

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; prohibiting counties
8 and municipalities from requiring the collection,
9 transport, or processing of contaminated recyclable
10 material by residential recycling collectors or
11 recovered materials processing facilities; defining
12 the term "residential recycling collector"; providing
13 applicability; amending s. 403.813, F.S.; prohibiting
14 local governments from requiring further verification
15 from the Department of Environmental Protection for
16 certain projects; revising the types of dock and pier
17 replacements and repairs that are exempt from such
18 verification and certain permitting requirements;
19 providing an effective date.

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

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

26 | 403.706 Local government solid waste responsibilities.—

27 | (22) (a) Each contract between a residential recycling
 28 | collector and a county or municipality for the collection or
 29 | transport of residential recyclable material, and each request
 30 | for proposal or other solicitation for the collection of
 31 | residential recyclable material, must include all of the
 32 | following:

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

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

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

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

44 | 5. A definition of the term "contaminated recyclable
 45 | material" that is appropriate for the local community, taking
 46 | into consideration available markets for recyclable material,
 47 | available waste composition studies, and other relevant factors.

48 | (b) Each contract between a recovered materials processing
 49 | facility and a county or municipality for processing residential
 50 | recyclable material, and each request for proposal or other

51 solicitation for processing residential recyclable material,
52 must include all of the following:

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

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

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

61 4. A definition of the term "contaminated recyclable
62 material" that is appropriate for the local community, taking
63 into consideration available markets for recyclable material,
64 available waste composition studies, and other relevant factors.

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

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

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

76 municipality or county and a residential recycling collector or
 77 recovered materials processing facility executed or renewed
 78 after October 1, 2020.

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

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

93 403.813 Permits issued at district centers; exceptions.—

94 (1) A permit is not required under this chapter, chapter
 95 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 96 chapter 25270, 1949, Laws of Florida, and a local government may
 97 not require a person claiming this exception to provide further
 98 department verification, for activities associated with the
 99 following types of projects; however, except as otherwise
 100 provided in this subsection, this subsection does not relieve an

101 applicant from any requirement to obtain permission to use or
 102 occupy lands owned by the Board of Trustees of the Internal
 103 Improvement Trust Fund or a water management district in its
 104 governmental or proprietary capacity or from complying with
 105 applicable local pollution control programs authorized under
 106 this chapter or other requirements of county and municipal
 107 governments:

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

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

119 1. Has 500 square feet or less of over-water surface area
 120 for a dock ~~which is~~ located in an area designated as Outstanding
 121 Florida Waters or 1,000 square feet or less of over-water
 122 surface area for a dock ~~which is~~ located in an area that ~~which~~
 123 is not designated as Outstanding Florida Waters;

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

126 or dredging other than that necessary to install the pilings;

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

129 4. Is used for recreational, noncommercial activities
 130 associated with the mooring or storage of boats and boat
 131 paraphernalia; and

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

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

144 (c) The installation and maintenance to design
 145 specifications of boat ramps on artificial bodies of water where
 146 navigational access to the proposed ramp exists or the
 147 installation of boat ramps open to the public in any waters of
 148 the state where navigational access to the proposed ramp exists
 149 and where the construction of the proposed ramp will be less
 150 than 30 feet wide and will involve the removal of less than 25

151 cubic yards of material from the waters of the state, and the
152 maintenance to design specifications of such ramps.~~;~~ ~~however,~~
153 The material to be removed shall be placed on ~~upon~~ a self-
154 contained, upland spoil site which will ~~so as to~~ prevent the
155 escape of the spoil material into the waters of the state.

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

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

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

176 recorded in the public records of the county, when ~~where~~ the
177 spoil material is to be removed and placed ~~deposited~~ on a self-
178 contained, upland spoil site which will prevent the escape of
179 the spoil material into the waters of the state, provided that
180 no more dredging is to be performed than is necessary to restore
181 the canals, channels, and intake and discharge structures, and
182 previously dredged portions of natural water bodies, to original
183 design specifications or configurations, provided that the work
184 is conducted in compliance with s. 379.2431(2)(d), provided that
185 no significant impacts occur to previously undisturbed natural
186 areas, and provided that control devices for return flow and
187 best management practices for erosion and sediment control are
188 used ~~utilized~~ to prevent bank erosion and scouring and to
189 prevent turbidity, dredged material, and toxic or deleterious
190 substances from discharging into adjacent waters during
191 maintenance dredging. ~~Further,~~ For maintenance dredging of
192 previously dredged portions of natural water bodies within
193 recorded drainage rights-of-way or drainage easements, an entity
194 that seeks an exemption must notify the department or water
195 management district, as applicable, at least 30 days before
196 ~~prior to~~ dredging and provide documentation of original design
197 specifications or configurations when ~~where~~ such exist. This
198 exemption applies to all canals and previously dredged portions
199 of natural water bodies within recorded drainage rights-of-way
200 or drainage easements constructed before ~~prior to~~ April 3, 1970,

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

222 (g) The maintenance of existing insect control structures,
223 dikes, and irrigation and drainage ditches, provided that spoil
224 material is placed ~~deposited~~ on a self-contained, upland spoil
225 site which will prevent the escape of the spoil material into

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

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

248 | (i) The construction of private docks of 1,000 square feet
249 | or less of over-water surface area and seawalls in artificially
250 | created waterways when ~~where~~ such construction will not violate

251 existing water quality standards, impede navigation, or affect
252 flood control. This exemption does not apply to the construction
253 of vertical seawalls in estuaries or lagoons unless the proposed
254 construction is within an existing manmade canal where the
255 shoreline is currently occupied in whole or part by vertical
256 seawalls.

