

Bill No. CS for SB 2128

Barcode 351828

CHAMBER ACTION

Senate

House

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Comm: RCS
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The Committee on Environmental Preservation (Smith)
recommended the following **amendment to amendment** (191400):

Senate Amendment (with title amendment)

On page 9, between lines 28 and 29,

and insert:

Section 8. Paragraph (s) of subsection (2) of section
403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers;
exceptions.--

(2) 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, nothing in
this subsection relieves 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 any water
management district in its governmental or proprietary
capacity or from complying with applicable local pollution

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1 control programs authorized under this chapter or other
2 requirements of county and municipal governments:

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

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

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

19 3. Are not used for any commercial purpose or for
20 mooring vessels that remain in the water when not in use, and
21 do not substantially impede the flow of water, create a
22 navigational hazard, or unreasonably infringe upon the
23 riparian rights of adjacent property owners, as defined in s.
24 253.141;

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

31 5. Are not constructed in areas specifically

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1 prohibited for boat mooring under conditions of a permit
 2 issued in accordance with ss. 403.91-403.929, 1984 Supplement
 3 to the Florida Statutes 1983, as amended, or part IV of
 4 chapter 373, or other form of authorization issued by a local
 5 government.

6
 7 Structures that qualify for this exemption are relieved from
 8 any requirement to obtain permission to use or occupy lands
 9 owned by the Board of Trustees of the Internal Improvement
 10 Trust Fund and shall not be subject to any more stringent
 11 permitting requirements, registration requirements, or other
 12 regulation by any local government. Local governments may
 13 require either permitting or one-time registration of floating
 14 vessel platforms as necessary to ensure compliance with the
 15 exemption criteria in this section; to ensure compliance with
 16 local ordinances, codes, or regulations relating to building
 17 or zoning, which are no more stringent than the exemption
 18 criteria in this section; and to ensure proper installation
 19 and maintenance of a floating vessel platform or floating boat
 20 lift that is proposed to be attached to a bulkhead or parcel
 21 of land where there is no other docking structure. The

22 exemption provided in this paragraph shall be in addition to
 23 the exemption provided in paragraph (b). ~~By January 1, 2003,~~
 24 The department shall adopt a general permit by rule for the
 25 construction, installation, operation, or maintenance of those
 26 floating vessel platforms or floating boat lifts that do not
 27 qualify for the exemption provided in this paragraph but do
 28 not cause significant adverse impacts to occur individually or
 29 cumulatively. The issuance of such general permit shall also
 30 constitute permission to use or occupy lands owned by the
 31 Board of Trustees of the Internal Improvement Trust Fund. ~~Upon~~

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1 ~~the adoption of the rule creating such general permit, No~~
2 local government shall impose a more stringent regulation,
3 permitting requirement, registration requirement, or other
4 regulation covered by such general permit. Local governments
5 may require either permitting or one-time registration of
6 floating vessel platforms as necessary to ensure compliance
7 with the general permit in this section; to ensure compliance
8 with local ordinances, codes, or regulations relating to
9 building or zoning that are no more stringent than the general
10 permit in this section; and to ensure proper installation and
11 maintenance of a floating vessel platform or floating boat
12 lift that is proposed to be attached to a bulkhead or parcel
13 of land where there is no other docking structure ~~on floating~~
14 ~~vessel platforms or floating boat lifts covered by such~~
15 ~~general permit.~~

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

19 And the title is amended as follows:

20 On page 14, line 29, after the semicolon

21

22 insert:

23 amending s. 403.813, F.S.; providing exemptions
24 from permitting, registration, and regulation
25 of floating vessel platforms or floating boat
26 lifts by a local government; authorizing local
27 governments to require certain permits or
28 registration for floating vessel platforms or
29 floating boat lifts under certain
30 circumstances;

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