

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. 373.413, F.S.; directing the Department of
8 Environmental Protection and water management
9 districts to reissue the construction phase of an
10 expired environmental resource permit under certain
11 conditions; providing requirements for requesting
12 reissuance of such permit; authorizing the department,
13 in coordination with the water management districts,
14 to adopt rules; amending s. 403.064, F.S.; encouraging
15 the development of aquifer recharge for reuse
16 implementation; requiring the department and water
17 management districts to develop and enter into a
18 memorandum of agreement providing for a coordinated
19 review of any reclaimed water project requiring a
20 reclaimed water facility permit, an underground
21 injection control permit, and a consumptive use
22 permit; specifying the required provisions of such
23 memorandum; specifying the date by which the
24 memorandum must be developed and executed; amending s.
25 403.706, F.S.; requiring counties and municipalities

26 to address contamination of recyclable material in
27 specified contracts; prohibiting counties and
28 municipalities from requiring the collection or
29 transport of contaminated recyclable material by
30 residential recycling collectors; defining the term
31 "residential recycling collector"; specifying required
32 contract provisions in residential recycling collector
33 and materials recovery facility contracts with
34 counties and municipalities; providing applicability;
35 amending s. 403.813, F.S.; prohibiting a local
36 government from requiring further department
37 verification for certain projects; revising the types
38 of dock and pier replacements and repairs that are
39 exempt from such verification and certain permitting
40 requirements; providing an effective date.

41
42 Be It Enacted by the Legislature of the State of Florida:

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

46 373.250 Reuse of reclaimed water.—

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

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

60 a. Prevent or stop further saltwater intrusion;
61 b. Raise aquifer levels;
62 c. Improve the water quality of an aquifer; or
63 d. Augment surface water to increase the quantity of water
64 available for water supply.

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

76 | positive impact if required by water management district rule as
77 | part of a strategy to protect or recover a water resource.

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

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

89 | Section 2. Subsection (7) is added to section 373.413,
90 | Florida Statutes, to read:

91 | 373.413 Permits for construction or alteration.—

92 | (7) (a) The governing board or department shall reissue the
93 | construction phase of an expired individual permit upon a
94 | demonstration by an applicant that:

95 | 1. The applicant could not reasonably be expected to
96 | complete the original permitted activity within the original
97 | permit period;

98 | 2. The applicant can meet the plans, terms, and conditions
99 | of the original permit for the duration of the reissued permit
100 | period;

101 3. The site conditions or significant information
102 regarding the site or activity have not changed since the
103 original permit was issued to an extent that the permitted
104 activity would create additional adverse impacts; and

105 4. No more than 3 years have passed since the expiration
106 of the original permit.

107 (b) A new property owner may apply for reissuance of the
108 construction phase of an expired individual permit. The new
109 owner must demonstrate the criteria required in paragraph (a)
110 and provide sufficient evidence of ownership pursuant to
111 governing board or department rule.

112 (c) An applicant for the reissuance of the construction
113 phase of an expired individual permit must submit to the
114 governing board or department, in writing or electronically:

115 1. The applicant's name and contact information;

116 2. The permit number;

117 3. A clear statement explaining why the permitted activity
118 could not be completed within the original permit period; and

119 4. A certification from a professional registered in or
120 licensed by the state and practicing under chapter 471, chapter
121 472, chapter 481, or chapter 492 that:

122 a. The permitted activity remains consistent with plans,
123 terms, and conditions of the original permit and the rules of
124 the governing board or department that were in effect when the
125 original permit was issued.

126 b. The site conditions or significant information
 127 regarding the site or activity have not changed since the
 128 original permit was issued to an extent that the permitted
 129 activity would create additional adverse impacts.

130 (d) The department, in coordination with the water
 131 management districts, may adopt rules to administer this
 132 subsection.

