

By the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Perry

578-03176-18

20181308c2

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 except under certain
23 conditions; defining the term "residential recycling
24 collector"; prohibiting counties and municipalities
25 from requiring the processing of contaminated
26 recyclable material by recovered materials processing
27 facilities except under certain conditions; specifying
28 required contract provisions in residential recycling
29 collector and recovered materials processing facility

578-03176-18

20181308c2

30 contracts with counties and municipalities; providing
31 applicability; amending s. 403.813, F.S.; prohibiting
32 a local government from requiring an individual to
33 provide further department verification for certain
34 projects; revising the types of dock and pier
35 replacements and repairs that are exempt from such
36 verification and certain permitting requirements;
37 providing a directive to the Division of Law Revision
38 and Information; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Subsection (5) of section 373.250, Florida
43 Statutes, is amended to read:

44 373.250 Reuse of reclaimed water.-

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

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

58 a. Prevent or stop further saltwater intrusion;

578-03176-18

20181308c2

59 b. Raise aquifer levels;

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

61 d. Augment surface water to increase the quantity of water
62 available for water supply.

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

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

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

87 Section 2. Subsection (1) of section 403.064, Florida

578-03176-18

20181308c2

88 Statutes, is amended, and subsection (17) is added to that
89 section, to read:

90 403.064 Reuse of reclaimed water.—

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

104 (17) The department and the water management districts
105 shall develop and enter into a memorandum of agreement providing
106 for a coordinated review of any reclaimed water project
107 requiring a reclaimed water facility permit, an underground
108 injection control permit, and a consumptive use permit. The
109 memorandum of agreement must provide that the coordinated review
110 is performed only if the applicant for such permits requests a
111 coordinated review. The goal of the coordinated review is to
112 share information, avoid requesting the applicant to submit
113 redundant information, and ensure, to the extent feasible, a
114 harmonized review of the reclaimed water project under these
115 various permitting programs, including the use of a proposed
116 impact offset or substitution credit in accordance with s.

578-03176-18

20181308c2

117 373.250(5). The department and the water management districts
118 must develop and execute such memorandum of agreement no later
119 than December 1, 2018.

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

123 403.706 Local government solid waste responsibilities.—

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

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

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

138 (c) Each contract between a residential recycling collector
139 and a county or municipality for the collection or transport of
140 residential recyclable material, and each request for proposal
141 or other solicitation for residential recyclable material, must
142 define the term "contaminated recyclable material." The term
143 should be defined in a manner that is appropriate for the local
144 community, taking into consideration available markets for
145 recyclable material, available waste composition studies, and

578-03176-18

20181308c2

146 other relevant factors. The contract and request for proposal or
147 other solicitation must include:

148 1. The respective strategies and obligations of the county
149 or municipality and the residential recycling collector to
150 reduce the amount of contaminated recyclable material being
151 collected;

152 2. The procedures for identifying, documenting, managing,
153 and rejecting residential recycling containers, carts, or bins
154 that contain contaminated recyclable material;

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

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

159 (d) Each contract between a recovered materials processing
160 facility and a county or municipality for processing residential
161 recyclable material, and each request for proposal or other
162 solicitation for processing residential recyclable material,
163 must define the term "contaminated recyclable material." The
164 term should be defined in a manner that is appropriate for the
165 local community, taking into consideration available markets for
166 recyclable material, available waste composition studies, and
167 other relevant factors. The contract and request for proposal
168 must include:

169 1. The respective strategies and obligations of the county
170 or municipality and the facility to reduce the amount of
171 contaminated recyclable material being collected and processed;

172 2. The procedures for identifying, documenting, managing,
173 and rejecting residential recycling containers, carts, or bins
174 that contain contaminated recyclable material; and

578-03176-18

20181308c2

175 3. The remedies authorized to be used if a container or
176 load contains contaminated recyclable material.

