

1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 373.250, F.S.; deleting an obsolete provision;
4 providing examples of reclaimed water use that may
5 create an impact offset; revising the required
6 provisions of the water resource implementation rule;
7 amending s. 403.064, F.S.; revising legislative
8 findings; requiring the Department of Environmental
9 Protection and the water management districts to
10 develop and enter into a memorandum of agreement
11 providing for a coordinated review of any reclaimed
12 water project requiring a reclaimed water facility
13 permit, an underground injection control permit, and a
14 consumptive use permit; specifying the required
15 provisions of such memorandum; specifying the date by
16 which the memorandum must be developed and executed;
17 amending s. 403.706, F.S.; requiring counties and
18 municipalities to address contamination of recyclable
19 material in specified contracts; prohibiting counties
20 and municipalities from requiring the collection or
21 transport of contaminated recyclable material by
22 residential recycling collectors; defining the term
23 "residential recycling collector"; specifying required
24 contract provisions in residential recycling collector
25 and materials recovery facility contracts with

26 | counties and municipalities; providing applicability;
 27 | amending s. 403.813, F.S.; providing that a local
 28 | government may not require further verification from
 29 | the department for certain projects; revising the
 30 | types of dock and pier replacements and repairs that
 31 | are exempt from such verification and certain
 32 | permitting requirements; providing a directive to the
 33 | Division of Law Revision and Information; providing an
 34 | effective date.

35 |

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

37 |

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

40 | 373.250 Reuse of reclaimed water.—

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

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

51 surface water or groundwater withdrawals. Examples of reclaimed
52 water use that may create an impact offset include, but are not
53 limited to, the use of reclaimed water to:

54 a. Prevent or stop further saltwater intrusion;

55 b. Raise aquifer levels;

56 c. Improve the water quality of an aquifer; or

57 d. Augment surface water to increase the quantity of water
58 available for water supply.

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

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

76 | through the adoption of a recovery or prevention strategy under
77 | s. 373.0421.

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

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

86 | 403.064 Reuse of reclaimed water.—

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

100 | (17) The department and the water management districts

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

116 Section 3. Present subsection (22) of section 403.706,
117 Florida Statutes, is renumbered as subsection (23), and a new
118 subsection (22) is added to that section, to read:

119 403.706 Local government solid waste responsibilities.—

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

124 (a) A residential recycling collector may not be required
125 to collect or transport contaminated recyclable material. As

126 used in this subsection, the term "residential recycling
 127 collector" means a for-profit business entity that collects and
 128 transports residential recyclable material on behalf of a county
 129 or municipality.

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

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

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

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

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

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

150 (d) Each contract between a materials recovery facility

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

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

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

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

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

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

170 403.813 Permits issued at district centers; exceptions.—

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

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

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

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

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

200 2. Is constructed on or held in place by pilings or is a

201 floating dock ~~which is~~ constructed so as not to involve filling
202 or dredging other than that necessary to install the pilings;

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

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

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

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

220 (c) The installation and maintenance to design
221 specifications of boat ramps on artificial bodies of water where
222 navigational access to the proposed ramp exists or the
223 installation of boat ramps open to the public in any waters of
224 the state where navigational access to the proposed ramp exists
225 and where the construction of the proposed ramp will be less

226 | than 30 feet wide and will involve the removal of less than 25
227 | cubic yards of material from the waters of the state, and the
228 | maintenance to design specifications of such ramps; however, the
229 | material to be removed shall be placed upon a self-contained
230 | upland site so as to prevent the escape of the spoil material
231 | into the waters of the state.