133 Section 3. Subsection (1) of section 403.064, Florida
 134 Statutes, is amended, and subsection (17) is added to that
 135 section, to read:

136 403.064 Reuse of reclaimed water.—

137 (1) The encouragement and promotion of water conservation,
 138 and reuse of reclaimed water, as defined by the department, are
 139 state objectives and are considered to be in the public
 140 interest. The Legislature finds that the reuse of reclaimed
 141 water is a critical component of meeting the state's existing
 142 and future water supply needs while sustaining natural systems.
 143 The Legislature further finds that for those wastewater
 144 treatment plants permitted and operated under an approved reuse
 145 program by the department, the reclaimed water shall be
 146 considered environmentally acceptable and not a threat to public
 147 health and safety. The Legislature encourages the development of
 148 aquifer recharge and incentive-based programs for reuse
 149 implementation.

150 (17) The department and the water management districts

151 shall develop and enter into a memorandum of agreement providing
152 for a coordinated review of any reclaimed water project
153 requiring a reclaimed water facility permit, an underground
154 injection control permit, and a consumptive use permit. The
155 memorandum of agreement must provide that the coordinated review
156 is performed only if the applicant for such permits requests a
157 coordinated review. The goal of the coordinated review is to
158 share information, avoid requesting the applicant to submit
159 redundant information, and ensure, to the extent feasible, a
160 harmonized review of the reclaimed water project under these
161 various permitting programs, including the use of a proposed
162 impact offset or substitution credit in accordance with s.
163 373.250(5). The department and the water management districts
164 must develop and execute such memorandum of agreement no later
165 than December 1, 2018.

166 Section 4. Present subsection (22) of section 403.706,
167 Florida Statutes, is renumbered as subsection (23), and a new
168 subsection (22) is added to that section, to read:

169 403.706 Local government solid waste responsibilities.—

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

174 (a) A residential recycling collector may not be required
175 to collect or transport contaminated recyclable material, except

176 pursuant to a contract consistent with paragraph (c). As used in
177 this subsection, the term "residential recycling collector"
178 means a for-profit business entity that collects and transports
179 residential recyclable material on behalf of a county or
180 municipality.

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

184 (c) Each contract between a residential recycling
185 collector and a county or municipality for the collection or
186 transport of residential recyclable material, and each request
187 for proposal or other solicitation for the collection of
188 residential recyclable material, must define the term
189 "contaminated recyclable material." The term should be defined
190 in a manner that is appropriate for the local community, taking
191 into consideration available markets for recyclable material,
192 available waste composition studies, and other relevant factors.
193 The contract and request for proposal or other solicitation must
194 include:

195 1. The respective strategies and obligations of the county
196 or municipality and the residential recycling collector to
197 reduce the amount of contaminated recyclable material being
198 collected;

199 2. The procedures for identifying, documenting, managing,
200 and rejecting residential recycling containers, truck loads,

201 carts, or bins that contain contaminated recyclable material;

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

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

206 (d) Each contract between a recovered materials processing
207 facility and a county or municipality for processing residential
208 recyclable material, and each request for proposal or other
209 solicitation for processing residential recyclable material,
210 must define the term "contaminated recyclable material." The
211 term should be defined in a manner that is appropriate for the
212 local community, taking into consideration available markets for
213 recyclable material, available waste composition studies, and
214 other relevant factors. The contract and request for proposal
215 must include:

216 1. The respective strategies and obligations of the county
217 or municipality and the facility to reduce the amount of
218 contaminated recyclable material being collected and processed;

219 2. The procedures for identifying, documenting, managing,
220 and rejecting residential recycling containers, truck loads,
221 carts, or bins that contain contaminated recyclable material;
222 and

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

225 (e) This subsection applies to each contract between a

226 municipality or county and a residential recycling collector or
227 recovered materials processing facility executed or renewed
228 after July 1, 2018.

229 (f) This subsection applies only to the collection and
230 processing of material obtained from residential recycling
231 activities. As used in this subsection, the term "contaminated
232 recyclable material" refers only to recyclable material that is
233 comingled or mixed with solid waste or other nonhazardous
234 material. The term does not include contamination as that term
235 or a derivation of that term is used in chapter 376 and other
236 sections of chapter 403, including, but not limited to,
237 brownfield site cleanup, water quality remediation, dry cleaning
238 solvent contaminated site cleanup, petroleum contaminated site
239 cleanup, cattle dipping vat site cleanup, or other hazardous
240 waste remediation.