177 (e) This subsection applies to each contract between a
178 municipality or county and a residential recycling collector or
179 recovered materials processing facility executed or renewed
180 after July 1, 2018.

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

183 403.813 Permits issued at district centers; exceptions.—

184 (1) A permit is not required under this chapter, chapter
185 373, chapter 61-691, Laws of Florida, or chapter 25214 or
186 chapter 25270, 1949, Laws of Florida, and a local government may
187 not require an individual claiming this exemption to provide
188 further department verification, for activities associated with
189 the following types of projects; however, except as otherwise
190 provided in this subsection, this subsection does not relieve an
191 applicant from any requirement to obtain permission to use or
192 occupy lands owned by the Board of Trustees of the Internal
193 Improvement Trust Fund or a water management district in its
194 governmental or proprietary capacity or from complying with
195 applicable local pollution control programs authorized under
196 this chapter or other requirements of county and municipal
197 governments:

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

201 (b) The installation and repair of mooring pilings and
202 dolphins associated with private docking facilities or piers and
203 the installation of private docks, piers, and recreational

578-03176-18

20181308c2

204 docking facilities, or piers and recreational docking facilities
205 of local governmental entities when the local governmental
206 entity's activities will not take place in any manatee habitat,
207 any of which docks:

208 1. Has 500 square feet or less of over-water surface area
209 for a dock ~~which is~~ located in an area designated as Outstanding
210 Florida Waters or 1,000 square feet or less of over-water
211 surface area for a dock ~~which is~~ located in an area that ~~which~~
212 is not designated as Outstanding Florida Waters;

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

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

218 4. Is used for recreational, noncommercial activities
219 associated with the mooring or storage of boats and boat
220 paraphernalia; and

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

226
227 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
228 from taking appropriate enforcement action pursuant to this
229 chapter to abate or prohibit any activity otherwise exempt from
230 permitting pursuant to this paragraph if the department can
231 demonstrate that the exempted activity has caused water
232 pollution in violation of this chapter.

578-03176-18

20181308c2

233 (c) The installation and maintenance to design
234 specifications of boat ramps on artificial bodies of water where
235 navigational access to the proposed ramp exists or the
236 installation of boat ramps open to the public in any waters of
237 the state where navigational access to the proposed ramp exists
238 and where the construction of the proposed ramp will be less
239 than 30 feet wide and will involve the removal of less than 25
240 cubic yards of material from the waters of the state, and the
241 maintenance to design specifications of such ramps; however, the
242 material to be removed shall be placed upon a self-contained
243 upland site so as to prevent the escape of the spoil material
244 into the waters of the state.

245 (d) The replacement or repair of existing docks and piers,
246 except that fill material may not be used and the replacement or
247 repaired dock or pier must be within 5 feet of the same location
248 and no larger in size than the existing dock or pier, and
249 additional aquatic resources may not be adversely and
250 permanently impacted by such replacement or repair ~~in the same~~
251 ~~location and of the same configuration and dimensions as the~~
252 ~~dock or pier being replaced or repaired.~~ This does not preclude
253 the use of different construction materials or minor deviations
254 to allow upgrades to current structural and design standards.

255 (e) The restoration of seawalls at their previous locations
256 or upland of, or within 18 inches waterward of, their previous
257 locations. However, this may ~~shall~~ not affect the permitting
258 requirements of chapter 161, and department rules shall clearly
259 indicate that this exception does not constitute an exception
260 from the permitting requirements of chapter 161.

