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1
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

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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
 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,
 42 cart, or bin contains contaminated recyclable material.

43 4. The education and enforcement measures that will be
 44 used 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,

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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
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

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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
 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

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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,
 107 having ~~with~~ support structures that ~~which~~ are not constructed in
 108 waters of the state and which do not create a navigational
 109 hazard.

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

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

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

125 3. May ~~Shall~~ not substantially impede the flow of water or

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126 create a navigational hazard;

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

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

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

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

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151 The material to be removed shall be placed on ~~upon~~ a self-
 152 contained, upland spoil site which will ~~so as to~~ prevent the
 153 escape of the spoil material into the waters of the state.

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

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

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

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

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

220 (g) The maintenance of existing insect control structures,
221 dikes, and irrigation and drainage ditches, provided that spoil
222 material is placed ~~deposited~~ on a self-contained, upland spoil
223 site which will prevent the escape of the spoil material into
224 waters of the state. In the case of insect control structures,
225 if the cost of using a self-contained, upland spoil site is so

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

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

246 (i) The construction of private docks of 1,000 square feet
247 or less of over-water surface area and seawalls in artificially
248 created waterways when ~~where~~ such construction will not violate
249 existing water quality standards, impede navigation, or affect
250 flood control. This exemption does not apply to the construction

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251 of vertical seawalls in estuaries or lagoons unless the proposed
 252 construction is within an existing manmade canal where the
 253 shoreline is currently occupied in whole or part by vertical
 254 seawalls.

255 (j) The construction and maintenance of swales.

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

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

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

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

275 (o) The construction of private seawalls in wetlands or

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

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

298 (q) The construction, operation, or maintenance of
299 stormwater management facilities which are designed to serve
300 single-family residential projects, including duplexes,

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301 triplexes, and quadruplexes, if they are less than 10 acres
302 total land and have less than 2 acres of impervious surface and
303 if the facilities:

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

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

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

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

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

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

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

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

343

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

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

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

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351 | not in use;

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

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

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

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

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376
377 Structures that qualify for this exemption are relieved from any
378 requirement to obtain permission to use or occupy lands owned by
379 the Board of Trustees of the Internal Improvement Trust Fund
380 and, with the exception of those structures attached to a
381 bulkhead on a parcel of land where there is no docking
382 structure, may ~~shall~~ not be subject to any more stringent
383 permitting requirements, registration requirements, or other
384 regulation by any local government. Local governments may
385 require either permitting or one-time registration of floating
386 vessel platforms to be attached to a bulkhead on a parcel of
387 land where there is no other docking structure as necessary to
388 ensure compliance with local ordinances, codes, or regulations.
389 Local governments may require either permitting or one-time
390 registration of all other floating vessel platforms as necessary
391 to ensure compliance with the exemption criteria in this
392 section; to ensure compliance with local ordinances, codes, or
393 regulations relating to building or zoning, which are no more
394 stringent than the exemption criteria in this section or address
395 subjects other than subjects addressed by the exemption criteria
396 in this section; and to ensure proper installation, maintenance,
397 and precautionary or evacuation action following a tropical
398 storm or hurricane watch of a floating vessel platform or
399 floating boat lift that is proposed to be attached to a bulkhead
400 or parcel of land where there is no other docking structure. The

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

423 (t) The repair, stabilization, or paving of existing
424 county maintained roads and the repair or replacement of bridges
425 that are part of the roadway, within the Northwest Florida Water

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426 Management District and the Suwannee River Water Management
 427 District, provided:

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

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

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

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

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

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

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

462
 463 Within 30 days after this act becomes a law, the department
 464 shall initiate rulemaking to adopt a no fee general permit for
 465 the repair, stabilization, or paving of existing roads that are
 466 maintained by the county and the repair or replacement of
 467 bridges that are part of the roadway where such activities do
 468 not cause significant adverse impacts to occur individually or
 469 cumulatively. The general permit shall apply statewide and, with
 470 no additional rulemaking required, apply to qualified projects
 471 reviewed by the Suwannee River Water Management District, the
 472 St. Johns River Water Management District, the Southwest Florida
 473 Water Management District, and the South Florida Water
 474 Management District under the division of responsibilities
 475 contained in the operating agreements applicable to part IV of

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476 chapter 373. Upon adoption, this general permit shall, pursuant
 477 to ~~the provisions of~~ subsection (2), supersede and replace the
 478 exemption in this paragraph.

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

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

492 2. No filling or peat mining is allowed.

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

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

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

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

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

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526 | enhancement project site or obtained from an aquatic plant
 527 | nursery regulated by the Department of Agriculture and Consumer
 528 | Services. Plants that are not native to the state may not be
 529 | used for replanting.

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

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

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

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

550 | 1. The collection of geotechnical, geophysical, and

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551 | cultural resource data, including surveys, mapping, acoustic
552 | soundings, benthic and other biologic sampling, and coring.

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

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

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