241 Section 5. Subsection (1) of section 403.813, Florida
242 Statutes, is amended to read:

243 403.813 Permits issued at district centers; exceptions.—

244 (1) A permit is not required under this chapter, chapter
245 373, chapter 61-691, Laws of Florida, or chapter 25214 or
246 chapter 25270, 1949, Laws of Florida, and a local government may
247 not require a person claiming this exception to provide further
248 department verification, for activities associated with the
249 following types of projects; however, except as otherwise
250 provided in this subsection, this subsection does not relieve an

251 applicant from any requirement to obtain permission to use or
252 occupy lands owned by the Board of Trustees of the Internal
253 Improvement Trust Fund or a water management district in its
254 governmental or proprietary capacity or from complying with
255 applicable local pollution control programs authorized under
256 this chapter or other requirements of county and municipal
257 governments:

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

262 (b) The installation and repair of mooring pilings and
263 dolphins associated with private docking facilities or piers and
264 the installation of private docks, piers, and recreational
265 docking facilities, or piers and recreational docking facilities
266 of local governmental entities when the local governmental
267 entity's activities will not take place in any manatee habitat,
268 any of which docks:

269 1. Has 500 square feet or less of over-water surface area
270 for a dock ~~which is~~ located in an area designated as Outstanding
271 Florida Waters or 1,000 square feet or less of over-water
272 surface area for a dock ~~which is~~ located in an area that ~~which~~
273 is not designated as Outstanding Florida Waters;

274 2. Is constructed on or held in place by pilings or is a
275 floating dock ~~which is~~ constructed so as not to involve filling

276 | or dredging other than that necessary to install the pilings;

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

279 | 4. Is used for recreational, noncommercial activities
280 | associated with the mooring or storage of boats and boat
281 | paraphernalia; and

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

287 |
288 | ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
289 | from taking appropriate enforcement action pursuant to this
290 | chapter to abate or prohibit any activity otherwise exempt from
291 | permitting pursuant to this paragraph if the department can
292 | demonstrate that the exempted activity has caused water
293 | pollution in violation of this chapter.

294 | (c) The installation and maintenance to design
295 | specifications of boat ramps on artificial bodies of water where
296 | navigational access to the proposed ramp exists or the
297 | installation of boat ramps open to the public in any waters of
298 | the state where navigational access to the proposed ramp exists
299 | and where the construction of the proposed ramp will be less
300 | than 30 feet wide and will involve the removal of less than 25

301 cubic yards of material from the waters of the state, and the
302 maintenance to design specifications of such ramps; however, the
303 material to be removed shall be placed upon a self-contained
304 upland site so as to prevent the escape of the spoil material
305 into the waters of the state.

306 (d) The replacement or repair of existing docks and piers,
307 except that fill material may not be used and the replacement or
308 repaired dock or pier must be within 5 feet of the same location
309 and no larger in size than the existing dock or pier, and no
310 additional aquatic resources may be adversely and permanently
311 impacted by such replacement or repair ~~in the same location and~~
312 ~~of the same configuration and dimensions as the dock or pier~~
313 ~~being replaced or repaired.~~ This does not preclude the use of
314 different construction materials or minor deviations to allow
315 upgrades to current structural and design standards.

316 (e) The restoration of seawalls at their previous
317 locations or upland of, or within 18 inches waterward of, their
318 previous locations. However, this may ~~shall~~ not affect the
319 permitting requirements of chapter 161, and department rules
320 shall clearly indicate that this exception does not constitute
321 an exception from the permitting requirements of chapter 161.

