

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

1
2 An act relating to environmental regulation; amending
3 s. 403.706, F.S.; requiring counties and
4 municipalities to address the contamination of
5 recyclable material in specified contracts;
6 prohibiting counties and municipalities from requiring
7 the collection or transport of contaminated recyclable
8 material by residential recycling collectors; defining
9 the term "residential recycling collector"; specifying
10 required contract provisions in residential recycling
11 collector and materials recovery facility contracts
12 with counties and municipalities; amending s. 403.813,
13 F.S.; prohibiting a local government from requiring
14 from the Department of Environmental Protection
15 further verification for certain projects; revising
16 the types of dock and pier replacements and repairs
17 that are exempt from such verification and certain
18 permitting requirements; creating s. 403.7034, F.S.;
19 prohibiting local government entities from adopting or
20 enforcing local ordinances or regulations relating to
21 single-use plastic straws before a specified date;
22 providing for expiration of the moratorium; requiring
23 the Office of Program Policy Analysis and Government
24 Accountability to conduct a study of local ordinances
25 and regulations restricting or prohibiting the use of

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

single-use plastic straws; providing for the scope of the study; requiring the Office of Program Policy Analysis and Government Accountability to submit a report to the President of the Senate and the Speaker of the House of Representatives by a specified date; providing an effective date.

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

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

403.706 Local government solid waste responsibilities.—

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

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

(b) A recovered materials processing facility is not

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

51 required to process contaminated recyclable material, except
52 pursuant to a contract consistent with paragraph (d).

53 (c) Each contract between a residential recycling
54 collector and a county or municipality for the collection or
55 transport of residential recyclable material, and each request
56 for proposal or other solicitation for the collection of
57 residential recyclable material, must define the term
58 "contaminated recyclable material." The term should be defined
59 in a manner that is appropriate for the local community, taking
60 into consideration available markets for recyclable material,
61 available waste composition studies, and other relevant factors.
62 The contract and request for proposal or other solicitation must
63 include:

64 1. The respective strategies and obligations of the county
65 or municipality and the residential recycling collector to
66 reduce the amount of contaminated recyclable material being
67 collected;

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

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

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

75 (d) Each contract between a recovered materials processing

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

76 facility and a county or municipality for processing residential
77 recyclable material, and each request for proposal or other
78 solicitation for processing residential recyclable material,
79 must define the term "contaminated recyclable material." The
80 term should be defined in a manner that is appropriate for the
81 local community, taking into consideration available markets for
82 recyclable material, available waste composition studies, and
83 other relevant factors. The contract and request for proposal
84 must include:

85 1. The respective strategies and obligations of the county
86 or municipality and the facility to reduce the amount of
87 contaminated recyclable material being collected and processed;

88 2. The procedures for identifying, documenting, managing,
89 and rejecting residential recycling containers, truck loads,
90 carts, or bins that contain contaminated recyclable material;
91 and

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

94 (e) This subsection applies to each contract between a
95 municipality or county and a residential recycling collector or
96 recovered materials processing facility executed or renewed
97 after October 1, 2019.

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

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

101 recyclable material" refers only to recyclable material that is
102 comingled or mixed with solid waste or other nonhazardous
103 material. The term does not include contamination as that term
104 or a derivation of that term is used in chapter 376 and other
105 sections of chapter 403, including, but not limited to,
106 brownfield site cleanup, water quality remediation, drycleaning-
107 solvent-contaminated site cleanup, petroleum-contaminated site
108 cleanup, cattle dipping vat site cleanup, or other hazardous
109 waste remediation.

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

112 403.813 Permits issued at district centers; exceptions.—

113 (1) A permit is not required under this chapter, chapter
114 373, chapter 61-691, Laws of Florida, or chapter 25214 or
115 chapter 25270, 1949, Laws of Florida, and a local government may
116 not require a person claiming this exception to provide further
117 department verification, for activities associated with the
118 following types of projects; however, except as otherwise
119 provided in this subsection, this subsection does not relieve an
120 applicant from any requirement to obtain permission to use or
121 occupy lands owned by the Board of Trustees of the Internal
122 Improvement Trust Fund or a water management district in its
123 governmental or proprietary capacity or from complying with
124 applicable local pollution control programs authorized under
125 this chapter or other requirements of county and municipal

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

126 governments:

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

131 (b) The installation and repair of mooring pilings and
132 dolphins associated with private docking facilities or piers and
133 the installation of private docks, piers, and recreational
134 docking facilities, or piers and recreational docking facilities
135 of local governmental entities when the local governmental
136 entity's activities will not take place in any manatee habitat,
137 any of which docks:

138 1. Has 500 square feet or less of over-water surface area
139 for a dock ~~which is~~ located in an area designated as Outstanding
140 Florida Waters or 1,000 square feet or less of over-water
141 surface area for a dock ~~which is~~ located in an area that ~~which~~
142 is not designated as Outstanding Florida Waters;

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

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

148 4. Is used for recreational, noncommercial activities
149 associated with the mooring or storage of boats and boat
150 paraphernalia; and

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

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

156
157 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
158 from taking appropriate enforcement action pursuant to this
159 chapter to abate or prohibit any activity otherwise exempt from
160 permitting pursuant to this paragraph if the department can
161 demonstrate that the exempted activity has caused water
162 pollution in violation of this chapter.

163 (c) The installation and maintenance to design
164 specifications of boat ramps on artificial bodies of water where
165 navigational access to the proposed ramp exists or the
166 installation of boat ramps open to the public in any waters of
167 the state where navigational access to the proposed ramp exists
168 and where the construction of the proposed ramp will be less
169 than 30 feet wide and will involve the removal of less than 25
170 cubic yards of material from the waters of the state, and the
171 maintenance to design specifications of such ramps; however, the
172 material to be removed shall be placed upon a self-contained
173 upland site so as to prevent the escape of the spoil material
174 into the waters of the state.

175 (d) The replacement or repair of existing docks and piers,

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

176 except that fill material may not be used and the replacement or
177 repaired dock or pier must be within 5 feet of the same location
178 and no larger in size than the existing dock or pier, and no
179 additional aquatic resources may be adversely and permanently
180 impacted by such replacement or repair ~~in the same location and~~
181 ~~of the same configuration and dimensions as the dock or pier~~
182 ~~being replaced or repaired.~~ This does not preclude the use of
183 different construction materials or minor deviations to allow
184 upgrades to current structural and design standards.

185 (e) The restoration of seawalls at their previous
186 locations or upland of, or within 18 inches waterward of, their
187 previous locations. However, this may ~~shall~~ not affect the
188 permitting requirements of chapter 161, and department rules
189 shall clearly indicate that this exception does not constitute
190 an exception from the permitting requirements of chapter 161.

191 (f) The performance of maintenance dredging of existing
192 manmade canals, channels, intake and discharge structures, and
193 previously dredged portions of natural water bodies within
194 drainage rights-of-way or drainage easements which have been
195 recorded in the public records of the county, where the spoil
196 material is to be removed and deposited on a self-contained,
197 upland spoil site which will prevent the escape of the spoil
198 material into the waters of the state, provided that no more
199 dredging is to be performed than is necessary to restore the
200 canals, channels, and intake and discharge structures, and

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

201 previously dredged portions of natural water bodies, to original
202 design specifications or configurations, provided that the work
203 is conducted in compliance with s. 379.2431(2)(d), provided that
204 no significant impacts occur to previously undisturbed natural
205 areas, and provided that control devices for return flow and
206 best management practices for erosion and sediment control are
207 utilized to prevent bank erosion and scouring and to prevent
208 turbidity, dredged material, and toxic or deleterious substances
209 from discharging into adjacent waters during maintenance
210 dredging. Further, for maintenance dredging of previously
211 dredged portions of natural water bodies within recorded
212 drainage rights-of-way or drainage easements, an entity that
213 seeks an exemption must notify the department or water
214 management district, as applicable, at least 30 days before
215 ~~prior to~~ dredging and provide documentation of original design
216 specifications or configurations where such exist. This
217 exemption applies to all canals and previously dredged portions
218 of natural water bodies within recorded drainage rights-of-way
219 or drainage easements constructed before ~~prior to~~ April 3, 1970,
220 and to those canals and previously dredged portions of natural
221 water bodies constructed on or after April 3, 1970, pursuant to
222 all necessary state permits. This exemption does not apply to
223 the removal of a natural or manmade barrier separating a canal
224 or canal system from adjacent waters. When no previous permit
225 has been issued by the Board of Trustees of the Internal

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

226 Improvement Trust Fund or the United States Army Corps of
227 Engineers for construction or maintenance dredging of the
228 existing manmade canal or intake or discharge structure, such
229 maintenance dredging shall be limited to a depth of no more than
230 5 feet below mean low water. The Board of Trustees of the
231 Internal Improvement Trust Fund may fix and recover from the
232 permittee an amount equal to the difference between the fair
233 market value and the actual cost of the maintenance dredging for
234 material removed during such maintenance dredging. However, no
235 charge shall be exacted by the state for material removed during
236 such maintenance dredging by a public port authority. The
237 removing party may subsequently sell such material; however,
238 proceeds from such sale that exceed the costs of maintenance
239 dredging shall be remitted to the state and deposited in the
240 Internal Improvement Trust Fund.