261 (f) The performance of maintenance dredging of existing

578-03176-18

20181308c2

262 manmade canals, channels, intake and discharge structures, and
263 previously dredged portions of natural water bodies within
264 drainage rights-of-way or drainage easements which have been
265 recorded in the public records of the county, where the spoil
266 material is to be removed and deposited on a self-contained,
267 upland spoil site which will prevent the escape of the spoil
268 material into the waters of the state, provided that no more
269 dredging is to be performed than is necessary to restore the
270 canals, channels, and intake and discharge structures, and
271 previously dredged portions of natural water bodies, to original
272 design specifications or configurations, provided that the work
273 is conducted in compliance with s. 379.2431(2)(d), provided that
274 no significant impacts occur to previously undisturbed natural
275 areas, and provided that control devices for return flow and
276 best management practices for erosion and sediment control are
277 utilized to prevent bank erosion and scouring and to prevent
278 turbidity, dredged material, and toxic or deleterious substances
279 from discharging into adjacent waters during maintenance
280 dredging. Further, for maintenance dredging of previously
281 dredged portions of natural water bodies within recorded
282 drainage rights-of-way or drainage easements, an entity that
283 seeks an exemption must notify the department or water
284 management district, as applicable, at least 30 days before
285 ~~prior to~~ dredging and provide documentation of original design
286 specifications or configurations where such exist. This
287 exemption applies to all canals and previously dredged portions
288 of natural water bodies within recorded drainage rights-of-way
289 or drainage easements constructed before ~~prior to~~ April 3, 1970,
290 and to those canals and previously dredged portions of natural

578-03176-18

20181308c2

291 water bodies constructed on or after April 3, 1970, pursuant to
292 all necessary state permits. This exemption does not apply to
293 the removal of a natural or manmade barrier separating a canal
294 or canal system from adjacent waters. When no previous permit
295 has been issued by the Board of Trustees of the Internal
296 Improvement Trust Fund or the United States Army Corps of
297 Engineers for construction or maintenance dredging of the
298 existing manmade canal or intake or discharge structure, such
299 maintenance dredging shall be limited to a depth of no more than
300 5 feet below mean low water. The Board of Trustees of the
301 Internal Improvement Trust Fund may fix and recover from the
302 permittee an amount equal to the difference between the fair
303 market value and the actual cost of the maintenance dredging for
304 material removed during such maintenance dredging. However, no
305 charge shall be exacted by the state for material removed during
306 such maintenance dredging by a public port authority. The
307 removing party may subsequently sell such material; however,
308 proceeds from such sale that exceed the costs of maintenance
309 dredging shall be remitted to the state and deposited in the
310 Internal Improvement Trust Fund.

311 (g) The maintenance of existing insect control structures,
312 dikes, and irrigation and drainage ditches, provided that spoil
313 material is deposited on a self-contained, upland spoil site
314 which will prevent the escape of the spoil material into waters
315 of the state. In the case of insect control structures, if the
316 cost of using a self-contained upland spoil site is so
317 excessive, as determined by the Department of Health, pursuant
318 to s. 403.088(1), that it will inhibit proposed insect control,
319 then-existing spoil sites or dikes may be used, upon

578-03176-18

20181308c2

320 notification to the department. In the case of insect control
321 where upland spoil sites are not used pursuant to this
322 exemption, turbidity control devices shall be used to confine
323 the spoil material discharge to that area previously disturbed
324 when the receiving body of water is used as a potable water
325 supply, is designated as shellfish harvesting waters, or
326 functions as a habitat for commercially or recreationally
327 important shellfish or finfish. In all cases, no more dredging
328 is to be performed than is necessary to restore the dike or
329 irrigation or drainage ditch to its original design
330 specifications.

331 (h) The repair or replacement of existing functional pipes
332 or culverts the purpose of which is the discharge or conveyance
333 of stormwater. In all cases, the invert elevation, the diameter,
334 and the length of the culvert may ~~shall~~ not be changed. However,
335 the material used for the culvert may be different from the
336 original.

337 (i) The construction of private docks of 1,000 square feet
338 or less of over-water surface area and seawalls in artificially
339 created waterways where such construction will not violate
340 existing water quality standards, impede navigation, or affect
341 flood control. This exemption does not apply to the construction
342 of vertical seawalls in estuaries or lagoons unless the proposed
343 construction is within an existing manmade canal where the
344 shoreline is currently occupied in whole or part by vertical
345 seawalls.

