

By the Committee on Environment and Natural Resources; and
Senator Perry

592-03513-19

2019816c1

1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 403.706, F.S.; requiring counties and
4 municipalities to address the contamination of
5 recyclable material in specified contracts;
6 prohibiting counties and municipalities from requiring
7 the collection or transport of contaminated recyclable
8 material by residential recycling collectors; defining
9 the term "residential recycling collector"; specifying
10 required contract provisions in residential recycling
11 collector and materials recovery facility contracts
12 with counties and municipalities; amending s. 403.813,
13 F.S.; prohibiting a local government from requiring
14 from the Department of Environmental Protection
15 further verification for certain projects; revising
16 the types of dock and pier replacements and repairs
17 that are exempt from such verification and certain
18 permitting requirements; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Present subsection (22) of section 403.706,
23 Florida Statutes, is redesignated as subsection (23), and a new
24 subsection (22) is added to that section, to read:

25 403.706 Local government solid waste responsibilities.—

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

592-03513-19

2019816c1

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

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

40 (c) Each contract between a residential recycling collector
41 and a county or municipality for the collection or transport of
42 residential recyclable material, and each request for proposal
43 or other solicitation for the collection of residential
44 recyclable material, must define the term "contaminated
45 recyclable material." The term should be defined in a manner
46 that is appropriate for the local community, taking into
47 consideration available markets for recyclable material,
48 available waste composition studies, and other relevant factors.
49 The contract and request for proposal or other solicitation must
50 include:

51 1. The respective strategies and obligations of the county
52 or municipality and the residential recycling collector to
53 reduce the amount of contaminated recyclable material being
54 collected;

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

58 3. The remedies authorized to be used if a container, cart,

592-03513-19

2019816c1

59 or bin contains contaminated recyclable material; and

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

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

72 1. The respective strategies and obligations of the county
73 or municipality and the facility to reduce the amount of
74 contaminated recyclable material being collected and processed;

75 2. The procedures for identifying, documenting, managing,
76 and rejecting residential recycling containers, truck loads,
77 carts, or bins that contain contaminated recyclable material;
78 and

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

81 (e) This subsection applies to each contract between a
82 municipality or county and a residential recycling collector or
83 recovered materials processing facility executed or renewed
84 after October 1, 2019.

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

592-03513-19

2019816c1

88 recyclable material" refers only to recyclable material that is
89 comingled or mixed with solid waste or other nonhazardous
90 material. The term does not include contamination as that term
91 or a derivation of that term is used in chapter 376 and other
92 sections of chapter 403, including, but not limited to,
93 brownfield site cleanup, water quality remediation, drycleaning-
94 solvent-contaminated site cleanup, petroleum-contaminated site
95 cleanup, cattle dipping vat site cleanup, or other hazardous
96 waste remediation.

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

99 403.813 Permits issued at district centers; exceptions.—

100 (1) A permit is not required under this chapter, chapter
101 373, chapter 61-691, Laws of Florida, or chapter 25214 or
102 chapter 25270, 1949, Laws of Florida, and a local government may
103 not require a person claiming this exception to provide further
104 department verification, for activities associated with the
105 following types of projects; however, except as otherwise
106 provided in this subsection, this subsection does not relieve an
107 applicant from any requirement to obtain permission to use or
108 occupy lands owned by the Board of Trustees of the Internal
109 Improvement Trust Fund or a water management district in its
110 governmental or proprietary capacity or from complying with
111 applicable local pollution control programs authorized under
112 this chapter or other requirements of county and municipal
113 governments:

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

592-03513-19

2019816c1

117 (b) The installation and repair of mooring pilings and
118 dolphins associated with private docking facilities or piers and
119 the installation of private docks, piers, and recreational
120 docking facilities, or piers and recreational docking facilities
121 of local governmental entities when the local governmental
122 entity's activities will not take place in any manatee habitat,
123 any of which docks:

124 1. Has 500 square feet or less of over-water surface area
125 for a dock ~~which is~~ located in an area designated as Outstanding
126 Florida Waters or 1,000 square feet or less of over-water
127 surface area for a dock ~~which is~~ located in an area that ~~which~~
128 is not designated as Outstanding Florida Waters;

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

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

134 4. Is used for recreational, noncommercial activities
135 associated with the mooring or storage of boats and boat
136 paraphernalia; and

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

142
143 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
144 from taking appropriate enforcement action pursuant to this
145 chapter to abate or prohibit any activity otherwise exempt from

592-03513-19

2019816c1

146 permitting pursuant to this paragraph if the department can
147 demonstrate that the exempted activity has caused water
148 pollution in violation of this chapter.

