



TOWN OF HIGHLAND BEACH RESIDENTIAL FLOATING DOCK EXEMPTION CERTIFICATION APPLICATION

PROPERTY OWNER INFORMATION

Name:	Phone:	Fax:
Condominium Name: (if applicable)		
Mailing Address:		
Email Address:		

AUTHORIZED AGENT INFORMATION

Name:	Phone:	Fax:
Mailing Address:		
Email Address:		

PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION

Address:
Subdivision/Condominium Name:
PCN:
Zoning District:

1. Describe in general terms the proposed floating dock (including materials to be used and construction methods).

2. Provide location of proposed floating dock on existing survey.
3. Provide dimensioned drawing and/or detail of proposed floating.

Any floating dock that is exempt pursuant to Chapter 403, Florida Statutes is the responsibility of the property owner. Any plumbing, mechanical or electrical work will require a building permit.

I certify that this floating dock is qualified as exempt pursuant to 62-330.051(5)(f) FAC and complies with Section 403.813(1)(s), Florida Statutes (see attached).

Owner must supply authorized agent notarized letter attesting to same

Property Owner's Signature: _____ Date: _____

Authorized Agent Signature: _____ Date: _____

Condo Assoc. Rep. Signature: _____ Date: _____

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20____ before me personally appeared _____ to me known to be the person who executed the foregoing instruments, and acknowledged that he executed the same as his free act and deed.

(SEAL)

Notary Public Signature

Select Year: 2019

The 2019 Florida Statutes

[Title XXIX](#)
PUBLIC HEALTH

[Chapter 403](#)
ENVIRONMENTAL CONTROL

[View Entire Chapter](#)

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

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

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

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

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

(d) The replacement or repair of existing docks and piers, except that fill material may not be used and the replacement or repaired dock or pier must be in the same location and of the same configuration and dimensions as the dock or pier being replaced or repaired. This does not preclude the use of different construction materials or minor deviations to allow upgrades to current structural and design standards.

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

(f) The performance of maintenance dredging of existing manmade canals, channels, intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state, provided that no more dredging is to be performed than is necessary to restore the canals, channels, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications or configurations, provided that the work is conducted in compliance with s. [379.2431\(2\)\(d\)](#), provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices for erosion and sediment control are utilized to prevent bank erosion and scouring and to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. Further, for maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least 30 days prior to dredging and provide documentation of original design specifications or configurations where such exist. This exemption applies to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements constructed prior to April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption does not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters. When no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water. The Board of Trustees of the Internal Improvement Trust Fund may fix and recover from the permittee an amount equal to the difference between the fair market value and the actual cost of the maintenance dredging for material removed during such maintenance dredging. However, no charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority. The removing party may subsequently sell such material; however, proceeds from such sale that exceed the costs of maintenance dredging shall be remitted to the state and deposited in the Internal Improvement Trust Fund.

(g) The maintenance of existing insect control structures, dikes, and irrigation and drainage ditches, provided that spoil material is deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into waters of the state. In the case of insect control structures, if the cost of using a self-contained upland spoil site is so excessive, as determined by the Department of Health, pursuant to s. [403.088\(1\)](#), that it will inhibit proposed insect control, then-existing spoil sites or dikes may be used, upon notification to the department. In the case of insect control where upland spoil sites are not used pursuant to this exemption, turbidity control devices shall be used to confine the spoil material discharge to that area previously disturbed when the receiving body of water is used as a potable water supply, is designated as shellfish harvesting waters, or functions as a habitat for commercially or recreationally important shellfish or finfish. In all cases, no more dredging is to be performed than is necessary to restore the dike or irrigation or drainage ditch to its original design specifications.