322 (f) The performance of maintenance dredging of existing
323 manmade canals, channels, intake and discharge structures, and
324 previously dredged portions of natural water bodies within
325 drainage rights-of-way or drainage easements which have been

326 recorded in the public records of the county, where the spoil
327 material is to be removed and deposited on a self-contained,
328 upland spoil site which will prevent the escape of the spoil
329 material into the waters of the state, provided that no more
330 dredging is to be performed than is necessary to restore the
331 canals, channels, and intake and discharge structures, and
332 previously dredged portions of natural water bodies, to original
333 design specifications or configurations, provided that the work
334 is conducted in compliance with s. 379.2431(2)(d), provided that
335 no significant impacts occur to previously undisturbed natural
336 areas, and provided that control devices for return flow and
337 best management practices for erosion and sediment control are
338 utilized to prevent bank erosion and scouring and to prevent
339 turbidity, dredged material, and toxic or deleterious substances
340 from discharging into adjacent waters during maintenance
341 dredging. Further, for maintenance dredging of previously
342 dredged portions of natural water bodies within recorded
343 drainage rights-of-way or drainage easements, an entity that
344 seeks an exemption must notify the department or water
345 management district, as applicable, at least 30 days before
346 ~~prior to~~ dredging and provide documentation of original design
347 specifications or configurations where such exist. This
348 exemption applies to all canals and previously dredged portions
349 of natural water bodies within recorded drainage rights-of-way
350 or drainage easements constructed before ~~prior to~~ April 3, 1970,

351 and to those canals and previously dredged portions of natural
352 water bodies constructed on or after April 3, 1970, pursuant to
353 all necessary state permits. This exemption does not apply to
354 the removal of a natural or manmade barrier separating a canal
355 or canal system from adjacent waters. When no previous permit
356 has been issued by the Board of Trustees of the Internal
357 Improvement Trust Fund or the United States Army Corps of
358 Engineers for construction or maintenance dredging of the
359 existing manmade canal or intake or discharge structure, such
360 maintenance dredging shall be limited to a depth of no more than
361 5 feet below mean low water. The Board of Trustees of the
362 Internal Improvement Trust Fund may fix and recover from the
363 permittee an amount equal to the difference between the fair
364 market value and the actual cost of the maintenance dredging for
365 material removed during such maintenance dredging. However, no
366 charge shall be exacted by the state for material removed during
367 such maintenance dredging by a public port authority. The
368 removing party may subsequently sell such material; however,
369 proceeds from such sale that exceed the costs of maintenance
370 dredging shall be remitted to the state and deposited in the
371 Internal Improvement Trust Fund.

372 (g) The maintenance of existing insect control structures,
373 dikes, and irrigation and drainage ditches, provided that spoil
374 material is deposited on a self-contained, upland spoil site
375 which will prevent the escape of the spoil material into waters

376 of the state. In the case of insect control structures, if the
377 cost of using a self-contained upland spoil site is so
378 excessive, as determined by the Department of Health, pursuant
379 to s. 403.088(1), that it will inhibit proposed insect control,
380 then-existing spoil sites or dikes may be used, upon
381 notification to the department. In the case of insect control
382 where upland spoil sites are not used pursuant to this
383 exemption, turbidity control devices shall be used to confine
384 the spoil material discharge to that area previously disturbed
385 when the receiving body of water is used as a potable water
386 supply, is designated as shellfish harvesting waters, or
387 functions as a habitat for commercially or recreationally
388 important shellfish or finfish. In all cases, no more dredging
389 is to be performed than is necessary to restore the dike or
390 irrigation or drainage ditch to its original design
391 specifications.

392 (h) The repair or replacement of existing functional pipes
393 or culverts the purpose of which is the discharge or conveyance
394 of stormwater. In all cases, the invert elevation, the diameter,
395 and the length of the culvert may ~~shall~~ not be changed. However,
396 the material used for the culvert may be different from the
397 original.

398 (i) The construction of private docks of 1,000 square feet
399 or less of over-water surface area and seawalls in artificially
400 created waterways where such construction will not violate

401 existing water quality standards, impede navigation, or affect
402 flood control. This exemption does not apply to the construction
403 of vertical seawalls in estuaries or lagoons unless the proposed
404 construction is within an existing manmade canal where the
405 shoreline is currently occupied in whole or part by vertical
406 seawalls.

407 (j) The construction and maintenance of swales.

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

411 (l) The replacement or repair of existing open-trestle
412 foot bridges and vehicular bridges that are 100 feet or less in
413 length and two lanes or less in width, provided that no more
414 dredging or filling of submerged lands is performed other than
415 that which is necessary to replace or repair pilings and that
416 the structure to be replaced or repaired is the same length, the
417 same configuration, and in the same location as the original
418 bridge. No debris from the original bridge shall be allowed to
419 remain in the waters of the state.