257 (j) The construction and maintenance of swales.

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

261 (l) The replacement or repair of existing open-trestle
262 foot bridges and vehicular bridges that are 100 feet or less in
263 length and two lanes or less in width, provided that no more
264 dredging or filling of submerged lands is performed other than
265 that which is necessary to replace or repair pilings and that
266 the structure to be replaced or repaired is the same length, the
267 same configuration, and in the same location as the original
268 bridge. ~~No~~ Debris from the original bridge may not ~~shall~~ be
269 allowed to remain in the waters of the state.

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

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

276 | waters of the state.

277 | (o) The construction of private seawalls in wetlands or
278 | other surface waters when ~~where~~ such construction is between and
279 | adjoins at both ends existing seawalls; follows a continuous and
280 | uniform seawall construction line with the existing seawalls; is
281 | not ~~no~~ more than 150 feet in length; and does not violate
282 | existing water quality standards, impede navigation, or affect
283 | flood control. However, in estuaries and lagoons the
284 | construction of vertical seawalls is limited to the
285 | circumstances and purposes stated in s. 373.414(5)(b)1.-4. This
286 | paragraph does not affect the permitting requirements of chapter
287 | 161, and department rules must clearly indicate that this
288 | exception does not constitute an exception from the permitting
289 | requirements of chapter 161.

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

300 | (q) The construction, operation, or maintenance of

301 stormwater management facilities which are designed to serve
302 single-family residential projects, including duplexes,
303 triplexes, and quadruplexes, if they are less than 10 acres
304 total land and have less than 2 acres of impervious surface and
305 if the facilities:

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

308 2. Are not part of a larger common plan of development or
309 sale; and

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

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

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

326 depth of 3 feet or to the natural mineral substrate, whichever
327 is less;

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

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

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

345
346 The department may not adopt implementing rules for this
347 paragraph, notwithstanding any other provision of law.

348 (s) The construction, installation, operation, or
349 maintenance of floating vessel platforms or floating boat lifts,
350 provided that such structures:

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

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

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

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

373 5. Are not constructed in areas specifically prohibited
 374 for boat mooring under conditions of a permit issued in
 375 accordance with ss. 403.91-403.929, 1984 Supplement to the

376 Florida Statutes 1983, as amended, or part IV of chapter 373, or
377 other form of authorization issued by a local government.

378
379 Structures that qualify for this exemption are relieved from any
380 requirement to obtain permission to use or occupy lands owned by
381 the Board of Trustees of the Internal Improvement Trust Fund
382 and, with the exception of those structures attached to a
383 bulkhead on a parcel of land where there is no docking
384 structure, may ~~shall~~ not be subject to any more stringent
385 permitting requirements, registration requirements, or other
386 regulation by any local government. Local governments may
387 require either permitting or one-time registration of floating
388 vessel platforms to be attached to a bulkhead on a parcel of
389 land where there is no other docking structure as necessary to
390 ensure compliance with local ordinances, codes, or regulations.
391 Local governments may require either permitting or one-time
392 registration of all other floating vessel platforms as necessary
393 to ensure compliance with the exemption criteria in this
394 section; to ensure compliance with local ordinances, codes, or
395 regulations relating to building or zoning, which are no more
396 stringent than the exemption criteria in this section or address
397 subjects other than subjects addressed by the exemption criteria
398 in this section; and to ensure proper installation, maintenance,
399 and precautionary or evacuation action following a tropical
400 storm or hurricane watch of a floating vessel platform or

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

425 (t) The repair, stabilization, or paving of existing

426 county maintained roads and the repair or replacement of bridges
 427 that are part of the roadway, within the Northwest Florida Water
 428 Management District and the Suwannee River Water Management
 429 District, provided:

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

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

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

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

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

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

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

464
465 Within 30 days after this act becomes a law, the department
466 shall initiate rulemaking to adopt a no fee general permit for
467 the repair, stabilization, or paving of existing roads that are
468 maintained by the county and the repair or replacement of
469 bridges that are part of the roadway where such activities do
470 not cause significant adverse impacts to occur individually or
471 cumulatively. The general permit shall apply statewide and, with
472 no additional rulemaking required, apply to qualified projects
473 reviewed by the Suwannee River Water Management District, the
474 St. Johns River Water Management District, the Southwest Florida
475 Water Management District, and the South Florida Water

476 Management District under the division of responsibilities
477 contained in the operating agreements applicable to part IV of
478 chapter 373. Upon adoption, this general permit shall, pursuant
479 to ~~the provisions of~~ subsection (2), supersede and replace the
480 exemption in this paragraph.

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

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

494 2. No filling or peat mining is allowed.

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

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

500 5. Removed organic detrital material and plant material

501 ~~removed~~ is placed on ~~deposited in~~ an upland spoil site which in
502 ~~a manner that~~ will not cause water quality violations.

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

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

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

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

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

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

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

551 management activities:

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

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

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

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