- (h) The repair or replacement of existing functional pipes or culverts the purpose of which is the discharge or conveyance of stormwater. In all cases, the invert elevation, the diameter, and the length of the culvert shall not be changed. However, the material used for the culvert may be different from the original.
- (i) The construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways where such construction will not violate existing water quality standards, impede navigation, or affect flood control. This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing manmade canal where the shoreline is currently occupied in whole or part by vertical seawalls.
- (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 water quality standards, impede navigation, or affect flood control. However, in estuaries and lagoons the construction of vertical seawalls is limited to the circumstances and purposes stated in s. [373.414\(5\)\(b\)1.-4](#). This paragraph does not affect the permitting requirements of chapter 161, and department rules must clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.
- (p) The restoration of existing insect control impoundment dikes which are less than 100 feet in length. Such impoundments shall be connected to tidally influenced waters for 6 months each year beginning September 1 and ending February 28 if feasible or operated in accordance with an impoundment management plan approved by the department. A dike restoration may involve no more dredging than is necessary to restore the dike to its original design specifications. For the purposes of this paragraph, restoration does not include maintenance of impoundment dikes of operating insect control impoundments.
- (q) The construction, operation, or maintenance of stormwater management facilities which are designed to serve single-family residential projects, including duplexes, triplexes, and quadruplexes, if they are less than 10 acres total land and have less than 2 acres of impervious surface and if the facilities:
1. Comply with all regulations or ordinances applicable to stormwater management and adopted by a city or county;
 2. Are not part of a larger common plan of development or sale; and
 3. Discharge into a stormwater discharge facility exempted or permitted by the department under this chapter which has sufficient capacity and treatment capability as specified in this chapter and is owned, maintained, or operated by a city, county, special district with drainage responsibility, or water management district; however, this exemption does not authorize discharge to a facility without the facility owner's prior written consent.
- (r) The removal of aquatic plants, the removal of tussocks, the associated replanting of indigenous aquatic plants, and the associated removal from lakes of organic detrital material when such planting or removal is performed and authorized by permit or exemption granted under s. [369.20](#) or s. [369.25](#), provided that:
1. Organic detrital material that exists on the surface of natural mineral substrate shall be allowed to be removed to a depth of 3 feet or to the natural mineral substrate, whichever is less;
 2. All material removed pursuant to this paragraph shall be deposited in an upland site in a manner that will prevent the reintroduction of the material into waters in the state except when spoil material is permitted to be used to create wildlife islands in freshwater bodies of the state when a governmental 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 dock that is exempt under this subsection or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure;
 3. Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners, as defined in s. [253.141](#);
 4. Are constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where seagrasses are least dense adjacent to the dock or bulkhead; and
 5. Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with ss. [403.91-403.929](#), 1984 Supplement to the Florida Statutes 1983, as amended, or part IV of chapter 373, or other form of authorization issued by a local government.

Structures that qualify for this exemption are relieved from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund and, with the exception of those structures attached to a bulkhead on a parcel of land where there is no docking structure, shall not be subject to any more stringent permitting requirements, registration requirements, or other regulation by any local government. Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations. Local governments may require either permitting or one-time registration of all other floating vessel platforms as necessary to ensure compliance with the exemption criteria in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria in this section or address subjects other than subjects addressed by the exemption criteria in this section; and to ensure proper installation, maintenance, and precautionary or evacuation action following a tropical storm or hurricane watch of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure. The exemption provided in this paragraph shall be in addition to the exemption provided in paragraph (b). The department shall adopt a general permit by rule for the construction, installation, operation, or maintenance of those floating vessel platforms or floating boat lifts that do not qualify for the exemption provided in this paragraph but do not cause significant adverse impacts to occur individually or cumulatively. The issuance of such general permit shall also constitute permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund. No local government shall impose a more stringent regulation, permitting requirement, registration requirement, or other regulation covered by such general permit. Local governments may require either permitting or one-time registration of floating vessel platforms

as necessary to ensure compliance with the general permit in this section; to ensure compliance with local ordinances, codes, or regulations relating to building or zoning that are no more stringent than the general permit in this section; and to ensure proper installation and maintenance of a floating vessel platform or floating boat lift that is proposed to be attached to a bulkhead or parcel of land where there is no other docking structure.

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

1. The road and associated bridge were in existence and in use as a public road or bridge, and were maintained by the county as a public road or bridge on or before January 1, 2002;
2. The construction activity does not realign the road or expand the number of existing traffic lanes of the existing road; however, the work may include the provision of safety shoulders, clearance of vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed by generally accepted engineering standards;
3. The construction activity does not expand the existing width of an existing vehicular bridge in excess of that reasonably necessary to properly connect the bridge with the road being repaired, stabilized, paved, or repaved to safely accommodate the traffic expected on the road, which may include expanding the width of the bridge to match the existing connected road. However, no debris from the original bridge shall be allowed to remain in waters of the state, including wetlands;
4. Best management practices for erosion control shall be employed as necessary to prevent water quality violations;
5. Roadside swales or other effective means of stormwater treatment must be incorporated as part of the project;
6. No more dredging or filling of wetlands or water of the state is performed than that which is reasonably necessary to repair, stabilize, pave, or repave the road or to repair or replace the bridge, in accordance with generally accepted engineering standards; and
7. Notice of intent to use the exemption is provided to the department, if the work is to be performed within the Northwest Florida Water Management District, or to the Suwannee River Water Management District, if the work is to be performed within the Suwannee River Water Management District, 30 days prior to performing any work under the exemption.