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

424 (n) The replacement or repair of subaqueous transmission
425 and distribution lines laid on, or embedded in, the bottoms of

426 | waters of the state.

427 | (o) The construction of private seawalls in wetlands or
428 | other surface waters where such construction is between and
429 | adjoins at both ends existing seawalls; follows a continuous and
430 | uniform seawall construction line with the existing seawalls; is
431 | no more than 150 feet in length; and does not violate existing
432 | water quality standards, impede navigation, or affect flood
433 | control. However, in estuaries and lagoons the construction of
434 | vertical seawalls is limited to the circumstances and purposes
435 | stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
436 | the permitting requirements of chapter 161, and department rules
437 | must clearly indicate that this exception does not constitute an
438 | exception from the permitting requirements of chapter 161.

439 | (p) The restoration of existing insect control impoundment
440 | dikes which are less than 100 feet in length. Such impoundments
441 | shall be connected to tidally influenced waters for 6 months
442 | each year beginning September 1 and ending February 28 if
443 | feasible or operated in accordance with an impoundment
444 | management plan approved by the department. A dike restoration
445 | may involve no more dredging than is necessary to restore the
446 | dike to its original design specifications. For the purposes of
447 | this paragraph, restoration does not include maintenance of
448 | impoundment dikes of operating insect control impoundments.

449 | (q) The construction, operation, or maintenance of
450 | stormwater management facilities which are designed to serve

451 single-family residential projects, including duplexes,
 452 triplexes, and quadruplexes, if they are less than 10 acres
 453 total land and have less than 2 acres of impervious surface and
 454 if the facilities:

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

457 2. Are not part of a larger common plan of development or
 458 sale; and

459 3. Discharge into a stormwater discharge facility exempted
 460 or permitted by the department under this chapter which has
 461 sufficient capacity and treatment capability as specified in
 462 this chapter and is owned, maintained, or operated by a city,
 463 county, special district with drainage responsibility, or water
 464 management district; however, this exemption does not authorize
 465 discharge to a facility without the facility owner's prior
 466 written consent.

467 (r) The removal of aquatic plants, the removal of
 468 tussocks, the associated replanting of indigenous aquatic
 469 plants, and the associated removal from lakes of organic
 470 detrital material when such planting or removal is performed and
 471 authorized by permit or exemption granted under s. 369.20 or s.
 472 369.25, provided that:

473 1. Organic detrital material that exists on the surface of
 474 natural mineral substrate shall be allowed to be removed to a
 475 depth of 3 feet or to the natural mineral substrate, whichever

476 is less;

477 2. All material removed pursuant to this paragraph shall
478 be deposited in an upland site in a manner that will prevent the
479 reintroduction of the material into waters in the state except
480 when spoil material is permitted to be used to create wildlife
481 islands in freshwater bodies of the state when a governmental
482 entity is permitted pursuant to s. 369.20 to create such islands
483 as a part of a restoration or enhancement project;

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

486 4. No activities under this exemption are conducted in
487 wetland areas, as defined in s. 373.019(27), which are supported
488 by a natural soil as shown in applicable United States
489 Department of Agriculture county soil surveys, except when a
490 governmental entity is permitted pursuant to s. 369.20 to
491 conduct such activities as a part of a restoration or
492 enhancement project.

493

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

496 (s) The construction, installation, operation, or
497 maintenance of floating vessel platforms or floating boat lifts,
498 provided that such structures:

499 1. Float at all times in the water for the sole purpose of
500 supporting a vessel so that the vessel is out of the water when

501 not in use;

502 2. Are wholly contained within a boat slip previously
 503 permitted under ss. 403.91-403.929, 1984 Supplement to the
 504 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 505 do not exceed a combined total of 500 square feet, or 200 square
 506 feet in an Outstanding Florida Water, when associated with a
 507 dock that is exempt under this subsection or associated with a
 508 permitted dock with no defined boat slip or attached to a
 509 bulkhead on a parcel of land where there is no other docking
 510 structure;