346 (j) The construction and maintenance of swales.

347 (k) The installation of aids to navigation and buoys
348 associated with such aids, provided the devices are marked

578-03176-18

20181308c2

349 pursuant to s. 327.40.

350 (l) The replacement or repair of existing open-trestle foot
351 bridges and vehicular bridges that are 100 feet or less in
352 length and two lanes or less in width, provided that no more
353 dredging or filling of submerged lands is performed other than
354 that which is necessary to replace or repair pilings and that
355 the structure to be replaced or repaired is the same length, the
356 same configuration, and in the same location as the original
357 bridge. No debris from the original bridge shall be allowed to
358 remain in the waters of the state.

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

363 (n) The replacement or repair of subaqueous transmission
364 and distribution lines laid on, or embedded in, the bottoms of
365 waters of the state.

366 (o) The construction of private seawalls in wetlands or
367 other surface waters where such construction is between and
368 adjoins at both ends existing seawalls; follows a continuous and
369 uniform seawall construction line with the existing seawalls; is
370 no more than 150 feet in length; and does not violate existing
371 water quality standards, impede navigation, or affect flood
372 control. However, in estuaries and lagoons the construction of
373 vertical seawalls is limited to the circumstances and purposes
374 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
375 the permitting requirements of chapter 161, and department rules
376 must clearly indicate that this exception does not constitute an
377 exception from the permitting requirements of chapter 161.

578-03176-18

20181308c2

378 (p) The restoration of existing insect control impoundment
379 dikes which are less than 100 feet in length. Such impoundments
380 shall be connected to tidally influenced waters for 6 months
381 each year beginning September 1 and ending February 28 if
382 feasible or operated in accordance with an impoundment
383 management plan approved by the department. A dike restoration
384 may involve no more dredging than is necessary to restore the
385 dike to its original design specifications. For the purposes of
386 this paragraph, restoration does not include maintenance of
387 impoundment dikes of operating insect control impoundments.

388 (q) The construction, operation, or maintenance of
389 stormwater management facilities which are designed to serve
390 single-family residential projects, including duplexes,
391 triplexes, and quadruplexes, if they are less than 10 acres
392 total land and have less than 2 acres of impervious surface and
393 if the facilities:

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

396 2. Are not part of a larger common plan of development or
397 sale; and

398 3. Discharge into a stormwater discharge facility exempted
399 or permitted by the department under this chapter which has
400 sufficient capacity and treatment capability as specified in
401 this chapter and is owned, maintained, or operated by a city,
402 county, special district with drainage responsibility, or water
403 management district; however, this exemption does not authorize
404 discharge to a facility without the facility owner's prior
405 written consent.

406 (r) The removal of aquatic plants, the removal of tussocks,

578-03176-18

20181308c2

407 the associated replanting of indigenous aquatic plants, and the
408 associated removal from lakes of organic detrital material when
409 such planting or removal is performed and authorized by permit
410 or exemption granted under s. 369.20 or s. 369.25, provided
411 that:

412 1. Organic detrital material that exists on the surface of
413 natural mineral substrate shall be allowed to be removed to a
414 depth of 3 feet or to the natural mineral substrate, whichever
415 is less;

416 2. All material removed pursuant to this paragraph shall be
417 deposited in an upland site in a manner that will prevent the
418 reintroduction of the material into waters in the state except
419 when spoil material is permitted to be used to create wildlife
420 islands in freshwater bodies of the state when a governmental
421 entity is permitted pursuant to s. 369.20 to create such islands
422 as a part of a restoration or enhancement project;

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

425 4. No activities under this exemption are conducted in
426 wetland areas, as defined in s. 373.019(27), which are supported
427 by a natural soil as shown in applicable United States
428 Department of Agriculture county soil surveys, except when a
429 governmental entity is permitted pursuant to s. 369.20 to
430 conduct such activities as a part of a restoration or
431 enhancement project.