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

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

1. 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.
2. No filling or peat mining is allowed.
3. No removal of native wetland trees, including, but not limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.
4. When removing organic detrital material, no portion of the underlying natural mineral substrate or rocky substrate is removed.
5. Organic detrital material and plant material removed is deposited in an upland site in a manner that will not cause water quality violations.
6. All activities are conducted in such a manner, and with appropriate turbidity controls, so as to prevent any water quality violations outside the immediate work area.
7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the preexisting vegetated areas where organic detrital material is removed, except for areas where the material is removed to bare rocky substrate; however, an area may be maintained clear of vegetation as an access corridor. The access corridor width may not exceed 50 percent of the property owner's frontage or 50 feet, whichever is less, and may be a sufficient length waterward to create a corridor to allow access for a boat or swimmer to reach open water. Replanting must be at a minimum density of 2 feet on center and be completed within 90 days after removal of existing aquatic vegetation, except that under dewatered conditions replanting must be completed within 90 days after reflooding. The area to be replanted must extend waterward from the ordinary high water line to a point where normal water depth would be 3 feet or the preexisting vegetation line, whichever is less. Individuals are required to make a reasonable effort to maintain planting density for a period of 6 months after replanting is complete, and the plants, including naturally recruited native aquatic plants, must be allowed to expand and fill in the revegetation area. Native aquatic plants to be used for revegetation must be salvaged from the enhancement project site or obtained from an aquatic plant nursery regulated by the Department of Agriculture and Consumer Services. Plants that are not native to the state may not be used for replanting.
8. No activity occurs any farther than 100 feet waterward of the ordinary high water line, and all activities must be designed and conducted in a manner that will not unreasonably 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.
- (2) The provisions of subsection (1) are superseded by general permits established pursuant to ss. [373.118](#) and [403.814](#) which include the same activities. Until such time as general permits are established, or should general permits be suspended or repealed, the exemptions under subsection (1) shall remain or shall be reestablished in full force and effect.
- (3) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for maintenance dredging conducted under this section by the seaports of Jacksonville, Port Canaveral, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina or by inland navigation districts if the dredging to be performed is no more than is necessary to restore previously dredged areas to original design specifications or configurations, previously undisturbed natural areas are not significantly impacted, and the work conducted does not violate the protections for manatees under s. [379.2431\(2\)\(d\)](#). In addition:

(a) A mixing zone for turbidity is granted within a 150-meter radius from the point of dredging while dredging is ongoing, except that the mixing zone may not extend into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities.

(b) The discharge of the return water from the site used for the disposal of dredged material shall be allowed only if such discharge does not result in a violation of water quality standards in the receiving waters. The return-water discharge into receiving waters shall be granted a mixing zone for turbidity within a 150-meter radius from the point of discharge into the receiving waters during and immediately after the dredging, except that the mixing zone may not extend into areas supporting wetland communities, submerged aquatic vegetation, or hardbottom communities. Ditches, pipes, and similar types of linear conveyances may not be considered receiving waters for the purposes of this paragraph.

(c) The state may not exact a charge for material that this subsection allows a public port or an inland navigation district to remove. In addition, consent to use any sovereignty submerged lands pursuant to this section is hereby granted.

(d) The use of flocculants at the site used for disposal of the dredged material is allowed if the use, including supporting documentation, is coordinated in advance with the department and the department has determined that the use is not harmful to water resources.

(e) The spoil material from maintenance dredging may be deposited in a self-contained, upland disposal site. The site is not required to be permitted if:

1. The site exists as of January 1, 2011;
2. A professional engineer certifies that the site has been designed in accordance with generally accepted engineering standards for such disposal sites;
3. The site has adequate capacity to receive and retain the dredged material; and
4. The site has operating and maintenance procedures established that allow for discharge of return flow of water and to prevent the escape of the spoil material into the waters of the state.

(f) The department must be notified at least 30 days before the commencement of maintenance dredging. The notice shall include, if applicable, the professional engineer certification required by paragraph (e).

(g) This subsection does not prohibit maintenance dredging of areas where the loss of original design function and constructed configuration has been caused by a storm event, provided that the dredging is performed as soon as practical after the storm event. Maintenance dredging that commences within 3 years after the storm event shall be presumed to satisfy this provision. If more than 3 years are needed to commence the maintenance dredging after the storm event, a request for a specific time extension to perform the maintenance dredging shall be submitted to the department, prior to the end of the 3-year period, accompanied by a statement, including supporting documentation, demonstrating that contractors are not available or that additional time is needed to obtain authorization for the maintenance dredging from the United States Army Corps of Engineers.

History.—s. 7, ch. 75-22; s. 143, ch. 77-104; s. 4, ch. 78-98; s. 1, ch. 78-146; s. 86, ch. 79-65; s. 1, ch. 80-44; s. 8, ch. 80-66; s. 3, ch. 82-80; s. 6, ch. 82-185; s. 65, ch. 83-218; s. 69, ch. 83-310; s. 43, ch. 84-338; s. 39, ch. 85-55; s. 12, ch. 86-138; s. 44, ch. 86-186; ss. 1, 3, ch. 89-324; s. 4, ch. 96-238; s. 3, ch. 97-22; s. 3, ch. 98-131; s. 163, ch. 99-8; s. 1, ch. 2000-145; s. 1, ch. 2002-164; s. 4, ch. 2002-253; s. 1, ch. 2004-16; s. 46, ch. 2006-1; s. 12, ch. 2006-220; s. 8, ch. 2006-309; s. 4, ch. 2008-40; s. 202, ch. 2008-247; s. 52, ch. 2009-21; s. 5, ch. 2010-201; s. 3, ch. 2010-208; s. 8, ch. 2011-164; s. 4, ch. 2012-65; s. 6, ch. 2012-150; s. 21, ch. 2013-92.

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(1) Activities conducted in conformance with the District-specific exemptions in section 1.3 of Volume II applicable to the location of the activity.

(2) Activities conducted in conformance with the exemptions in section 373.406, or 403.813(1), F.S.