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

161 (d) The replacement or repair of existing docks and piers,
162 except that fill material may not be used and the replacement or
163 repaired dock or pier must be within 5 feet of the same location
164 and no larger in size than the existing dock or pier, and no
165 additional aquatic resources may be adversely and permanently
166 impacted by such replacement or repair in the same location and
167 of the same configuration and dimensions as the dock or pier
168 being replaced or repaired. This does not preclude the use of
169 different construction materials or minor deviations to allow
170 upgrades to current structural and design standards.

171 (e) The restoration of seawalls at their previous locations
172 or upland of, or within 18 inches waterward of, their previous
173 locations. However, this may ~~shall~~ not affect the permitting
174 requirements of chapter 161, and department rules shall clearly

592-03513-19

2019816c1

175 indicate that this exception does not constitute an exception
176 from the permitting requirements of chapter 161.

177 (f) The performance of maintenance dredging of existing
178 manmade canals, channels, intake and discharge structures, and
179 previously dredged portions of natural water bodies within
180 drainage rights-of-way or drainage easements which have been
181 recorded in the public records of the county, where the spoil
182 material is to be removed and deposited on a self-contained,
183 upland spoil site which will prevent the escape of the spoil
184 material into the waters of the state, provided that no more
185 dredging is to be performed than is necessary to restore the
186 canals, channels, and intake and discharge structures, and
187 previously dredged portions of natural water bodies, to original
188 design specifications or configurations, provided that the work
189 is conducted in compliance with s. 379.2431(2)(d), provided that
190 no significant impacts occur to previously undisturbed natural
191 areas, and provided that control devices for return flow and
192 best management practices for erosion and sediment control are
193 utilized to prevent bank erosion and scouring and to prevent
194 turbidity, dredged material, and toxic or deleterious substances
195 from discharging into adjacent waters during maintenance
196 dredging. Further, for maintenance dredging of previously
197 dredged portions of natural water bodies within recorded
198 drainage rights-of-way or drainage easements, an entity that
199 seeks an exemption must notify the department or water
200 management district, as applicable, at least 30 days before
201 ~~prior to~~ dredging and provide documentation of original design
202 specifications or configurations where such exist. This
203 exemption applies to all canals and previously dredged portions

592-03513-19

2019816c1

204 of natural water bodies within recorded drainage rights-of-way
205 or drainage easements constructed before ~~prior to~~ April 3, 1970,
206 and to those canals and previously dredged portions of natural
207 water bodies constructed on or after April 3, 1970, pursuant to
208 all necessary state permits. This exemption does not apply to
209 the removal of a natural or manmade barrier separating a canal
210 or canal system from adjacent waters. When no previous permit
211 has been issued by the Board of Trustees of the Internal
212 Improvement Trust Fund or the United States Army Corps of
213 Engineers for construction or maintenance dredging of the
214 existing manmade canal or intake or discharge structure, such
215 maintenance dredging shall be limited to a depth of no more than
216 5 feet below mean low water. The Board of Trustees of the
217 Internal Improvement Trust Fund may fix and recover from the
218 permittee an amount equal to the difference between the fair
219 market value and the actual cost of the maintenance dredging for
220 material removed during such maintenance dredging. However, no
221 charge shall be exacted by the state for material removed during
222 such maintenance dredging by a public port authority. The
223 removing party may subsequently sell such material; however,
224 proceeds from such sale that exceed the costs of maintenance
225 dredging shall be remitted to the state and deposited in the
226 Internal Improvement Trust Fund.

227 (g) The maintenance of existing insect control structures,
228 dikes, and irrigation and drainage ditches, provided that spoil
229 material is deposited on a self-contained, upland spoil site
230 which will prevent the escape of the spoil material into waters
231 of the state. In the case of insect control structures, if the
232 cost of using a self-contained upland spoil site is so

592-03513-19

2019816c1

233 excessive, as determined by the Department of Health, pursuant
234 to s. 403.088(1), that it will inhibit proposed insect control,
235 then-existing spoil sites or dikes may be used, upon
236 notification to the department. In the case of insect control
237 where upland spoil sites are not used pursuant to this
238 exemption, turbidity control devices shall be used to confine
239 the spoil material discharge to that area previously disturbed
240 when the receiving body of water is used as a potable water
241 supply, is designated as shellfish harvesting waters, or
242 functions as a habitat for commercially or recreationally
243 important shellfish or finfish. In all cases, no more dredging
244 is to be performed than is necessary to restore the dike or
245 irrigation or drainage ditch to its original design
246 specifications.

247 (h) The repair or replacement of existing functional pipes
248 or culverts the purpose of which is the discharge or conveyance
249 of stormwater. In all cases, the invert elevation, the diameter,
250 and the length of the culvert may ~~shall~~ not be changed. However,
251 the material used for the culvert may be different from the
252 original.

