

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

592-01157-20

2020326c1

1 A bill to be entitled
2 An act relating to environmental regulation; amending
3 s. 403.706, F.S.; specifying requirements for
4 contracts between residential recycling collectors or
5 recovered materials processing facilities and counties
6 or municipalities for the collection or processing of
7 residential recycling material; providing that a
8 residential recycling collector or recovered materials
9 processing facility is not required to collect,
10 transport, or process contaminated recyclable material
11 except pursuant to specified contractual requirements
12 after a contract is executed; defining the term
13 "residential recycling collector"; providing
14 applicability; amending s. 403.813, F.S.; prohibiting
15 local governments from requiring further verification
16 from the Department of Environmental Protection for
17 certain projects; revising the types of dock and pier
18 replacements and repairs that are exempt from such
19 verification and certain permitting requirements;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsection (22) of section 403.706, Florida
25 Statutes, is renumbered as subsection (23), and a new subsection
26 (22) is added to that section, to read:

27 403.706 Local government solid waste responsibilities.—
28 (22) (a) Each contract between a residential recycling
29 collector and a county or municipality for the collection or

592-01157-20

2020326c1

30 transport of residential recyclable material, and each request
31 for proposal or other solicitation for the collection of
32 residential recyclable material, must include all of the
33 following:

34 1. The respective strategies and obligations of the county
35 or municipality and the residential recycling collector to
36 reduce the amount of contaminated recyclable material being
37 collected.

38 2. The procedures for identifying, documenting, managing,
39 and rejecting residential recycling containers, truck loads,
40 carts, or bins that contain contaminated recyclable material.

41 3. The remedies authorized to be used if a container, cart,
42 or bin contains contaminated recyclable material.

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

45 5. A definition of the term "contaminated recyclable
46 material" that is appropriate for the local community.

47 (b) Each contract between a recovered materials processing
48 facility and a county or municipality for processing residential
49 recyclable material, and each request for proposal or other
50 solicitation for processing residential recyclable material,
51 must include all of the following:

52 1. The respective strategies and obligations of the county
53 or municipality and the facility to reduce the amount of
54 contaminated recyclable material being collected and processed.

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 or

592-01157-20

2020326c1

59 truck load contains contaminated recyclable material.

60 4. A definition of the term "contaminated recyclable
61 material" that is appropriate for the local community.

62 (c) After a contract is executed, a residential recycling
63 collector is not required to collect or transport contaminated
64 recyclable material, except pursuant to a contract consistent
65 with paragraph (a). As used in this subsection, the term
66 "residential recycling collector" means a for-profit business
67 entity that collects and transports residential recyclable
68 material on behalf of a county or municipality.

69 (d) After a contract is executed, a recovered materials
70 processing facility is not required to process contaminated
71 recyclable material, except pursuant to a contract consistent
72 with paragraph (b).

73 (e) This subsection applies to each contract between a
74 municipality or county and a residential recycling collector or
75 recovered materials processing facility executed or renewed
76 after October 1, 2020.

77 (f) This subsection applies only to the collection and
78 processing of material obtained from residential recycling
79 activities. As used in this subsection, the term "contaminated
80 recyclable material" refers only to recyclable material that is
81 comingled or mixed with solid waste or other nonhazardous
82 material. The term does not include contamination as that term
83 or a derivation of that term is used in chapter 376 and other
84 sections of chapter 403, including, but not limited to,
85 brownfield site cleanup, water quality remediation, drycleaning-
86 solvent-contaminated site cleanup, petroleum-contaminated site
87 cleanup, cattle dipping vat site cleanup, or other hazardous

592-01157-20

2020326c1

88 waste remediation.

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

91 403.813 Permits issued at district centers; exceptions.—

92 (1) A permit is not required under this chapter, chapter
93 373, chapter 61-691, Laws of Florida, or chapter 25214 or
94 chapter 25270, 1949, Laws of Florida, and a local government may
95 not require a person claiming this exception to provide further
96 department verification, for activities associated with the
97 following types of projects; however, except as otherwise
98 provided in this subsection, this subsection does not relieve an
99 applicant from any requirement to obtain permission to use or
100 occupy lands owned by the Board of Trustees of the Internal
101 Improvement Trust Fund or a water management district in its
102 governmental or proprietary capacity or from complying with
103 applicable local pollution control programs authorized under
104 this chapter or other requirements of county and municipal
105 governments:

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

109 (b) The installation and repair of mooring pilings and
110 dolphins associated with private docking facilities or piers and
111 the installation of private docks, piers, and recreational
112 docking facilities, or piers and recreational docking facilities
113 of local governmental entities when the local governmental
114 entity's activities will not take place in any manatee habitat,
115 any of which docks:

116 1. Has 500 square feet or less of over-water surface area

592-01157-20

2020326c1

117 for a dock ~~which is~~ located in an area designated as Outstanding
118 Florida Waters or 1,000 square feet or less of over-water
119 surface area for a dock ~~which is~~ located in an area that ~~which~~
120 is not designated as Outstanding Florida Waters;

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

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

126 4. Is used for recreational, noncommercial activities
127 associated with the mooring or storage of boats and boat
128 paraphernalia; and

129 5. Is the sole dock constructed pursuant to this exemption
130 as measured along the shoreline for a distance of 65 feet,
131 unless the parcel of land or individual lot as platted is less
132 than 65 feet in length along the shoreline, in which case ~~there~~
133 ~~may be~~ one exempt dock may be allowed per parcel or lot.

134
135 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
136 from taking appropriate enforcement action pursuant to this
137 chapter to abate or prohibit any activity otherwise exempt from
138 permitting pursuant to this paragraph if the department can
139 demonstrate that the exempted activity has caused water
140 pollution in violation of this chapter.

141 (c) The installation and maintenance to design
142 specifications of boat ramps on artificial bodies of water where
143 navigational access to the proposed ramp exists or the
144 installation of boat ramps open to the public in any waters of
145 the state where navigational access to the proposed ramp exists

592-01157-20

2020326c1

146 and where the construction of the proposed ramp will be less
147 than 30 feet wide and will involve the removal of less than 25
148 cubic yards of material from the waters of the state, and the
149 maintenance to design specifications of such ramps. ~~; however,~~
150 The material to be removed shall be placed on ~~upon~~ a self-
151 contained, upland spoil site which will ~~so as to~~ prevent the
152 escape of the spoil material into the waters of the state.

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

163 (e) The restoration of seawalls at their previous locations
164 or upland of, or within 18 inches waterward of, their previous
165 locations. ~~However,~~ This may ~~shall~~ not affect the permitting
166 requirements of chapter 161, and department rules shall clearly
167 indicate that this exception does not constitute an exception
168 from the permitting requirements of chapter 161.

169 (f) The performance of maintenance dredging of existing
170 manmade canals, channels, intake and discharge structures, and
171 previously dredged portions of natural water bodies within
172 drainage rights-of-way or drainage easements which have been
173 recorded in the public records of the county, when ~~where~~ the
174 spoil material is to be removed and placed ~~deposited~~ on a self-

592-01157-20

2020326c1

175 contained, upland spoil site ~~which~~ will prevent the escape of
176 the spoil material into the waters of the state, provided that
177 no more dredging is to be performed than is necessary to restore
178 the canals, channels, and intake and discharge structures, and
179 previously dredged portions of natural water bodies, to original
180 design specifications or configurations, provided that the work
181 is conducted in compliance with s. 379.2431(2)(d), provided that
182 no significant impacts occur to previously undisturbed natural
183 areas, and provided that control devices for return flow and
184 best management practices for erosion and sediment control are
185 used ~~utilized~~ to prevent bank erosion and scouring and to
186 prevent turbidity, dredged material, and toxic or deleterious
187 substances from discharging into adjacent waters during
188 maintenance dredging. ~~Further,~~ For maintenance dredging of
189 previously dredged portions of natural water bodies within
190 recorded drainage rights-of-way or drainage easements, an entity
191 that seeks an exemption must notify the department or water
192 management district, as applicable, at least 30 days before
193 ~~prior to~~ dredging and provide documentation of original design
194 specifications or configurations when ~~where~~ such exist. This
195 exemption applies to all canals and previously dredged portions
196 of natural water bodies within recorded drainage rights-of-way
197 or drainage easements constructed before ~~prior to~~ April 3, 1970,
198 and to those canals and previously dredged portions of natural
199 water bodies constructed on or after April 3, 1970, pursuant to
200 all necessary state permits. This exemption does not apply to
201 the removal of a natural or manmade barrier separating a canal
202 or canal system from adjacent waters. When no previous permit
203 has been issued by the Board of Trustees of the Internal

592-01157-20

2020326c1

204 Improvement Trust Fund or the United States Army Corps of
205 Engineers for construction or maintenance dredging of the
206 existing manmade canal or intake or discharge structure, such
207 maintenance dredging shall be limited to a depth of no more than
208 5 feet below mean low water. The Board of Trustees of the
209 Internal Improvement Trust Fund may fix and recover from the
210 permittee an amount equal to the difference between the fair
211 market value and the actual cost of the maintenance dredging for
212 material removed during such maintenance dredging; however, a
213 ~~no~~ charge may not shall be exacted by the state for material
214 removed during such maintenance dredging by a public port
215 authority. The removing party may subsequently sell such
216 material; however, proceeds from such sale that exceed the costs
217 of maintenance dredging shall be remitted to the state and
218 deposited in the Internal Improvement Trust Fund.