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

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

248 | (f) The performance of maintenance dredging of existing
249 | manmade canals, channels, intake and discharge structures, and
250 | previously dredged portions of natural water bodies within

251 drainage rights-of-way or drainage easements which have been
252 recorded in the public records of the county, where the spoil
253 material is to be removed and deposited on a self-contained,
254 upland spoil site which will prevent the escape of the spoil
255 material into the waters of the state, provided that no more
256 dredging is to be performed than is necessary to restore the
257 canals, channels, and intake and discharge structures, and
258 previously dredged portions of natural water bodies, to original
259 design specifications or configurations, provided that the work
260 is conducted in compliance with s. 379.2431(2)(d), provided that
261 no significant impacts occur to previously undisturbed natural
262 areas, and provided that control devices for return flow and
263 best management practices for erosion and sediment control are
264 utilized to prevent bank erosion and scouring and to prevent
265 turbidity, dredged material, and toxic or deleterious substances
266 from discharging into adjacent waters during maintenance
267 dredging. Further, for maintenance dredging of previously
268 dredged portions of natural water bodies within recorded
269 drainage rights-of-way or drainage easements, an entity that
270 seeks an exemption must notify the department or water
271 management district, as applicable, at least 30 days before
272 ~~prior to~~ dredging and provide documentation of original design
273 specifications or configurations where such exist. This
274 exemption applies to all canals and previously dredged portions
275 of natural water bodies within recorded drainage rights-of-way

276 or drainage easements constructed before ~~prior to~~ April 3, 1970,
277 and to those canals and previously dredged portions of natural
278 water bodies constructed on or after April 3, 1970, pursuant to
279 all necessary state permits. This exemption does not apply to
280 the removal of a natural or manmade barrier separating a canal
281 or canal system from adjacent waters. When no previous permit
282 has been issued by the Board of Trustees of the Internal
283 Improvement Trust Fund or the United States Army Corps of
284 Engineers for construction or maintenance dredging of the
285 existing manmade canal or intake or discharge structure, such
286 maintenance dredging shall be limited to a depth of no more than
287 5 feet below mean low water. The Board of Trustees of the
288 Internal Improvement Trust Fund may fix and recover from the
289 permittee an amount equal to the difference between the fair
290 market value and the actual cost of the maintenance dredging for
291 material removed during such maintenance dredging. However, no
292 charge shall be exacted by the state for material removed during
293 such maintenance dredging by a public port authority. The
294 removing party may subsequently sell such material; however,
295 proceeds from such sale that exceed the costs of maintenance
296 dredging shall be remitted to the state and deposited in the
297 Internal Improvement Trust Fund.

298 (g) The maintenance of existing insect control structures,
299 dikes, and irrigation and drainage ditches, provided that spoil
300 material is deposited on a self-contained, upland spoil site

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

318 (h) The repair or replacement of existing functional pipes
319 or culverts the purpose of which is the discharge or conveyance
320 of stormwater. In all cases, the invert elevation, the diameter,
321 and the length of the culvert may ~~shall~~ not be changed. However,
322 the material used for the culvert may be different from the
323 original.

324 (i) The construction of private docks of 1,000 square feet
325 or less of over-water surface area and seawalls in artificially

326 created waterways where such construction will not violate
327 existing water quality standards, impede navigation, or affect
328 flood control. This exemption does not apply to the construction
329 of vertical seawalls in estuaries or lagoons unless the proposed
330 construction is within an existing manmade canal where the
331 shoreline is currently occupied in whole or part by vertical
332 seawalls.

333 (j) The construction and maintenance of swales.

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

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

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

350 (n) The replacement or repair of subaqueous transmission

351 and distribution lines laid on, or embedded in, the bottoms of
352 waters of the state.

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

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

375 (q) The construction, operation, or maintenance of

376 stormwater management facilities which are designed to serve
377 single-family residential projects, including duplexes,
378 triplexes, and quadruplexes, if they are less than 10 acres
379 total land and have less than 2 acres of impervious surface and
380 if the facilities:

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

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

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

393 (r) The removal of aquatic plants, the removal of
394 tussocks, the associated replanting of indigenous aquatic
395 plants, and the associated removal from lakes of organic
396 detrital material when such planting or removal is performed and
397 authorized by permit or exemption granted under s. 369.20 or s.
398 369.25, provided that:

399 1. Organic detrital material that exists on the surface of
400 natural mineral substrate shall be allowed to be removed to a

