenance dredging shall be limited to a depth of no more than  
230 5 feet below mean low water. The Board of Trustees of the  
231 Internal Improvement Trust Fund may fix and recover from the  
232 permittee an amount equal to the difference between the fair  
233 market value and the actual cost of the maintenance dredging for  
234 material removed during such maintenance dredging. However, no  
235 charge shall be exacted by the state for material removed during  
236 such maintenance dredging by a public port authority. The  
237 removing party may subsequently sell such material; however,  
238 proceeds from such sale that exceed the costs of maintenance  
239 dredging shall be remitted to the state and deposited in the  
240 Internal Improvement Trust Fund.

241 (g) The maintenance of existing insect control structures,  
242 dikes, and irrigation and drainage ditches, provided that spoil  
243 material is deposited on a self-contained, upland spoil site  
244 which will prevent the escape of the spoil material into waters  
245 of the state. In the case of insect control structures, if the  
246 cost of using a self-contained upland spoil site is so  
247 excessive, as determined by the Department of Health, pursuant  
248 to s. 403.088(1), that it will inhibit proposed insect control,  
249 then-existing spoil sites or dikes may be used, upon  
250 notification to the department. In the case of insect control

251 where upland spoil sites are not used pursuant to this  
252 exemption, turbidity control devices shall be used to confine  
253 the spoil material discharge to that area previously disturbed  
254 when the receiving body of water is used as a potable water  
255 supply, is designated as shellfish harvesting waters, or  
256 functions as a habitat for commercially or recreationally  
257 important shellfish or finfish. In all cases, no more dredging  
258 is to be performed than is necessary to restore the dike or  
259 irrigation or drainage ditch to its original design  
260 specifications.

261 (h) The repair or replacement of existing functional pipes  
262 or culverts the purpose of which is the discharge or conveyance  
263 of stormwater. In all cases, the invert elevation, the diameter,  
264 and the length of the culvert may ~~shall~~ not be changed. However,  
265 the material used for the culvert may be different from the  
266 original.

267 (i) The construction of private docks of 1,000 square feet  
268 or less of over-water surface area and seawalls in artificially  
269 created waterways where such construction will not violate  
270 existing water quality standards, impede navigation, or affect  
271 flood control. This exemption does not apply to the construction  
272 of vertical seawalls in estuaries or lagoons unless the proposed  
273 construction is within an existing manmade canal where the  
274 shoreline is currently occupied in whole or part by vertical  
275 seawalls.

276 (j) The construction and maintenance of swales.

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

280 (l) The replacement or repair of existing open-trestle  
281 foot bridges and vehicular bridges that are 100 feet or less in  
282 length and two lanes or less in width, provided that no more  
283 dredging or filling of submerged lands is performed other than  
284 that which is necessary to replace or repair pilings and that  
285 the structure to be replaced or repaired is the same length, the  
286 same configuration, and in the same location as the original  
287 bridge. No debris from the original bridge shall be allowed to  
288 remain in the waters of the state.

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

293 (n) The replacement or repair of subaqueous transmission  
294 and distribution lines laid on, or embedded in, the bottoms of  
295 waters of the state.

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

301 water quality standards, impede navigation, or affect flood  
302 control. However, in estuaries and lagoons the construction of  
303 vertical seawalls is limited to the circumstances and purposes  
304 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect  
305 the permitting requirements of chapter 161, and department rules  
306 must clearly indicate that this exception does not constitute an  
307 exception from the permitting requirements of chapter 161.

308 (p) The restoration of existing insect control impoundment  
309 dikes which are less than 100 feet in length. Such impoundments  
310 shall be connected to tidally influenced waters for 6 months  
311 each year beginning September 1 and ending February 28 if  
312 feasible or operated in accordance with an impoundment  
313 management plan approved by the department. A dike restoration  
314 may involve no more dredging than is necessary to restore the  
315 dike to its original design specifications. For the purposes of  
316 this paragraph, restoration does not include maintenance of  
317 impoundment dikes of operating insect control impoundments.

318 (q) The construction, operation, or maintenance of  
319 stormwater management facilities which are designed to serve  
320 single-family residential projects, including duplexes,  
321 triplexes, and quadruplexes, if they are less than 10 acres  
322 total land and have less than 2 acres of impervious surface and  
323 if the facilities:

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

326           2. Are not part of a larger common plan of development or  
327 sale; and

328           3. Discharge into a stormwater discharge facility exempted  
329 or permitted by the department under this chapter which has  
330 sufficient capacity and treatment capability as specified in  
331 this chapter and is owned, maintained, or operated by a city,  
332 county, special district with drainage responsibility, or water  
333 management district; however, this exemption does not authorize  
334 discharge to a facility without the facility owner's prior  
335 written consent.