(3) Aquatic Plant and Organic Detrital Control and Removal –

(a) Disking and tilling of exposed lake bottoms in accordance with a permit issued by the Florida Fish and Wildlife Conservation Commission or an exemption under chapter 369, F.S.

(b) Organic detrital material removal in accordance with section 403.813(1)(r) or (u), F.S.

(c) Aquatic plant control where the activity qualifies for an exemption authorized under section 369.20, F.S., or in a permit from the Florida Fish and Wildlife Conservation Commission under section 369.20 or 369.22, F.S.; and the harvested plant material is not disposed of in wetlands or other surface waters, or in a manner that adversely affects water quality or flood control.

(d) The mechanical harvesting or shredding of aquatic plants and incidentally associated sediments, including subsequent side casting of the harvested or shredded material, provided:

1. The activity is authorized and conducted by the Florida Fish and Wildlife Conservation Commission, under section 369.20 or 369.22, F.S.;

2. The work involves no dredging and is the minimum amount necessary for maintaining existing navigation corridors and preventing flooding, and in no case shall exceed five total acres of harvesting, shredding, and sidecasting;

3. The work is performed in a manner that does not adversely affect water quality or flood control; and

4. Notice of intent to use this exemption is provided to the Agency five days before performing any work.

(4) Bridges, Driveways, and Roadways –

(a) The replacement and repair of existing open-trestle foot bridges and vehicular bridges in accordance with Section 403.813(1)(l), F.S.

(b) Construction, alteration, or maintenance, and operation, of culverted driveway or roadway crossings and bridges of wholly artificial, non-navigable drainage conveyances, provided:

1. The construction project area does not exceed one acre and is for a discrete project that is not part of a larger plan of development that requires permitting under this chapter. However, these limitations shall not preclude use of this exemption to provide access to activities that qualify for the general permit in section 403.814(12), F.S.;

2. The culvert or bridge shall be sized and installed to pass normal high water stages without causing adverse impacts to upstream or downstream property;

3. Culverts shall not be larger than one, 24-inch diameter pipe, or its hydraulic equivalent, and must not reduce the upstream hydraulic discharge capacity;

4. The crossing shall not:

a. Be longer than 30 feet from top-of-bank to top-of-bank;

b. Have a top width of more than 20 feet or a toe-to-toe width of more than 40 feet; and,

c. Have side slopes steeper than three feet horizontal to one foot vertical;

5. There are no more than two crossings on any total land area, with a minimum distance of 500 feet between crossings;

6. If dewatering is performed, all temporary work and discharges must not cause flooding or impoundment, downstream siltation, erosion, or turbid discharges that violate state water quality standards;

7. Any temporary work shall be completely removed and all upstream and downstream areas that were disturbed shall be restored to pre-work grades, elevations and conditions; and,

8. All work shall comply with subsection 62-330.050(9), F.A.C.

(c) Minor roadway safety construction, alteration, maintenance, and operation, provided:

1. There is no work in, on, or over wetlands other than those in drainage ditches constructed in uplands;

2. There is no reduction in the capacity of existing swales, ditches, or other systems legally in existence under chapter 403 or Part IV of chapter 373, F.S.;

3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.; and

4. The work is limited to:

- a. Sidewalks having a width of six feet or less;
- b. Turn lanes less than 0.25 mile in length, and other safety-related intersection improvements; and
- c. Road widening and shoulder paving that does not create additional traffic lanes and is necessary to meet current, generally accepted roadway design and safety standards.

(d) Resurfacing and repair of existing paved roads, and grading of existing unpaved roads, provided:

- 1. Travel lanes are not paved that are not already paved;
- 2. No substantive changes occur to existing road surface elevations, grades, or profiles; and
- 3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(e) Repair, stabilization, paving, or repaving of existing roads, and the repair or replacement of vehicular bridges that are part of the road, where:

- 1. They were in existence on or before January 1, 2002, and have:
 - a. Been publicly-used and under county or municipal ownership and maintenance thereafter, including when they have been presumed to be dedicated in accordance with section 95.361, F.S.;
 - b. Subsequently become county or municipally-owned and maintained; or
 - c. Subsequently become perpetually maintained by the county or municipality through such means as being accepted by the county or municipality as part of a Municipal Service Taxing Unit or Municipal Service Benefit Unit; and
- 2. The work does not realign the road or expand the number of traffic lanes of the existing road, but may include safety shoulders, clearing vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed using generally accepted roadway design standards;
- 3. Existing bridges are not widened more than is reasonably necessary to properly connect the bridge with the road to match the width of the roadway travel lanes and safely accommodate the traffic expected;
- 4. No debris from the original bridge shall be allowed to remain in wetlands or other surface waters;
- 5. Roadside swales or other effective means of stormwater treatment are incorporated as part of the work;
- 6. No more dredging or filling of wetlands or water of the state is performed than is reasonably necessary to perform the work in accordance with generally accepted roadway design standards;
- 7. Notice of intent to use this exemption is provided to the Agency 30 days before performing any work; and
- 8. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(f) The repair of existing concrete bridge pilings by the Florida Department of Transportation, counties, and municipalities, through the construction of pile jackets, provided the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards of dredging or 300 cubic yards of filling per project. The following conditions shall also apply:

- 1. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, erosion and sediment control best management practices, including turbidity curtains or similar devices, shall be used in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* to prevent violations of state water quality standards.
- 2. Immediately following completion of any work that involves disturbance of the shoreline or banks of wetlands or other surface waters, the shoreline and banks shall be stabilized with native vegetation or riprap to prevent erosion; in areas where native wetland vegetation was disturbed, the stabilization shall consist of the same species planted in a manner to achieve stability and coverage of a similar wetland community as previously existed. Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity. Prevention of erosion of exposed earth into wetlands and other surface waters is a construction priority and completed slopes shall not remain unstabilized while other construction continues.

- 3. Pilings shall not be installed or replaced to add additional traffic lanes.
- 4. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(a) Installation or repair of pilings and dolphins associated with private docking facilities or piers that are exempt under section 403.813(1)(b), F.S.;

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;

2. No structure is enclosed on more than three sides with walls and doors;

3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and

4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

(c) Construction of private docks or piers of 1,000 square feet or less of over-water surface area in artificial waters in accordance with section 403.813(1)(i), F.S., and within residential canal systems legally in existence under chapter 403 or part IV of chapter 373, F.S. This includes associated structures such as roofs and boat lifts, provided the cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed 1,000 square feet.

(d) Replacement or repair of existing docks and piers, including mooring piles, in accordance with section 403.813(1)(d), F.S., provided the existing structure is still functional or has been rendered non-functional within the last year by a discrete event, such as a storm, flood, accident, or fire.

(e) The construction and maintenance to design specifications of boat ramps in accordance with section 403.813(1)(c), F.S., where navigational access to the proposed ramp currently exists:

1. In artificial waters and residential canal systems; or

2. In any wetland or other surface waters when the ramps are open to the public; and

3. The installation of docks associated with and adjoining boat ramps constructed as part of the above ramps is limited to an area of 500 square feet or less over wetlands and other surface waters.

(f) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts in accordance with section 403.813(1)(s), F.S.

(g) The removal of derelict vessels, as defined in section 823.11(1), F.S., by federal, state, and local agencies, provided:

1. The derelict vessel case has been completed as specified in section 705.103, F.S., and has been entered into the Statewide Derelict Vessel Database maintained by the Florida Fish and Wildlife Conservation Commission;

2. All work is done in a manner that, to the greatest extent practicable, avoids additional dredging or filling, grounding or dragging of vessels, and damage to submerged resources such as seagrass beds, oyster beds, coral communities, mangroves, other wetlands, and live bottom; and

3. An absorbent blanket or boom shall be immediately deployed on the surface of the water around the derelict vessel if fuel, oil, or other free-floating pollutants are observed during the work.

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;

2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

(6) Construction, alteration, maintenance, operation, and removal of freshwater fish attractors by the Florida Fish and Wildlife Conservation Commission, U.S. Forest Service, and county and municipal governments, provided:

(a) The material is limited to clean concrete, rock, brush, logs, or trees;

(b) The material is firmly anchored to the bottom of the waterbody;

(c) The size of an individual fish attractor shall be limited to one quarter of an acre in area;

(d) The top of the fish attractor shall be at least three feet below the water surface at expected average low water depth, as determined based on best available information for the waterbody at the specific location of the attractor;

(e) The attractor shall be outside any posted navigational channels and shall not cause a navigational hazard;

(f) No material is placed on or in areas vegetated by native aquatic vegetation; and

(g) The provisions of paragraph 62-330.050(9)(c), F.A.C., also shall apply to protect listed species during the work.

(7) Maintenance and Restoration –

(a) Maintenance dredging under section 403.813(1)(f), F.S.

(b) Maintenance of insect control structures, dikes, and irrigation and drainage ditches under section 403.813(1)(g), F.S.

(c) The restoration of existing insect control impoundment dikes, and the connection of such impoundments to tidally

influenced waters under section 403.813(1)(p), F.S., provided:

1. The restored section of dike is limited to 100 feet in length;
2. The connection shall provide sufficient cross-sectional area to allow beneficial tidal influence;
3. Dredging and filling are limited to that needed to restore the dike to original design specifications; and
4. The final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations.

(d) Alteration and maintenance of treatment or disposal systems under rule 62-340.700, F.A.C.

(e) Construction and maintenance of swales in accordance with section 403.813(1)(j), F.S.

(f) Placement of wooden, composite, metal, or other non-earthen construction mats to provide temporary access to maintain or repair projects within wetlands, provided:

1. There is no cutting or clearing of wetland trees having a diameter four inches (circumference of 12 inches) or greater at breast height;

2. The maximum width of the construction access area shall be 15 feet;

3. Mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed at, each location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

4. Areas disturbed for access shall be restored to natural grades immediately after the work is complete.

(g) Port dredging under section 403.813(3), F.S.