432
433 The department may not adopt implementing rules for this
434 paragraph, notwithstanding any other provision of law.

435 (s) The construction, installation, operation, or

578-03176-18

20181308c2

436 maintenance of floating vessel platforms or floating boat lifts,
437 provided that such structures:

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

441 2. Are wholly contained within a boat slip previously
442 permitted under ss. 403.91-403.929, 1984 Supplement to the
443 Florida Statutes 1983, as amended, or part IV of chapter 373, or
444 do not exceed a combined total of 500 square feet, or 200 square
445 feet in an Outstanding Florida Water, when associated with a
446 dock that is exempt under this subsection or associated with a
447 permitted dock with no defined boat slip or attached to a
448 bulkhead on a parcel of land where there is no other docking
449 structure;

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

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

460 5. Are not constructed in areas specifically prohibited for
461 boat mooring under conditions of a permit issued in accordance
462 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
463 1983, as amended, or part IV of chapter 373, or other form of
464 authorization issued by a local government.

578-03176-18

20181308c2

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

578-03176-18

20181308c2

494 floating boat lifts that do not qualify for the exemption
495 provided in this paragraph but do not cause significant adverse
496 impacts to occur individually or cumulatively. The issuance of
497 such general permit shall also constitute permission to use or
498 occupy lands owned by the Board of Trustees of the Internal
499 Improvement Trust Fund. No local government shall impose a more
500 stringent regulation, permitting requirement, registration
501 requirement, or other regulation covered by such general permit.
502 Local governments may require either permitting or one-time
503 registration of floating vessel platforms as necessary to ensure
504 compliance with the general permit in this section; to ensure
505 compliance with local ordinances, codes, or regulations relating
506 to building or zoning that are no more stringent than the
507 general permit in this section; and to ensure proper
508 installation and maintenance of a floating vessel platform or
509 floating boat lift that is proposed to be attached to a bulkhead
510 or parcel of land where there is no other docking structure.

511 (t) The repair, stabilization, or paving of existing county
512 maintained roads and the repair or replacement of bridges that
513 are part of the roadway, within the Northwest Florida Water
514 Management District and the Suwannee River Water Management
515 District, provided:

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

519 2. The construction activity does not realign the road or
520 expand the number of existing traffic lanes of the existing
521 road; however, the work may include the provision of safety
522 shoulders, clearance of vegetation, and other work reasonably

578-03176-18

20181308c2

523 necessary to repair, stabilize, pave, or repave the road,
524 provided that the work is constructed by generally accepted
525 engineering standards;

526 3. The construction activity does not expand the existing
527 width of an existing vehicular bridge in excess of that
528 reasonably necessary to properly connect the bridge with the
529 road being repaired, stabilized, paved, or repaved to safely
530 accommodate the traffic expected on the road, which may include
531 expanding the width of the bridge to match the existing
532 connected road. However, no debris from the original bridge
533 shall be allowed to remain in waters of the state, including
534 wetlands;

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

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

539 6. No more dredging or filling of wetlands or water of the
540 state is performed than that which is reasonably necessary to
541 repair, stabilize, pave, or repave the road or to repair or
542 replace the bridge, in accordance with generally accepted
543 engineering standards; and

544 7. Notice of intent to use the exemption is provided to the
545 department, if the work is to be performed within the Northwest
546 Florida Water Management District, or to the Suwannee River
547 Water Management District, if the work is to be performed within
548 the Suwannee River Water Management District, 30 days before
549 ~~prior to~~ performing any work under the exemption.