219 (g) The maintenance of existing insect control structures,
220 dikes, and irrigation and drainage ditches, provided that spoil
221 material is placed ~~deposited~~ on a self-contained, upland spoil
222 site which will prevent the escape of the spoil material into
223 waters of the state. In the case of insect control structures,
224 if the cost of using a self-contained, upland spoil site is so
225 excessive, as determined by the Department of Health, pursuant
226 to s. 403.088(1), that it will inhibit proposed insect control,
227 then-existing spoil sites or dikes may be used, upon
228 notification to the department. In the case of insect control
229 where upland spoil sites are not used pursuant to this
230 exemption, turbidity control devices shall be used to confine
231 the spoil material discharge to that area previously disturbed
232 when the receiving body of water is used as a potable water

592-01157-20

2020326c1

233 supply, is designated as shellfish harvesting waters, or
234 functions as a habitat for commercially or recreationally
235 important shellfish or finfish. In all cases, no more dredging
236 is to be performed than is necessary to restore the dike or
237 irrigation or drainage ditch to its original design
238 specifications.

239 (h) The repair or replacement of existing functional pipes
240 or culverts the purpose of which is the discharge or conveyance
241 of stormwater. In all cases, the invert elevation, the diameter,
242 and the length of the culvert may ~~shall~~ not be changed. However,
243 the material used for the culvert may be different from the
244 original.

245 (i) The construction of private docks of 1,000 square feet
246 or less of over-water surface area and seawalls in artificially
247 created waterways when ~~where~~ such construction will not violate
248 existing water quality standards, impede navigation, or affect
249 flood control. This exemption does not apply to the construction
250 of vertical seawalls in estuaries or lagoons unless the proposed
251 construction is within an existing manmade canal where the
252 shoreline is currently occupied in whole or part by vertical
253 seawalls.

254 (j) The construction and maintenance of swales.

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

258 (l) The replacement or repair of existing open-trestle foot
259 bridges and vehicular bridges that are 100 feet or less in
260 length and two lanes or less in width, provided that no more
261 dredging or filling of submerged lands is performed other than

592-01157-20

2020326c1

262 that which is necessary to replace or repair pilings and that
263 the structure to be replaced or repaired is the same length, the
264 same configuration, and in the same location as the original
265 bridge. ~~No~~ Debris from the original bridge may not shall be
266 allowed to remain in the waters of the state.

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

271 (n) The replacement or repair of subaqueous transmission
272 and distribution lines laid on, or embedded in, the bottoms of
273 waters of the state.

274 (o) The construction of private seawalls in wetlands or
275 other surface waters when ~~where~~ such construction is between and
276 adjoins at both ends existing seawalls; follows a continuous and
277 uniform seawall construction line with the existing seawalls; is
278 not ~~no~~ more than 150 feet in length; and does not violate
279 existing water quality standards, impede navigation, or affect
280 flood control. However, in estuaries and lagoons the
281 construction of vertical seawalls is limited to the
282 circumstances and purposes stated in s. 373.414(5)(b)1.-4. This
283 paragraph does not affect the permitting requirements of chapter
284 161, and department rules must clearly indicate that this
285 exception does not constitute an exception from the permitting
286 requirements of chapter 161.

287 (p) The restoration of existing insect control impoundment
288 dikes which are less than 100 feet in length. Such impoundments
289 shall be connected to tidally influenced waters for 6 months
290 each year beginning September 1 and ending February 28 if

592-01157-20

2020326c1

291 feasible or operated in accordance with an impoundment
292 management plan approved by the department. A dike restoration
293 may involve no more dredging than is necessary to restore the
294 dike to its original design specifications. For the purposes of
295 this paragraph, restoration does not include maintenance of
296 impoundment dikes of operating insect control impoundments.

297 (q) The construction, operation, or maintenance of
298 stormwater management facilities which are designed to serve
299 single-family residential projects, including duplexes,
300 triplexes, and quadruplexes, if they are less than 10 acres
301 total land and have less than 2 acres of impervious surface and
302 if the facilities:

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

305 2. Are not part of a larger common plan of development or
306 sale; and

307 3. Discharge into a stormwater discharge facility exempted
308 or permitted by the department under this chapter which has
309 sufficient capacity and treatment capability as specified in
310 this chapter and is owned, maintained, or operated by a city,
311 county, special district with drainage responsibility, or water
312 management district; however, this exemption does not authorize
313 discharge to a facility without the facility owner's prior
314 written consent.