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

592-03513-19

2019816c1

262 (j) The construction and maintenance of swales.

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

266 (l) The replacement or repair of existing open-trestle foot
267 bridges and vehicular bridges that are 100 feet or less in
268 length and two lanes or less in width, provided that no more
269 dredging or filling of submerged lands is performed other than
270 that which is necessary to replace or repair pilings and that
271 the structure to be replaced or repaired is the same length, the
272 same configuration, and in the same location as the original
273 bridge. No debris from the original bridge shall be allowed to
274 remain in the waters of the state.

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

279 (n) The replacement or repair of subaqueous transmission
280 and distribution lines laid on, or embedded in, the bottoms of
281 waters of the state.

282 (o) The construction of private seawalls in wetlands or
283 other surface waters where such construction is between and
284 adjoins at both ends existing seawalls; follows a continuous and
285 uniform seawall construction line with the existing seawalls; is
286 no more than 150 feet in length; and does not violate existing
287 water quality standards, impede navigation, or affect flood
288 control. However, in estuaries and lagoons the construction of
289 vertical seawalls is limited to the circumstances and purposes
290 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect

592-03513-19

2019816c1

291 the permitting requirements of chapter 161, and department rules
292 must clearly indicate that this exception does not constitute an
293 exception from the permitting requirements of chapter 161.

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

304 (q) The construction, operation, or maintenance of
305 stormwater management facilities which are designed to serve
306 single-family residential projects, including duplexes,
307 triplexes, and quadruplexes, if they are less than 10 acres
308 total land and have less than 2 acres of impervious surface and
309 if the facilities:

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

312 2. Are not part of a larger common plan of development or
313 sale; and

314 3. Discharge into a stormwater discharge facility exempted
315 or permitted by the department under this chapter which has
316 sufficient capacity and treatment capability as specified in
317 this chapter and is owned, maintained, or operated by a city,
318 county, special district with drainage responsibility, or water
319 management district; however, this exemption does not authorize

592-03513-19

2019816c1

320 discharge to a facility without the facility owner's prior
321 written consent.

322 (r) The removal of aquatic plants, the removal of tussocks,
323 the associated replanting of indigenous aquatic plants, and the
324 associated removal from lakes of organic detrital material when
325 such planting or removal is performed and authorized by permit
326 or exemption granted under s. 369.20 or s. 369.25, provided
327 that:

328 1. Organic detrital material that exists on the surface of
329 natural mineral substrate shall be allowed to be removed to a
330 depth of 3 feet or to the natural mineral substrate, whichever
331 is less;

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

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

341 4. No activities under this exemption are conducted in
342 wetland areas, as defined in s. 373.019(27), which are supported
343 by a natural soil as shown in applicable United States
344 Department of Agriculture county soil surveys, except when a
345 governmental entity is permitted pursuant to s. 369.20 to
346 conduct such activities as a part of a restoration or
347 enhancement project.

348

592-03513-19

2019816c1

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

351 (s) The construction, installation, operation, or
352 maintenance of floating vessel platforms or floating boat lifts,
353 provided that such structures:

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

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

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

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

376 5. Are not constructed in areas specifically prohibited for
377 boat mooring under conditions of a permit issued in accordance

592-03513-19

2019816c1

378 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
379 1983, as amended, or part IV of chapter 373, or other form of
380 authorization issued by a local government.

381
382 Structures that qualify for this exemption are relieved from any
383 requirement to obtain permission to use or occupy lands owned by
384 the Board of Trustees of the Internal Improvement Trust Fund
385 and, with the exception of those structures attached to a
386 bulkhead on a parcel of land where there is no docking
387 structure, may ~~shall~~ not be subject to any more stringent
388 permitting requirements, registration requirements, or other
389 regulation by any local government. Local governments may
390 require either permitting or one-time registration of floating
391 vessel platforms to be attached to a bulkhead on a parcel of
392 land where there is no other docking structure as necessary to
393 ensure compliance with local ordinances, codes, or regulations.
394 Local governments may require either permitting or one-time
395 registration of all other floating vessel platforms as necessary
396 to ensure compliance with the exemption criteria in this
397 section; to ensure compliance with local ordinances, codes, or
398 regulations relating to building or zoning, which are no more
399 stringent than the exemption criteria in this section or address
400 subjects other than subjects addressed by the exemption criteria
401 in this section; and to ensure proper installation, maintenance,
402 and precautionary or evacuation action following a tropical
403 storm or hurricane watch of a floating vessel platform or
404 floating boat lift that is proposed to be attached to a bulkhead
405 or parcel of land where there is no other docking structure. The
406 exemption provided in this paragraph shall be in addition to the