550
551 Within 30 days after this act becomes a law, the department

578-03176-18

20181308c2

552 shall initiate rulemaking to adopt a no fee general permit for
553 the repair, stabilization, or paving of existing roads that are
554 maintained by the county and the repair or replacement of
555 bridges that are part of the roadway where such activities do
556 not cause significant adverse impacts to occur individually or
557 cumulatively. The general permit shall apply statewide and, with
558 no additional rulemaking required, apply to qualified projects
559 reviewed by the Suwannee River Water Management District, the
560 St. Johns River Water Management District, the Southwest Florida
561 Water Management District, and the South Florida Water
562 Management District under the division of responsibilities
563 contained in the operating agreements applicable to part IV of
564 chapter 373. Upon adoption, this general permit shall, pursuant
565 to ~~the provisions of~~ subsection (2), supersede and replace the
566 exemption in this paragraph.

567 (u) Notwithstanding any provision to the contrary in this
568 subsection, a permit or other authorization under chapter 253,
569 chapter 369, chapter 373, or this chapter is not required for an
570 individual residential property owner for the removal of organic
571 detrital material from freshwater rivers or lakes that have a
572 natural sand or rocky substrate and that are not Aquatic
573 Preserves or for the associated removal and replanting of
574 aquatic vegetation for the purpose of environmental enhancement,
575 providing that:

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

580 2. No filling or peat mining is allowed.

578-03176-18

20181308c2

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

583 4. When removing organic detrital material, no portion of
584 the underlying natural mineral substrate or rocky substrate is
585 removed.

586 5. Organic detrital material and plant material removed is
587 deposited in an upland site in a manner that will not cause
588 water quality violations.

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

592 7. Replanting with a variety of aquatic plants native to
593 the state shall occur in a minimum of 25 percent of the
594 preexisting vegetated areas where organic detrital material is
595 removed, except for areas where the material is removed to bare
596 rocky substrate; however, an area may be maintained clear of
597 vegetation as an access corridor. The access corridor width may
598 not exceed 50 percent of the property owner's frontage or 50
599 feet, whichever is less, and may be a sufficient length
600 waterward to create a corridor to allow access for a boat or
601 swimmer to reach open water. Replanting must be at a minimum
602 density of 2 feet on center and be completed within 90 days
603 after removal of existing aquatic vegetation, except that under
604 dewatered conditions replanting must be completed within 90 days
605 after reflooding. The area to be replanted must extend waterward
606 from the ordinary high water line to a point where normal water
607 depth would be 3 feet or the preexisting vegetation line,
608 whichever is less. Individuals are required to make a reasonable
609 effort to maintain planting density for a period of 6 months

578-03176-18

20181308c2

610 after replanting is complete, and the plants, including
611 naturally recruited native aquatic plants, must be allowed to
612 expand and fill in the revegetation area. Native aquatic plants
613 to be used for revegetation must be salvaged from the
614 enhancement project site or obtained from an aquatic plant
615 nursery regulated by the Department of Agriculture and Consumer
616 Services. Plants that are not native to the state may not be
617 used for replanting.

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

623 9. The person seeking this exemption notifies the
624 applicable department district office in writing at least 30
625 days before commencing work and allows the department to conduct
626 a preconstruction site inspection. Notice must include an
627 organic-detrital-material removal and disposal plan and, if
628 applicable, a vegetation-removal and revegetation plan.

629 10. The department is provided written certification of
630 compliance with the terms and conditions of this paragraph
631 within 30 days after completion of any activity occurring under
632 this exemption.

633 (v) Notwithstanding any other provision in this chapter,
634 chapter 373, or chapter 161, a permit or other authorization is
635 not required for the following exploratory activities associated
636 with beach restoration and nourishment projects and inlet
637 management activities:

638 1. The collection of geotechnical, geophysical, and

578-03176-18

20181308c2

639 cultural resource data, including surveys, mapping, acoustic
640 soundings, benthic and other biologic sampling, and coring.

641 2. Oceanographic instrument deployment, including temporary
642 installation on the seabed of coastal and oceanographic data
643 collection equipment.

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

646 Section 5. The Division of Law Revision and Information is
647 directed to replace the phrase "the effective date of this act"
648 wherever it occurs in this act with the date the act becomes a
649 law.

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