315 (r) The removal of aquatic plants, the removal of tussocks,
316 the associated replanting of indigenous aquatic plants, and the
317 associated removal from lakes of organic detrital material when
318 such planting or removal is performed and authorized by permit
319 or exemption granted under s. 369.20 or s. 369.25, provided

592-01157-20

2020326c1

320 that:

321 1. Organic detrital material that exists on the surface of
322 natural mineral substrate shall be allowed to be removed to a
323 depth of 3 feet or to the natural mineral substrate, whichever
324 is less;

325 2. All material removed pursuant to this paragraph shall be
326 placed on a self-contained, ~~deposited in an~~ upland spoil site
327 which ~~in a manner that~~ will prevent the escape ~~reintroduction~~ of
328 the spoil material into waters in the state except when spoil
329 material is permitted to be used to create wildlife islands in
330 freshwater bodies of the state when a governmental entity is
331 permitted pursuant to s. 369.20 to create such islands as a part
332 of a restoration or enhancement project;

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

335 4. ~~No~~ Activities under this exemption are not conducted in
336 wetland areas, as defined in s. 373.019(27), which are supported
337 by a natural soil as shown in applicable United States
338 Department of Agriculture county soil surveys, except when a
339 governmental entity is permitted pursuant to s. 369.20 to
340 conduct such activities as a part of a restoration or
341 enhancement project.

342
343 The department may not adopt implementing rules for this
344 paragraph, notwithstanding any other provision of law.

345 (s) The construction, installation, operation, or
346 maintenance of floating vessel platforms or floating boat lifts,
347 provided that such structures:

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

592-01157-20

2020326c1

349 supporting a vessel so that the vessel is out of the water when
350 not in use;

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

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

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

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

375

376 Structures that qualify for this exemption are relieved from any
377 requirement to obtain permission to use or occupy lands owned by

592-01157-20

2020326c1

378 the Board of Trustees of the Internal Improvement Trust Fund
379 and, with the exception of those structures attached to a
380 bulkhead on a parcel of land where there is no docking
381 structure, may ~~shall~~ not be subject to any more stringent
382 permitting requirements, registration requirements, or other
383 regulation by any local government. Local governments may
384 require either permitting or one-time registration of floating
385 vessel platforms to be attached to a bulkhead on a parcel of
386 land where there is no other docking structure as necessary to
387 ensure compliance with local ordinances, codes, or regulations.
388 Local governments may require either permitting or one-time
389 registration of all other floating vessel platforms as necessary
390 to ensure compliance with the exemption criteria in this
391 section; to ensure compliance with local ordinances, codes, or
392 regulations relating to building or zoning, which are no more
393 stringent than the exemption criteria in this section or address
394 subjects other than subjects addressed by the exemption criteria
395 in this section; and to ensure proper installation, maintenance,
396 and precautionary or evacuation action following a tropical
397 storm or hurricane watch of a floating vessel platform or
398 floating boat lift that is proposed to be attached to a bulkhead
399 or parcel of land where there is no other docking structure. The
400 exemption provided in this paragraph shall be in addition to the
401 exemption provided in paragraph (b). The department shall adopt
402 a general permit by rule for the construction, installation,
403 operation, or maintenance of those floating vessel platforms or
404 floating boat lifts that do not qualify for the exemption
405 provided in this paragraph but do not cause significant adverse
406 impacts to occur individually or cumulatively. The issuance of

592-01157-20

2020326c1

407 such general permit shall also constitute permission to use or
408 occupy lands owned by the Board of Trustees of the Internal
409 Improvement Trust Fund. ~~Ne~~ Local governments may not ~~government~~
410 ~~shall~~ impose a more stringent regulation, permitting
411 requirement, registration requirement, or other regulation
412 covered by such general permit. Local governments may require
413 either permitting or one-time registration of floating vessel
414 platforms as necessary to ensure compliance with the general
415 permit in this section; to ensure compliance with local
416 ordinances, codes, or regulations relating to building or zoning
417 that are no more stringent than the general permit in this
418 section; and to ensure proper installation and maintenance of a
419 floating vessel platform or floating boat lift that is proposed
420 to be attached to a bulkhead or parcel of land where there is no
421 other docking structure.