336           (r) The removal of aquatic plants, the removal of  
337 tussocks, the associated replanting of indigenous aquatic  
338 plants, and the associated removal from lakes of organic  
339 detrital material when such planting or removal is performed and  
340 authorized by permit or exemption granted under s. 369.20 or s.  
341 369.25, provided that:

342           1. Organic detrital material that exists on the surface of  
343 natural mineral substrate shall be allowed to be removed to a  
344 depth of 3 feet or to the natural mineral substrate, whichever  
345 is less;

346           2. All material removed pursuant to this paragraph shall  
347 be deposited in an upland site in a manner that will prevent the  
348 reintroduction of the material into waters in the state except  
349 when spoil material is permitted to be used to create wildlife  
350 islands in freshwater bodies of the state when a governmental

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

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

355 4. No activities under this exemption are conducted in  
356 wetland areas, as defined in s. 373.019(27), which are supported  
357 by a natural soil as shown in applicable United States  
358 Department of Agriculture county soil surveys, except when a  
359 governmental entity is permitted pursuant to s. 369.20 to  
360 conduct such activities as a part of a restoration or  
361 enhancement project.

362

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

365 (s) The construction, installation, operation, or  
366 maintenance of floating vessel platforms or floating boat lifts,  
367 provided that such structures:

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

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

376 dock that is exempt under this subsection or associated with a  
 377 permitted dock with no defined boat slip or attached to a  
 378 bulkhead on a parcel of land where there is no other docking  
 379 structure;

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

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

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

395  
 396 Structures that qualify for this exemption are relieved from any  
 397 requirement to obtain permission to use or occupy lands owned by  
 398 the Board of Trustees of the Internal Improvement Trust Fund  
 399 and, with the exception of those structures attached to a  
 400 bulkhead on a parcel of land where there is no docking



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

426 impacts to occur individually or cumulatively. The issuance of  
427 such general permit shall also constitute permission to use or  
428 occupy lands owned by the Board of Trustees of the Internal  
429 Improvement Trust Fund. No local government shall impose a more  
430 stringent regulation, permitting requirement, registration  
431 requirement, or other regulation covered by such general permit.  
432 Local governments may require either permitting or one-time  
433 registration of floating vessel platforms as necessary to ensure  
434 compliance with the general permit in this section; to ensure  
435 compliance with local ordinances, codes, or regulations relating  
436 to building or zoning that are no more stringent than the  
437 general permit in this section; and to ensure proper  
438 installation and maintenance of a floating vessel platform or  
439 floating boat lift that is proposed to be attached to a bulkhead  
440 or parcel of land where there is no other docking structure.

441 (t) The repair, stabilization, or paving of existing  
442 county maintained roads and the repair or replacement of bridges  
443 that are part of the roadway, within the Northwest Florida Water  
444 Management District and the Suwannee River Water Management  
445 District, provided:

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

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

451 road; however, the work may include the provision of safety  
452 shoulders, clearance of vegetation, and other work reasonably  
453 necessary to repair, stabilize, pave, or repave the road,  
454 provided that the work is constructed by generally accepted  
455 engineering standards;

456 3. The construction activity does not expand the existing  
457 width of an existing vehicular bridge in excess of that  
458 reasonably necessary to properly connect the bridge with the  
459 road being repaired, stabilized, paved, or repaved to safely  
460 accommodate the traffic expected on the road, which may include  
461 expanding the width of the bridge to match the existing  
462 connected road. However, no debris from the original bridge  
463 shall be allowed to remain in waters of the state, including  
464 wetlands;

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

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

469 6. No more dredging or filling of wetlands or water of the  
470 state is performed than that which is reasonably necessary to  
471 repair, stabilize, pave, or repave the road or to repair or  
472 replace the bridge, in accordance with generally accepted  
473 engineering standards; and

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

476 Northwest Florida Water Management District, or to the Suwannee  
477 River Water Management District, if the work is to be performed  
478 within the Suwannee River Water Management District, 30 days  
479 before ~~prior to~~ performing any work under the exemption.

480

481 Within 30 days after this act becomes a law, the department  
482 shall initiate rulemaking to adopt a no fee general permit for  
483 the repair, stabilization, or paving of existing roads that are  
484 maintained by the county and the repair or replacement of  
485 bridges that are part of the roadway where such activities do  
486 not cause significant adverse impacts to occur individually or  
487 cumulatively. The general permit shall apply statewide and, with  
488 no additional rulemaking required, apply to qualified projects  
489 reviewed by the Suwannee River Water Management District, the  
490 St. Johns River Water Management District, the Southwest Florida  
491 Water Management District, and the South Florida Water  
492 Management District under the division of responsibilities  
493 contained in the operating agreements applicable to part IV of  
494 chapter 373. Upon adoption, this general permit shall, pursuant  
495 to ~~the provisions of~~ subsection (2), supersede and replace the  
496 exemption in this paragraph.