(h) The following activities undertaken by the National Oceanic and Atmospheric Administration's (NOAA) Florida Keys National Marine Sanctuary:

1. Seagrass restoration following the procedures of the Final Programmatic Environmental Impact Statement for Seagrass Restoration in the Florida Keys National Marine Sanctuary (NOAA 2004), which is incorporated by reference herein (June 1, 2018) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09440>) and available as provided in subsection 62-330.010(5), F.A.C.; and

2. Coral restoration following the procedures of the Final Programmatic Environmental Impact Statement for Coral Restoration in the Florida Keys and Flower Garden Banks National Marine Sanctuaries (NOAA 2010), which is incorporated by reference herein (June 1, 2018) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09441>) and available as provided in subsection 62-330.010(5), F.A.C.

(8) The installation of aids to navigation, including bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, in accordance with section 403.813(1)(k), F.S.

(9) Pipes or Culverts –

(a) Repair or replacement, provided:

1. The pipes or culverts have equivalent hydraulic capacity to those being repaired or replaced;

2. The invert elevation shall not be changed; and

3. The pipes or culverts function to discharge or convey stormwater, and are not associated with the repair, replacement, or alteration of a dam, spillway, or appurtenant works.

(b) Construction, alteration, operation, maintenance, and removal of outfall pipes, together with associated headwalls, and energy dissipation baffles, rocks, and other scour-reduction devices at the outfall locations, provided:

1. The pipes extend less than 20 feet in, on, or over wetlands or other surface waters;

2. The outfall is part of an activity that is exempt under part IV of chapter 373, F.S., or qualifies for the general permit in section 403.814(12), F.S.;

3. The outfall is designed to prevent erosion and scour;

4. Work in natural waterbodies, wetlands, and Outstanding Florida Waters is limited to 0.03 acre;

5. No activities occur in seagrasses;

6. Within waters accessible to manatees, submerged or partially submerged outfall pipes having a diameter larger than eight inches shall have grating such that no opening is larger than eight inches; and

7. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) The extension of existing culverts and crossing approaches, and the installation of scour protection structures at such locations, when done to accommodate an activity that does not require a permit under this chapter, provided:

1. Work in wetlands or other surface waters is limited to a total of 100 cubic yards of dredging and filling, and no more than 0.10 acre at any culvert extension or crossing approach location; and

2. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(10) The construction, alteration, maintenance, removal or abandonment of recreational paths for pedestrians, bicycles, and golf carts, provided:

(a) There is no work in, on, or over wetlands or other surface waters other than those in drainage ditches constructed in uplands;

(b) There is no reduction in the capacity of existing swales, ditches, or other stormwater management systems legally in existence under chapter 403 or part IV of chapter 373, F.S.;

(c) The paths have a width of eight feet or less for pedestrian paths, and 14 feet or less for multi-use recreational paths;

(d) The paths are not intended for use by motorized vehicles powered by internal combustion engines or electric-powered roadway vehicles, except when needed for maintenance or emergency purposes; and

(e) The paths comply with the limitations and restrictions in subsection 62-330.050(9), F.A.C.

(11) Sampling and Testing –

(a) Collection of seagrass, macroalgae, and macrobenthos in accordance with the terms and conditions of a permit or license issued by the Florida Fish and Wildlife Conservation Commission.

(b) Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices, provided:

1. The device's purpose is solely to collect scientific or technical data, such as staff gages, tide and current gages, meteorological stations, water recording, biological observation and sampling, and water quality testing and improvement. Parshall flumes and other small weirs installed primarily to record water quantity and velocity are authorized, provided the amount of fill is limited to 25 cubic yards;

2. The device and any associated structures or fill, such as foundations, anchors, buoys, and lines, is removed to the maximum extent practicable at the end of the data collection or sampling;

3. The site is restored to pre-construction conditions within 48 hours of completion of use of the device; and

4. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) An exemption for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities as provided in section 403.813(1)(v), F.S.

(d) Geotechnical investigations, including soil test borings, standard penetration tests, and other work involving boring, auguring, or drilling for the purposes of collecting geotechnical data, together with clearing for temporary access corridors to perform these investigations, subject to the following:

1. Excavation at each soil boring, auguring, or coring location is limited to no more than one foot in diameter. The total area of work authorized in wetlands and other surface waters is limited to 0.5 acre, including all excavations and clearing for temporary access corridors.

2. No drilling fluid or dredged material shall be left above grade in a wetland or other surface water.

3. Boreholes suspected to have penetrated a confining layer shall be grouted from the bottom up by means of a tremie pipe and the severed materials shall be removed from the wetland or other surface waters.

4. This exemption shall not apply to borings used to place seismographic charges for oil and gas exploration.

5. This exemption does not supersede the exemption in section 403.813(1)(v), F.S., for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities.

6. Turbidity, sedimentation, and erosion shall be controlled during and after investigations to prevent violations of state water quality standards due to construction related activities.

7. Drilling activities associated with construction of wells must comply with chapter 62-532, F.A.C.

8. Temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

a. Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

b. The maximum width of the construction access area shall be limited to 15 feet;

c. All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

d. Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(a) Construction, replacement, and repair of seawalls or riprap in artificially created waterways under section 403.813(1)(i), F.S., and within residential canal systems legally in existence under chapter 403 or part IV of chapter 373, F.S, including only that backfilling needed to level the land behind seawalls or riprap.