422 (t) The repair, stabilization, or paving of existing county
423 maintained roads and the repair or replacement of bridges that
424 are part of the roadway, within the Northwest Florida Water
425 Management District and the Suwannee River Water Management
426 District, provided:

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

430 2. The construction activity does not realign the road or
431 expand the number of existing traffic lanes of the existing
432 road; however, the work may include the provision of safety
433 shoulders, clearance of vegetation, and other work reasonably
434 necessary to repair, stabilize, pave, or repave the road,
435 provided that the work is constructed by generally accepted

592-01157-20

2020326c1

436 engineering standards;

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

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

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

450 6. No more dredging or filling of wetlands or water of the
451 state is performed than that which is reasonably necessary to
452 repair, stabilize, pave, or repave the road or to repair or
453 replace the bridge, in accordance with generally accepted
454 engineering standards; and

455 7. Notice of intent to use the exemption is provided to the
456 department, if the work is to be performed within the Northwest
457 Florida Water Management District, or to the Suwannee River
458 Water Management District, if the work is to be performed within
459 the Suwannee River Water Management District, 30 days before
460 ~~prior to~~ performing any work under the exemption.

461
462 Within 30 days after this act becomes a law, the department
463 shall initiate rulemaking to adopt a no fee general permit for
464 the repair, stabilization, or paving of existing roads that are

592-01157-20

2020326c1

465 maintained by the county and the repair or replacement of
466 bridges that are part of the roadway where such activities do
467 not cause significant adverse impacts to occur individually or
468 cumulatively. The general permit shall apply statewide and, with
469 no additional rulemaking required, apply to qualified projects
470 reviewed by the Suwannee River Water Management District, the
471 St. Johns River Water Management District, the Southwest Florida
472 Water Management District, and the South Florida Water
473 Management District under the division of responsibilities
474 contained in the operating agreements applicable to part IV of
475 chapter 373. Upon adoption, this general permit shall, pursuant
476 to ~~the provisions of~~ subsection (2), supersede and replace the
477 exemption in this paragraph.

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

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

491 2. No filling or peat mining is allowed.

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

592-01157-20

2020326c1

494 4. When removing organic detrital material, no portion of
495 the underlying natural mineral substrate or rocky substrate is
496 removed.

497 5. Removed organic detrital material and plant material
498 ~~removed~~ is placed on ~~deposited in~~ an upland spoil site which in
499 ~~a manner that~~ will not cause water quality violations.

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

503 7. Replanting with a variety of aquatic plants native to
504 the state shall occur in a minimum of 25 percent of the
505 preexisting vegetated areas where organic detrital material is
506 removed, except for areas where the material is removed to bare
507 rocky substrate; however, an area may be maintained clear of
508 vegetation as an access corridor. The access corridor width may
509 not exceed 50 percent of the property owner's frontage or 50
510 feet, whichever is less, and may be a sufficient length
511 waterward to create a corridor to allow access for a boat or
512 swimmer to reach open water. Replanting must be at a minimum
513 density of 2 feet on center and be completed within 90 days
514 after removal of existing aquatic vegetation, except that under
515 dewatered conditions replanting must be completed within 90 days
516 after reflooding. The area to be replanted must extend waterward
517 from the ordinary high water line to a point where normal water
518 depth would be 3 feet or the preexisting vegetation line,
519 whichever is less. Individuals are required to make a reasonable
520 effort to maintain planting density for a period of 6 months
521 after replanting is complete, and the plants, including
522 naturally recruited native aquatic plants, must be allowed to

592-01157-20

2020326c1

523 expand and fill in the revegetation area. Native aquatic plants
524 to be used for revegetation must be salvaged from the
525 enhancement project site or obtained from an aquatic plant
526 nursery regulated by the Department of Agriculture and Consumer
527 Services. Plants that are not native to the state may not be
528 used for replanting.

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

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

540 10. The department is provided written certification of
541 compliance with the terms and conditions of this paragraph
542 within 30 days after completion of any activity occurring under
543 this exemption.

544 (v) Notwithstanding any other provision in this chapter,
545 chapter 373, or chapter 161, a permit or other authorization is
546 not required for the following exploratory activities associated
547 with beach restoration and nourishment projects and inlet
548 management activities:

549 1. The collection of geotechnical, geophysical, and
550 cultural resource data, including surveys, mapping, acoustic
551 soundings, benthic and other biologic sampling, and coring.

592-01157-20

2020326c1

552 2. Oceanographic instrument deployment, including temporary
553 installation on the seabed of coastal and oceanographic data
554 collection equipment.

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

557 Section 3. This act shall take effect July 1, 2020.