241 (g) The maintenance of existing insect control structures,
242 dikes, and irrigation and drainage ditches, provided that spoil
243 material is deposited on a self-contained, upland spoil site
244 which will prevent the escape of the spoil material into waters
245 of the state. In the case of insect control structures, if the
246 cost of using a self-contained upland spoil site is so
247 excessive, as determined by the Department of Health, pursuant
248 to s. 403.088(1), that it will inhibit proposed insect control,
249 then-existing spoil sites or dikes may be used, upon
250 notification to the department. In the case of insect control

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

251 where upland spoil sites are not used pursuant to this
252 exemption, turbidity control devices shall be used to confine
253 the spoil material discharge to that area previously disturbed
254 when the receiving body of water is used as a potable water
255 supply, is designated as shellfish harvesting waters, or
256 functions as a habitat for commercially or recreationally
257 important shellfish or finfish. In all cases, no more dredging
258 is to be performed than is necessary to restore the dike or
259 irrigation or drainage ditch to its original design
260 specifications.

261 (h) The repair or replacement of existing functional pipes
262 or culverts the purpose of which is the discharge or conveyance
263 of stormwater. In all cases, the invert elevation, the diameter,
264 and the length of the culvert may ~~shall~~ not be changed. However,
265 the material used for the culvert may be different from the
266 original.

267 (i) The construction of private docks of 1,000 square feet
268 or less of over-water surface area and seawalls in artificially
269 created waterways where such construction will not violate
270 existing water quality standards, impede navigation, or affect
271 flood control. This exemption does not apply to the construction
272 of vertical seawalls in estuaries or lagoons unless the proposed
273 construction is within an existing manmade canal where the
274 shoreline is currently occupied in whole or part by vertical
275 seawalls.

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

(j) The construction and maintenance of swales.

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

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

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

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

(o) The construction of private seawalls in wetlands or other surface waters where such construction is between and adjoins at both ends existing seawalls; follows a continuous and uniform seawall construction line with the existing seawalls; is no more than 150 feet in length; and does not violate existing

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

301 water quality standards, impede navigation, or affect flood
302 control. However, in estuaries and lagoons the construction of
303 vertical seawalls is limited to the circumstances and purposes
304 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
305 the permitting requirements of chapter 161, and department rules
306 must clearly indicate that this exception does not constitute an
307 exception from the permitting requirements of chapter 161.

308 (p) The restoration of existing insect control impoundment
309 dikes which are less than 100 feet in length. Such impoundments
310 shall be connected to tidally influenced waters for 6 months
311 each year beginning September 1 and ending February 28 if
312 feasible or operated in accordance with an impoundment
313 management plan approved by the department. A dike restoration
314 may involve no more dredging than is necessary to restore the
315 dike to its original design specifications. For the purposes of
316 this paragraph, restoration does not include maintenance of
317 impoundment dikes of operating insect control impoundments.

318 (q) The construction, operation, or maintenance of
319 stormwater management facilities which are designed to serve
320 single-family residential projects, including duplexes,
321 triplexes, and quadruplexes, if they are less than 10 acres
322 total land and have less than 2 acres of impervious surface and
323 if the facilities:

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

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

326 2. Are not part of a larger common plan of development or
327 sale; and

328 3. Discharge into a stormwater discharge facility exempted
329 or permitted by the department under this chapter which has
330 sufficient capacity and treatment capability as specified in
331 this chapter and is owned, maintained, or operated by a city,
332 county, special district with drainage responsibility, or water
333 management district; however, this exemption does not authorize
334 discharge to a facility without the facility owner's prior
335 written consent.

