

Bill No. SB 2288

Barcode 700070

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

Senate Amendment (with title amendment)

On page 1, line 13,

insert:

Section 3. Subsection (5) is added to section 373.118,
Florida Statutes, to read:

373.118 General permits.--

(5) The department shall adopt by rule one or more
general permits for local governments to construct, operate,
and maintain public marina facilities, public mooring fields,
public boat ramps, including associated courtesy docks, and
associated parking facilities located in uplands. The general
permits adopted by rule shall include provisions to ensure
compliance with subsection (1), part IV of this chapter, and
the criteria necessary to include the general permits in a
state programmatic general permit issued by the United States
Army Corps of Engineers under s. 404 of the Clean Water Act,
Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq. A
facility authorized under such general permits is exempt from

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1 review as a development of regional impact if the facility
2 complies with the comprehensive plan of the applicable local
3 government. The facilities shall be consistent with the local
4 government manatee protection plan required pursuant to ch.
5 370 and shall obtain Clean Marina Program status before
6 opening for operation and maintain that status for the life of
7 the facility. Marinas authorized under any such general permit
8 may not exceed an area of 50,000 square feet over wetlands and
9 other surface waters. The department shall initiate the
10 rulemaking process within 60 days after the effective date of
11 this act.

12 Section 4. Paragraph (s) of subsection (2) of section
13 403.813, Florida Statutes, is amended to read:

14 403.813 Permits issued at district centers;
15 exceptions.--

16 (2) A permit is not required under this chapter,
17 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214
18 or chapter 25270, 1949, Laws of Florida, for activities
19 associated with the following types of projects; however,
20 except as otherwise provided in this subsection, nothing in
21 this subsection relieves an applicant from any requirement to
22 obtain permission to use or occupy lands owned by the Board of
23 Trustees of the Internal Improvement Trust Fund or any water
24 management district in its governmental or proprietary
25 capacity or from complying with applicable local pollution
26 control programs authorized under this chapter or other
27 requirements of county and municipal governments:

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

31 1. Float at all times in the water for the sole

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1 purpose of supporting a vessel so that the vessel is out of
2 the water when not in use;

3 2. Are wholly contained within a boat slip previously
4 permitted under ss. 403.91-403.929, 1984 Supplement to the
5 Florida Statutes 1983, as amended, or part IV of chapter 373;
6 ~~are, or, when~~ associated with a dock that is exempt under this
7 subsection or a permitted dock with no defined boat slip ~~and,~~
8 do not exceed a combined total of 500 square feet, or 200
9 square feet in an Outstanding Florida Water; or are attached
10 to a bulkhead on a parcel of land where there is no other
11 docking structure and do not exceed a combined total of 1,000
12 square feet outside of Outstanding Florida Waters, 500 square
13 feet within an Outstanding Florida Water that is not an
14 aquatic preserve, or 200 square feet within an aquatic
15 preserve;

16 3. Are not used for any commercial purpose or for
17 mooring vessels that remain in the water when not in use, and
18 do not substantially impede the flow of water, create a
19 navigational hazard, or unreasonably infringe upon the
20 riparian rights of adjacent property owners, as defined in s.
21 253.141;

22 4. Are constructed and used so as to minimize adverse
23 impacts to submerged lands, wetlands, shellfish areas, aquatic
24 plant and animal species, and other biological communities,
25 including locating such structures in areas where ~~no~~
26 seagrasses are least dense ~~exist if such areas are present~~
27 adjacent to the dock or bulkhead; and

28 5. Are not constructed in areas specifically
29 prohibited for boat mooring under conditions of a permit
30 issued in accordance with ss. 403.91-403.929, 1984 Supplement
31 to the Florida Statutes 1983, as amended, or part IV of

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1 chapter 373, or other form of authorization issued by a local
2 government.

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4 Structures that qualify for this exemption are relieved from
5 any requirement to obtain permission to use or occupy lands
6 owned by the Board of Trustees of the Internal Improvement
7 Trust Fund and shall not be subject to any permitting
8 requirement, registration requirement, or other more stringent
9 regulation by any local government. The exemption provided in
10 this paragraph shall be in addition to the exemption provided
11 in paragraph (b). By January 1, 2006 ~~2003~~, the department
12 shall adopt a general permit by rule for the construction,
13 installation, operation, or maintenance of those floating
14 vessel platforms or floating boat lifts that do not qualify
15 for the exemption provided in this paragraph but do not cause
16 significant adverse impacts to occur individually or
17 cumulatively. The issuance of such general permit shall also
18 constitute permission to use or occupy lands owned by the
19 Board of Trustees of the Internal Improvement Trust Fund.
20 Structures that qualify for ~~Upon the adoption of the rule~~
21 ~~creating~~ such general permit are not subject to any permitting
22 requirement, registration requirement, or other more stringent
23 regulation by any, ~~no~~ local government ~~shall impose a more~~
24 ~~stringent regulation on floating vessel platforms or floating~~
25 ~~boat lifts covered by such general permit.~~

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28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 1, line 3, after the first semicolon,

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1 insert:

2 amending s. 373.118, F.S.; directing the
3 Department of Environmental Protection to adopt
4 rules to authorize local governments to
5 construct and maintain all facilities,
6 including public marinas and boat ramps;
7 exempting certain facilities from
8 development-of-regional-impact review;
9 providing for regulatory criteria; providing
10 for the use of submerged lands; amending s.
11 403.813, F.S.; revising permit exemption
12 requirements for floating vessel platforms or
13 floating boat lifts;

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