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

501 detrital material from freshwater rivers or lakes that have a  
502 natural sand or rocky substrate and that are not Aquatic  
503 Preserves or for the associated removal and replanting of  
504 aquatic vegetation for the purpose of environmental enhancement,  
505 providing that:

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

510 2. No filling or peat mining is allowed.

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

513 4. When removing organic detrital material, no portion of  
514 the underlying natural mineral substrate or rocky substrate is  
515 removed.

516 5. Organic detrital material and plant material removed is  
517 deposited in an upland site in a manner that will not cause  
518 water quality violations.

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

522 7. Replanting with a variety of aquatic plants native to  
523 the state shall occur in a minimum of 25 percent of the  
524 preexisting vegetated areas where organic detrital material is  
525 removed, except for areas where the material is removed to bare

526 rocky substrate; however, an area may be maintained clear of  
527 vegetation as an access corridor. The access corridor width may  
528 not exceed 50 percent of the property owner's frontage or 50  
529 feet, whichever is less, and may be a sufficient length  
530 waterward to create a corridor to allow access for a boat or  
531 swimmer to reach open water. Replanting must be at a minimum  
532 density of 2 feet on center and be completed within 90 days  
533 after removal of existing aquatic vegetation, except that under  
534 dewatered conditions replanting must be completed within 90 days  
535 after reflooding. The area to be replanted must extend waterward  
536 from the ordinary high water line to a point where normal water  
537 depth would be 3 feet or the preexisting vegetation line,  
538 whichever is less. Individuals are required to make a reasonable  
539 effort to maintain planting density for a period of 6 months  
540 after replanting is complete, and the plants, including  
541 naturally recruited native aquatic plants, must be allowed to  
542 expand and fill in the revegetation area. Native aquatic plants  
543 to be used for revegetation must be salvaged from the  
544 enhancement project site or obtained from an aquatic plant  
545 nursery regulated by the Department of Agriculture and Consumer  
546 Services. Plants that are not native to the state may not be  
547 used for replanting.

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

551 restrict or infringe upon the riparian rights of adjacent upland  
552 riparian owners.

553 9. The person seeking this exemption notifies the  
554 applicable department district office in writing at least 30  
555 days before commencing work and allows the department to conduct  
556 a preconstruction site inspection. Notice must include an  
557 organic-detrital-material removal and disposal plan and, if  
558 applicable, a vegetation-removal and revegetation plan.

559 10. The department is provided written certification of  
560 compliance with the terms and conditions of this paragraph  
561 within 30 days after completion of any activity occurring under  
562 this exemption.

563 (v) Notwithstanding any other provision in this chapter,  
564 chapter 373, or chapter 161, a permit or other authorization is  
565 not required for the following exploratory activities associated  
566 with beach restoration and nourishment projects and inlet  
567 management activities:

568 1. The collection of geotechnical, geophysical, and  
569 cultural resource data, including surveys, mapping, acoustic  
570 soundings, benthic and other biologic sampling, and coring.

571 2. Oceanographic instrument deployment, including  
572 temporary installation on the seabed of coastal and  
573 oceanographic data collection equipment.

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

576 Section 3. Section 403.7034, Florida Statutes, is created  
577 to read:

578 403.7034 Local regulation of single-use plastic straws;  
579 moratorium.-

580 (1) Before July 1, 2024, a county, a municipality, or  
581 another entity of local government may not adopt or enforce an  
582 ordinance or other local regulation relating to single-use  
583 plastic straws. The moratorium on local regulation and  
584 enforcement under this section expires July 1, 2024.

585 (2) The Office of Program Policy Analysis and Government  
586 Accountability shall conduct a study of each ordinance or  
587 regulation adopted by the governing body of a county,  
588 municipality, or special district in Florida to restrict or  
589 prohibit the use of single-use plastic straws. The study's scope  
590 must include, but is not limited to, gathering information  
591 pertaining to the data and conclusions on which the county,  
592 municipality, or special district used in adopting such  
593 ordinance or regulation. The Office of Program Policy Analysis  
594 and Government Accountability shall submit a report of its  
595 findings to the President of the Senate and the Speaker of the  
596 House of Representatives no later than December 1, 2019.

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