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

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

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

526
527 Structures that qualify for this exemption are relieved from any
528 requirement to obtain permission to use or occupy lands owned by
529 the Board of Trustees of the Internal Improvement Trust Fund
530 and, with the exception of those structures attached to a
531 bulkhead on a parcel of land where there is no docking
532 structure, may ~~shall~~ not be subject to any more stringent
533 permitting requirements, registration requirements, or other
534 regulation by any local government. Local governments may
535 require either permitting or one-time registration of floating
536 vessel platforms to be attached to a bulkhead on a parcel of
537 land where there is no other docking structure as necessary to
538 ensure compliance with local ordinances, codes, or regulations.
539 Local governments may require either permitting or one-time
540 registration of all other floating vessel platforms as necessary
541 to ensure compliance with the exemption criteria in this
542 section; to ensure compliance with local ordinances, codes, or
543 regulations relating to building or zoning, which are no more
544 stringent than the exemption criteria in this section or address
545 subjects other than subjects addressed by the exemption criteria
546 in this section; and to ensure proper installation, maintenance,
547 and precautionary or evacuation action following a tropical
548 storm or hurricane watch of a floating vessel platform or
549 floating boat lift that is proposed to be attached to a bulkhead
550 or parcel of land where there is no other docking structure. The

551 exemption provided in this paragraph shall be in addition to the
552 exemption provided in paragraph (b). The department shall adopt
553 a general permit by rule for the construction, installation,
554 operation, or maintenance of those floating vessel platforms or
555 floating boat lifts that do not qualify for the exemption
556 provided in this paragraph but do not cause significant adverse
557 impacts to occur individually or cumulatively. The issuance of
558 such general permit shall also constitute permission to use or
559 occupy lands owned by the Board of Trustees of the Internal
560 Improvement Trust Fund. No local government shall impose a more
561 stringent regulation, permitting requirement, registration
562 requirement, or other regulation covered by such general permit.
563 Local governments may require either permitting or one-time
564 registration of floating vessel platforms as necessary to ensure
565 compliance with the general permit in this section; to ensure
566 compliance with local ordinances, codes, or regulations relating
567 to building or zoning that are no more stringent than the
568 general permit in this section; and to ensure proper
569 installation and maintenance of a floating vessel platform or
570 floating boat lift that is proposed to be attached to a bulkhead
571 or parcel of land where there is no other docking structure.

572 (t) The repair, stabilization, or paving of existing
573 county maintained roads and the repair or replacement of bridges
574 that are part of the roadway, within the Northwest Florida Water
575 Management District and the Suwannee River Water Management

576 District, provided:

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

580 2. The construction activity does not realign the road or
581 expand the number of existing traffic lanes of the existing
582 road; however, the work may include the provision of safety
583 shoulders, clearance of vegetation, and other work reasonably
584 necessary to repair, stabilize, pave, or repave the road,
585 provided that the work is constructed by generally accepted
586 engineering standards;

587 3. The construction activity does not expand the existing
588 width of an existing vehicular bridge in excess of that
589 reasonably necessary to properly connect the bridge with the
590 road being repaired, stabilized, paved, or repaved to safely
591 accommodate the traffic expected on the road, which may include
592 expanding the width of the bridge to match the existing
593 connected road. However, no debris from the original bridge
594 shall be allowed to remain in waters of the state, including
595 wetlands;

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

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

600 6. No more dredging or filling of wetlands or water of the

601 state is performed than that which is reasonably necessary to
602 repair, stabilize, pave, or repave the road or to repair or
603 replace the bridge, in accordance with generally accepted
604 engineering standards; and

605 7. Notice of intent to use the exemption is provided to
606 the department, if the work is to be performed within the
607 Northwest Florida Water Management District, or to the Suwannee
608 River Water Management District, if the work is to be performed
609 within the Suwannee River Water Management District, 30 days
610 before ~~prior to~~ performing any work under the exemption.