592-03513-19

2019816c1

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

427 (t) The repair, stabilization, or paving of existing county
428 maintained roads and the repair or replacement of bridges that
429 are part of the roadway, within the Northwest Florida Water
430 Management District and the Suwannee River Water Management
431 District, provided:

- 432 1. The road and associated bridge were in existence and in
433 use as a public road or bridge, and were maintained by the
434 county as a public road or bridge on or before January 1, 2002;
435 2. The construction activity does not realign the road or

592-03513-19

2019816c1

436 expand the number of existing traffic lanes of the existing
437 road; however, the work may include the provision of safety
438 shoulders, clearance of vegetation, and other work reasonably
439 necessary to repair, stabilize, pave, or repave the road,
440 provided that the work is constructed by generally accepted
441 engineering standards;

442 3. The construction activity does not expand the existing
443 width of an existing vehicular bridge in excess of that
444 reasonably necessary to properly connect the bridge with the
445 road being repaired, stabilized, paved, or repaved to safely
446 accommodate the traffic expected on the road, which may include
447 expanding the width of the bridge to match the existing
448 connected road. However, no debris from the original bridge
449 shall be allowed to remain in waters of the state, including
450 wetlands;

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

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

455 6. No more dredging or filling of wetlands or water of the
456 state is performed than that which is reasonably necessary to
457 repair, stabilize, pave, or repave the road or to repair or
458 replace the bridge, in accordance with generally accepted
459 engineering standards; and

460 7. Notice of intent to use the exemption is provided to the
461 department, if the work is to be performed within the Northwest
462 Florida Water Management District, or to the Suwannee River
463 Water Management District, if the work is to be performed within
464 the Suwannee River Water Management District, 30 days before

592-03513-19

2019816c1

465 ~~prior to~~ performing any work under the exemption.

466

467 Within 30 days after this act becomes a law, the department
468 shall initiate rulemaking to adopt a no fee general permit for
469 the repair, stabilization, or paving of existing roads that are
470 maintained by the county and the repair or replacement of
471 bridges that are part of the roadway where such activities do
472 not cause significant adverse impacts to occur individually or
473 cumulatively. The general permit shall apply statewide and, with
474 no additional rulemaking required, apply to qualified projects
475 reviewed by the Suwannee River Water Management District, the
476 St. Johns River Water Management District, the Southwest Florida
477 Water Management District, and the South Florida Water
478 Management District under the division of responsibilities
479 contained in the operating agreements applicable to part IV of
480 chapter 373. Upon adoption, this general permit shall, pursuant
481 to ~~the provisions of~~ subsection (2), supersede and replace the
482 exemption in this paragraph.

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

492 1. No activities under this exemption are conducted in
493 wetland areas, as defined in s. 373.019(27), which are supported

592-03513-19

2019816c1

494 by a natural soil as shown in applicable United States
495 Department of Agriculture county soil surveys.

496 2. No filling or peat mining is allowed.

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

499 4. When removing organic detrital material, no portion of
500 the underlying natural mineral substrate or rocky substrate is
501 removed.

502 5. Organic detrital material and plant material removed is
503 deposited in an upland site in a manner that will not cause
504 water quality violations.

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

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

592-03513-19

2019816c1

523 depth would be 3 feet or the preexisting vegetation line,
524 whichever is less. Individuals are required to make a reasonable
525 effort to maintain planting density for a period of 6 months
526 after replanting is complete, and the plants, including
527 naturally recruited native aquatic plants, must be allowed to
528 expand and fill in the revegetation area. Native aquatic plants
529 to be used for revegetation must be salvaged from the
530 enhancement project site or obtained from an aquatic plant
531 nursery regulated by the Department of Agriculture and Consumer
532 Services. Plants that are not native to the state may not be
533 used for replanting.

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

539 9. The person seeking this exemption notifies the
540 applicable department district office in writing at least 30
541 days before commencing work and allows the department to conduct
542 a preconstruction site inspection. Notice must include an
543 organic-detrital-material removal and disposal plan and, if
544 applicable, a vegetation-removal and revegetation plan.

545 10. The department is provided written certification of
546 compliance with the terms and conditions of this paragraph
547 within 30 days after completion of any activity occurring under
548 this exemption.

549 (v) Notwithstanding any other provision in this chapter,
550 chapter 373, or chapter 161, a permit or other authorization is
551 not required for the following exploratory activities associated

592-03513-19

2019816c1

552 with beach restoration and nourishment projects and inlet
553 management activities:

554 1. The collection of geotechnical, geophysical, and
555 cultural resource data, including surveys, mapping, acoustic
556 soundings, benthic and other biologic sampling, and coring.

557 2. Oceanographic instrument deployment, including temporary
558 installation on the seabed of coastal and oceanographic data
559 collection equipment.

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

562 Section 3. This act shall take effect October 1, 2019.