336 (r) The removal of aquatic plants, the removal of
337 tussocks, the associated replanting of indigenous aquatic
338 plants, and the associated removal from lakes of organic
339 detrital material when such planting or removal is performed and
340 authorized by permit or exemption granted under s. 369.20 or s.
341 369.25, provided that:

342 1. Organic detrital material that exists on the surface of
343 natural mineral substrate shall be allowed to be removed to a
344 depth of 3 feet or to the natural mineral substrate, whichever
345 is less;

346 2. All material removed pursuant to this paragraph shall
347 be deposited in an upland site in a manner that will prevent the
348 reintroduction of the material into waters in the state except
349 when spoil material is permitted to be used to create wildlife
350 islands in freshwater bodies of the state when a governmental

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

entity is permitted pursuant to s. 369.20 to create such islands as a part of a restoration or enhancement project;

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

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

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

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

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

2. Are wholly contained within a boat slip previously permitted under ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

376 dock that is exempt under this subsection or associated with a
377 permitted dock with no defined boat slip or attached to a
378 bulkhead on a parcel of land where there is no other docking
379 structure;

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

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

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

395
396 Structures that qualify for this exemption are relieved from any
397 requirement to obtain permission to use or occupy lands owned by
398 the Board of Trustees of the Internal Improvement Trust Fund
399 and, with the exception of those structures attached to a
400 bulkhead on a parcel of land where there is no docking

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

401 structure, may ~~shall~~ not be subject to any more stringent
402 permitting requirements, registration requirements, or other
403 regulation by any local government. Local governments may
404 require either permitting or one-time registration of floating
405 vessel platforms to be attached to a bulkhead on a parcel of
406 land where there is no other docking structure as necessary to
407 ensure compliance with local ordinances, codes, or regulations.
408 Local governments may require either permitting or one-time
409 registration of all other floating vessel platforms as necessary
410 to ensure compliance with the exemption criteria in this
411 section; to ensure compliance with local ordinances, codes, or
412 regulations relating to building or zoning, which are no more
413 stringent than the exemption criteria in this section or address
414 subjects other than subjects addressed by the exemption criteria
415 in this section; and to ensure proper installation, maintenance,
416 and precautionary or evacuation action following a tropical
417 storm or hurricane watch of a floating vessel platform or
418 floating boat lift that is proposed to be attached to a bulkhead
419 or parcel of land where there is no other docking structure. The
420 exemption provided in this paragraph shall be in addition to the
421 exemption provided in paragraph (b). The department shall adopt
422 a general permit by rule for the construction, installation,
423 operation, or maintenance of those floating vessel platforms or
424 floating boat lifts that do not qualify for the exemption
425 provided in this paragraph but do not cause significant adverse

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

426 impacts to occur individually or cumulatively. The issuance of
427 such general permit shall also constitute permission to use or
428 occupy lands owned by the Board of Trustees of the Internal
429 Improvement Trust Fund. No local government shall impose a more
430 stringent regulation, permitting requirement, registration
431 requirement, or other regulation covered by such general permit.
432 Local governments may require either permitting or one-time
433 registration of floating vessel platforms as necessary to ensure
434 compliance with the general permit in this section; to ensure
435 compliance with local ordinances, codes, or regulations relating
436 to building or zoning that are no more stringent than the
437 general permit in this section; and to ensure proper
438 installation and maintenance of a floating vessel platform or
439 floating boat lift that is proposed to be attached to a bulkhead
440 or parcel of land where there is no other docking structure.

441 (t) The repair, stabilization, or paving of existing
442 county maintained roads and the repair or replacement of bridges
443 that are part of the roadway, within the Northwest Florida Water
444 Management District and the Suwannee River Water Management
445 District, provided:

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

449 2. The construction activity does not realign the road or
450 expand the number of existing traffic lanes of the existing

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

451 road; however, the work may include the provision of safety
452 shoulders, clearance of vegetation, and other work reasonably
453 necessary to repair, stabilize, pave, or repave the road,
454 provided that the work is constructed by generally accepted
455 engineering standards;

456 3. The construction activity does not expand the existing
457 width of an existing vehicular bridge in excess of that
458 reasonably necessary to properly connect the bridge with the
459 road being repaired, stabilized, paved, or repaved to safely
460 accommodate the traffic expected on the road, which may include
461 expanding the width of the bridge to match the existing
462 connected road. However, no debris from the original bridge
463 shall be allowed to remain in waters of the state, including
464 wetlands;

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

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

469 6. No more dredging or filling of wetlands or water of the
470 state is performed than that which is reasonably necessary to
471 repair, stabilize, pave, or repave the road or to repair or
472 replace the bridge, in accordance with generally accepted
473 engineering standards; and

474 7. Notice of intent to use the exemption is provided to
475 the department, if the work is to be performed within the

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

476 Northwest Florida Water Management District, or to the Suwannee
477 River Water Management District, if the work is to be performed
478 within the Suwannee River Water Management District, 30 days
479 before ~~prior to~~ performing any work under the exemption.