611
612 Within 30 days after this act becomes a law, the department
613 shall initiate rulemaking to adopt a no fee general permit for
614 the repair, stabilization, or paving of existing roads that are
615 maintained by the county and the repair or replacement of
616 bridges that are part of the roadway where such activities do
617 not cause significant adverse impacts to occur individually or
618 cumulatively. The general permit shall apply statewide and, with
619 no additional rulemaking required, apply to qualified projects
620 reviewed by the Suwannee River Water Management District, the
621 St. Johns River Water Management District, the Southwest Florida
622 Water Management District, and the South Florida Water
623 Management District under the division of responsibilities
624 contained in the operating agreements applicable to part IV of
625 chapter 373. Upon adoption, this general permit shall, pursuant

626 | to ~~the provisions of~~ subsection (2), supersede and replace the
627 | exemption in this paragraph.

628 | (u) Notwithstanding any provision to the contrary in this
629 | subsection, a permit or other authorization under chapter 253,
630 | chapter 369, chapter 373, or this chapter is not required for an
631 | individual residential property owner for the removal of organic
632 | detrital material from freshwater rivers or lakes that have a
633 | natural sand or rocky substrate and that are not Aquatic
634 | Preserves or for the associated removal and replanting of
635 | aquatic vegetation for the purpose of environmental enhancement,
636 | providing that:

637 | 1. No activities under this exemption are conducted in
638 | wetland areas, as defined in s. 373.019(27), which are supported
639 | by a natural soil as shown in applicable United States
640 | Department of Agriculture county soil surveys.

641 | 2. No filling or peat mining is allowed.

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

644 | 4. When removing organic detrital material, no portion of
645 | the underlying natural mineral substrate or rocky substrate is
646 | removed.

647 | 5. Organic detrital material and plant material removed is
648 | deposited in an upland site in a manner that will not cause
649 | water quality violations.

650 | 6. All activities are conducted in such a manner, and with

651 appropriate turbidity controls, so as to prevent any water
652 quality violations outside the immediate work area.

653 7. Replanting with a variety of aquatic plants native to
654 the state shall occur in a minimum of 25 percent of the
655 preexisting vegetated areas where organic detrital material is
656 removed, except for areas where the material is removed to bare
657 rocky substrate; however, an area may be maintained clear of
658 vegetation as an access corridor. The access corridor width may
659 not exceed 50 percent of the property owner's frontage or 50
660 feet, whichever is less, and may be a sufficient length
661 waterward to create a corridor to allow access for a boat or
662 swimmer to reach open water. Replanting must be at a minimum
663 density of 2 feet on center and be completed within 90 days
664 after removal of existing aquatic vegetation, except that under
665 dewatered conditions replanting must be completed within 90 days
666 after reflooding. The area to be replanted must extend waterward
667 from the ordinary high water line to a point where normal water
668 depth would be 3 feet or the preexisting vegetation line,
669 whichever is less. Individuals are required to make a reasonable
670 effort to maintain planting density for a period of 6 months
671 after replanting is complete, and the plants, including
672 naturally recruited native aquatic plants, must be allowed to
673 expand and fill in the revegetation area. Native aquatic plants
674 to be used for revegetation must be salvaged from the
675 enhancement project site or obtained from an aquatic plant

676 nursery regulated by the Department of Agriculture and Consumer
677 Services. Plants that are not native to the state may not be
678 used for replanting.

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

684 9. The person seeking this exemption notifies the
685 applicable department district office in writing at least 30
686 days before commencing work and allows the department to conduct
687 a preconstruction site inspection. Notice must include an
688 organic-detrital-material removal and disposal plan and, if
689 applicable, a vegetation-removal and revegetation plan.

690 10. The department is provided written certification of
691 compliance with the terms and conditions of this paragraph
692 within 30 days after completion of any activity occurring under
693 this exemption.

694 (v) Notwithstanding any other provision in this chapter,
695 chapter 373, or chapter 161, a permit or other authorization is
696 not required for the following exploratory activities associated
697 with beach restoration and nourishment projects and inlet
698 management activities:

699 1. The collection of geotechnical, geophysical, and
700 cultural resource data, including surveys, mapping, acoustic

701 soundings, benthic and other biologic sampling, and coring.

702 2. Oceanographic instrument deployment, including
703 temporary installation on the seabed of coastal and
704 oceanographic data collection equipment.

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

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