401 depth of 3 feet or to the natural mineral substrate, whichever
402 is less;

403 2. All material removed pursuant to this paragraph shall
404 be deposited in an upland site in a manner that will prevent the
405 reintroduction of the material into waters in the state except
406 when spoil material is permitted to be used to create wildlife
407 islands in freshwater bodies of the state when a governmental
408 entity is permitted pursuant to s. 369.20 to create such islands
409 as a part of a restoration or enhancement project;

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

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

419

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

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

425 1. Float at all times in the water for the sole purpose of

426 supporting a vessel so that the vessel is out of the water when
 427 not in use;

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

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

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

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

451 other form of authorization issued by a local government.
452
453 Structures that qualify for this exemption are relieved from any
454 requirement to obtain permission to use or occupy lands owned by
455 the Board of Trustees of the Internal Improvement Trust Fund
456 and, with the exception of those structures attached to a
457 bulkhead on a parcel of land where there is no docking
458 structure, may ~~shall~~ not be subject to any more stringent
459 permitting requirements, registration requirements, or other
460 regulation by any local government. Local governments may
461 require either permitting or one-time registration of floating
462 vessel platforms to be attached to a bulkhead on a parcel of
463 land where there is no other docking structure as necessary to
464 ensure compliance with local ordinances, codes, or regulations.
465 Local governments may require either permitting or one-time
466 registration of all other floating vessel platforms as necessary
467 to ensure compliance with the exemption criteria in this
468 section; to ensure compliance with local ordinances, codes, or
469 regulations relating to building or zoning, which are no more
470 stringent than the exemption criteria in this section or address
471 subjects other than subjects addressed by the exemption criteria
472 in this section; and to ensure proper installation, maintenance,
473 and precautionary or evacuation action following a tropical
474 storm or hurricane watch of a floating vessel platform or
475 floating boat lift that is proposed to be attached to a bulkhead

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

498 (t) The repair, stabilization, or paving of existing
499 county maintained roads and the repair or replacement of bridges
500 that are part of the roadway, within the Northwest Florida Water

501 Management District and the Suwannee River Water Management
502 District, provided:

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

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

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

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

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

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

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

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

551 chapter 373. Upon adoption, this general permit shall, pursuant
552 to ~~the provisions of~~ subsection (2), supersede and replace the
553 exemption in this paragraph.

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

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

567 2. No filling or peat mining is allowed.

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

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

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

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

579 7. Replanting with a variety of aquatic plants native to
580 the state shall occur in a minimum of 25 percent of the
581 preexisting vegetated areas where organic detrital material is
582 removed, except for areas where the material is removed to bare
583 rocky substrate; however, an area may be maintained clear of
584 vegetation as an access corridor. The access corridor width may
585 not exceed 50 percent of the property owner's frontage or 50
586 feet, whichever is less, and may be a sufficient length
587 waterward to create a corridor to allow access for a boat or
588 swimmer to reach open water. Replanting must be at a minimum
589 density of 2 feet on center and be completed within 90 days
590 after removal of existing aquatic vegetation, except that under
591 dewatered conditions replanting must be completed within 90 days
592 after reflooding. The area to be replanted must extend waterward
593 from the ordinary high water line to a point where normal water
594 depth would be 3 feet or the preexisting vegetation line,
595 whichever is less. Individuals are required to make a reasonable
596 effort to maintain planting density for a period of 6 months
597 after replanting is complete, and the plants, including
598 naturally recruited native aquatic plants, must be allowed to
599 expand and fill in the revegetation area. Native aquatic plants
600 to be used for revegetation must be salvaged from the

601 enhancement project site or obtained from an aquatic plant
602 nursery regulated by the Department of Agriculture and Consumer
603 Services. Plants that are not native to the state may not be
604 used for replanting.

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

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

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

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

625 1. The collection of geotechnical, geophysical, and

626 | cultural resource data, including surveys, mapping, acoustic
627 | soundings, benthic and other biologic sampling, and coring.

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

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

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

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