480
481 Within 30 days after this act becomes a law, the department
482 shall initiate rulemaking to adopt a no fee general permit for
483 the repair, stabilization, or paving of existing roads that are
484 maintained by the county and the repair or replacement of
485 bridges that are part of the roadway where such activities do
486 not cause significant adverse impacts to occur individually or
487 cumulatively. The general permit shall apply statewide and, with
488 no additional rulemaking required, apply to qualified projects
489 reviewed by the Suwannee River Water Management District, the
490 St. Johns River Water Management District, the Southwest Florida
491 Water Management District, and the South Florida Water
492 Management District under the division of responsibilities
493 contained in the operating agreements applicable to part IV of
494 chapter 373. Upon adoption, this general permit shall, pursuant
495 to ~~the provisions of~~ subsection (2), supersede and replace the
496 exemption in this paragraph.

497 (u) Notwithstanding any provision to the contrary in this
498 subsection, a permit or other authorization under chapter 253,
499 chapter 369, chapter 373, or this chapter is not required for an
500 individual residential property owner for the removal of organic

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

501 detrital material from freshwater rivers or lakes that have a
502 natural sand or rocky substrate and that are not Aquatic
503 Preserves or for the associated removal and replanting of
504 aquatic vegetation for the purpose of environmental enhancement,
505 providing that:

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

510 2. No filling or peat mining is allowed.

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

513 4. When removing organic detrital material, no portion of
514 the underlying natural mineral substrate or rocky substrate is
515 removed.

516 5. Organic detrital material and plant material removed is
517 deposited in an upland site in a manner that will not cause
518 water quality violations.

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

522 7. Replanting with a variety of aquatic plants native to
523 the state shall occur in a minimum of 25 percent of the
524 preexisting vegetated areas where organic detrital material is
525 removed, except for areas where the material is removed to bare

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

526 rocky substrate; however, an area may be maintained clear of
527 vegetation as an access corridor. The access corridor width may
528 not exceed 50 percent of the property owner's frontage or 50
529 feet, whichever is less, and may be a sufficient length
530 waterward to create a corridor to allow access for a boat or
531 swimmer to reach open water. Replanting must be at a minimum
532 density of 2 feet on center and be completed within 90 days
533 after removal of existing aquatic vegetation, except that under
534 dewatered conditions replanting must be completed within 90 days
535 after reflooding. The area to be replanted must extend waterward
536 from the ordinary high water line to a point where normal water
537 depth would be 3 feet or the preexisting vegetation line,
538 whichever is less. Individuals are required to make a reasonable
539 effort to maintain planting density for a period of 6 months
540 after replanting is complete, and the plants, including
541 naturally recruited native aquatic plants, must be allowed to
542 expand and fill in the revegetation area. Native aquatic plants
543 to be used for revegetation must be salvaged from the
544 enhancement project site or obtained from an aquatic plant
545 nursery regulated by the Department of Agriculture and Consumer
546 Services. Plants that are not native to the state may not be
547 used for replanting.

548 8. No activity occurs any farther than 100 feet waterward
549 of the ordinary high water line, and all activities must be
550 designed and conducted in a manner that will not unreasonably

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

restrict or infringe upon the riparian rights of adjacent upland riparian owners.

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

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

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

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

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

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

ENROLLED

CS/CS/HB 771, Engrossed 1

2019 Legislature

576 Section 3. Section 403.7034, Florida Statutes, is created
577 to read:

578 403.7034 Local regulation of single-use plastic straws;
579 moratorium.—

580 (1) Before July 1, 2024, a county, a municipality, or
581 another entity of local government may not adopt or enforce an
582 ordinance or other local regulation relating to single-use
583 plastic straws. The moratorium on local regulation and
584 enforcement under this section expires July 1, 2024.

585 (2) The Office of Program Policy Analysis and Government
586 Accountability shall conduct a study of each ordinance or
587 regulation adopted by the governing body of a county,
588 municipality, or special district in Florida to restrict or
589 prohibit the use of single-use plastic straws. The study's scope
590 must include, but is not limited to, gathering information
591 pertaining to the data and conclusions on which the county,
592 municipality, or special district used in adopting such
593 ordinance or regulation. The Office of Program Policy Analysis
594 and Government Accountability shall submit a report of its
595 findings to the President of the Senate and the Speaker of the
596 House of Representatives no later than December 1, 2019.

597 Section 4. This act shall take effect July 1, 2019.