(b) The restoration of a seawall or riprap under section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or riprap restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose. See section 3.2.4 of Volume I for factors used to determine qualification under this provision;

2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap; and

3. Applicable permits under chapter 161, F.S., are obtained.

(c) The construction of seawalls or riprap in wetlands or other surface waters between and adjoining existing seawalls or riprap at both ends in accordance with section 403.813(1)(o), F.S. For purposes of this exemption, riprap is subject to the same length and orientation limitations as a seawall.

(d) Installation of batter piles, king piles, or a seawall cap, used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

(e) Restoration of an eroding shoreline with native wetland vegetative enhancement plantings, provided:

1. The length of shoreline is 500 linear feet or less;

2. Plantings are native wetland plants appropriate for the site obtained from commercially-grown stock;

3. Plantings extend no farther than 10 feet waterward of the approximate mean high water line (MHWL) or ordinary high water line (OHWL);

4. All invasive and exotic vegetative species along the shoreline is removed in conjunction with the planting to the extent practicable;

5. Biodegradable natural fiber logs or mats that are secured in place, such as with the use of wooden stakes, may be used if necessary to support the vegetative plantings; and

6. No fill is placed other than that needed to support the vegetative plantings, except that a breakwater is authorized to be installed concurrent with the planting if permanent wave attenuation is required to maintain the shoreline vegetation, provided:

a. The waterward toe of the breakwater extends no more than 10 feet waterward of the approximate MHWL or OHWL, with a top height of no more than the mean or ordinary high water elevation;

b. The breakwater is composed predominantly of natural oyster shell cultch (clean and fossilized oyster shell) or other stable, non-degradable materials such as oyster reef, reef balls, boulders, clean concrete rubble, riprap, rock sills, or triangular concrete forms. Oyster shell cultch, if used, shall be enclosed in mesh bags having openings of no more than three inches, or securely fixed to matting prior to placement in the water. Oyster bags and mats must be anchored to prevent movement of shell from the project area;

c. The breakwater shall not be placed over, or within three feet (in any direction) of any submerged grassbed or existing emergent marsh vegetation;

d. The breakwater shall be placed in units so that there is at least one opening measuring at least five feet in width located every 75 linear feet along the breakwater, with a minimum of one opening, to allow the flow of water and the passage of fish and aquatic wildlife;

e. All equipment used during construction shall be operated from, and be stored in uplands; and

f. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(13) Single-Family Residences and Associated Residential Improvements –

(a) The construction, alteration, maintenance, removal, and abandonment of one individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements, that:

1. Do not involve any work in wetlands or other surface waters;
2. Are not part of a larger common plan of development or sale requiring a permit or modification of a permit under part IV of chapter 373, F.S.; and

3. Comply with the limitations and restrictions in subsection 62-330.050(9), F.A.C.

(b) The construction, alteration, maintenance, removal, and abandonment of one individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements if it will be located:

1. Within the boundaries of a valid permit issued under part IV of chapter 373, F.S., and it was accounted for under the permit;
or

2. Within the boundaries of a development that predates the applicable effective date for the permitting program established under part IV of chapter 373, F.S., provided the activity does not involve any work in wetlands or other surface waters.

(c) Construction, operation, or maintenance of a stormwater management facility designed to serve single-family residential projects in conformance with section 403.813(1)(q), F.S.

(14) Utilities –

(a) Installation of overhead transmission lines in accordance with section 403.813(1)(a), F.S.

(b) Installation of subaqueous transmission and distribution lines in accordance with section 403.813(1)(m), F.S.

(c) Replacement or repair of subaqueous transmission and distribution lines in accordance with section 403.813(1)(n), F.S.

(d) Activities necessary to preserve, restore, repair, remove, or replace an existing communication or utility pole or aerial transmission or distribution line, provided there is no dredging or filling in wetlands or other surface waters except to remove poles and replace them with new poles, and temporary mats needed to access the site in accordance with paragraph 62-330.051(7)(f), F.A.C. The activity must not increase the voltage of existing power lines or relocate existing poles or lines more than 10 feet in any direction from their original location.

(e) Installation, removal, and replacement of utility poles that support telecommunication lines or cables, or electric distribution lines of 35kV or less, together with the bases and anchoring devices to support those poles. “Anchoring device” shall mean steel guy wires fastened to the ground, without the need for dredging, and “base” shall mean a concrete or steel foundation not exceeding four feet in radius, used to support a utility pole. Work must comply with the following:

1. No more than 15 utility poles shall be installed, removed, or replaced in wetlands;
2. There shall be no permanent placement of fill other than utility poles and anchoring devices;
3. Work shall not occur in forested wetlands located within 550 feet from the mean or ordinary high water line of an Aquatic Preserve or a named waterbody designated as an Outstanding Florida Water or an Outstanding National Resource Water;
4. Vehicle usage in wetlands shall be conducted so as to minimize tire rutting and erosion impacts;
5. There shall be no dredging or filling to create fill pads or access roads, except to place temporary mats for access within the utility right-of-way in wetlands. All temporary mats shall be removed as soon as practicable, but in no case longer than seven days after equipment has completed passage through, or work has been completed, at any location along the alignment of the project;
6. Temporary disturbance to wetlands shall be limited to a length of 0.5 mile, a width of 30 feet, and a total area of 0.5 acre;
7. Maintenance of the utility right-of-way in wetlands shall be limited to a cleared corridor of up to 15 feet wide and a total area of 0.25 acre;
8. Except for the authorized permanent structures, pre-work ground elevations and contours shall be restored within 30 days of completion of the work;
9. Water jets shall not be used unless they are a pre-engineered part of the pole and the water for the jets is either recirculated on site or is discharged in a self-contained upland disposal site;
10. The installation of the utility poles and associated bases and anchoring devices shall not interfere with navigation or impede water flow in wetlands; and
11. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(f) Excavation or dredging of temporary trenches to install utilities such as communication cables, water lines, and electrical lines, provided:

1. Material is not deposited within wetlands or other surface waters other than that needed to backfill the trench to restore ground to pre-work grades;
2. Backfilling is performed to restore pre-work grades within 24 hours of disturbance; and
3. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(g) Construction, alteration, maintenance, removal, or abandonment of communication tower sites with 0.5 acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads shall not adversely affect the conveyance of surface water flows. No activities, including access to the site, shall be located in wetlands or other surface waters or within a 100-year floodplain.

(h) Construction, alteration, maintenance, removal, or abandonment of electrical distribution substation and electrical switching station sites with one acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads shall not adversely affect the conveyance of surface water flows. The site must be surrounded by swales, as defined in section 403.803(14), F.S., or other type of equivalent treatment, and must not have a direct discharge to an Outstanding Florida Water. No activities, including access to the site, may be located in wetlands or other surface waters, or within a 100-year floodplain.

(i) Installation and repair of water intake lawn irrigation waterlines and closed-loop air conditioning cooling lines laid on the bottoms of waters of the state for an individual private single-family or multi-family residence, provided that the intake diameter is less than six inches, or its hydraulic equivalent.

(15) Modification or reconstruction of an existing conveyance system constructed prior to the need to obtain a permit under part IV of chapter 373, F.S., provided:

(a) The work is conducted by a city, county, state agency, or District;

(b) The system alteration is not intended to serve new development; and

(c) The system does not:

1. Discharge directly to Outstanding Florida Waters;

2. Increase pollution loading;

3. Change points of discharge in a manner that would adversely affect the designated uses of wetlands or other surface waters;

4. Result in new adverse water quantity impacts to receiving waters and adjacent lands;

5. Pipe and fill wetlands and other surface waters, including irrigation or drainage ditches; and

6. Replace a functional treatment swale that was authorized under chapter 62-25, F.A.C., or part IV of chapter 373, F.S.

(16) The construction, alteration, maintenance, or filling of wholly-owned, artificial surface waters that:

(a) Were or are created entirely from uplands;

(b) Are isolated such that they do not connect to any other wetlands or other surface waters;

(c) Are not excavated within three feet above any aquitard or karst materials;

(d) Involve no more than a total of 0.5 acre of work in wetlands within the artificial waterbody;

(e) Do not impound water above any surrounding natural grade elevation, or have the capability of impounding more than 40 acre-feet of water;

(f) Were or are not created to provide mitigation under part IV of chapter 373, F.S.;

(g) Excavated materials shall not be used off-site for commercial, industrial, or construction use;

(h) Were not permitted for stormwater treatment or management under chapter 62-25, F.A.C., or part IV of chapter 373, F.S.;

(i) All excavated material shall be deposited and fully contained within uplands;

(j) Are not a farm pond as defined in section 403.927, F.S.; and

(k) Work is conducted in accordance with paragraph 62-330.050(9)(b), F.A.C.;

(17) The construction, alteration, operation, maintenance, repair, reclamation, or abandonment of a dry borrow pit for excavation of sand and other soil materials, provided that all of the following conditions are met:

(a) Notice of intent to use this exemption is provided to the Agency 30 days before performing any work.

(b) The area of excavation for the borrow pit shall be less than five acres, when measured at the natural land surface grade of the pit.

(c) The borrow pit shall be constructed entirely in uplands for the purpose of using the borrow materials as appropriately permitted, authorized, or as exempted. If excavated materials will be used off-site for commercial, industrial, or construction use, the borrow pit is subject to the mine reclamation requirements under part III of chapter 378, F.S.

(d) Borrow pits under this exemption must meet the following conditions:

1. Does not include construction or maintenance of any embankment above the natural land surface grade as a part of the work to construct the pit and remove the soil materials.

2. No above-grade roads are constructed as access to the pit area.

3. Shall not impact wetlands.

4. Shall not be excavated deeper than three feet above seasonal high water level, any surficial aquifer, aquitard, or karst materials.

5. The pit area shall be protected at all times by adequate fencing and gating structures to limit access and provide for safety.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.