

By Senator Altman

24-01041-10

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1 A bill to be entitled
2 An act relating to docks; amending s. 258.42, F.S.;
3 authorizing the placement of roofs on certain
4 residential single-family docks; amending s. 403.061,
5 F.S.; authorizing the Department of Environmental
6 Protection to adopt rules that include special
7 criteria for approving certain docking facilities in
8 shellfish harvesting waters; deleting an obsolete
9 provision; authorizing the department to maintain a
10 list of projects or activities for applicants to
11 consider when developing proposals in order to meet
12 mitigation or public interest requirements;
13 authorizing the department to develop a project
14 management plan to implement an e-permitting program;
15 authorizing the department to expand online self-
16 certification for certain exemptions and general
17 permits; prohibiting local governments from specifying
18 the method or form for documenting that a project
19 meets specified requirements; amending s. 403.813,
20 F.S.; clarifying provisions relating to permits issued
21 at district centers to authorize the use of different
22 construction materials or minor deviations when
23 replacing or repairing docks and piers; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (e) of subsection (3) of section
29 258.42, Florida Statutes, is amended to read:

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30 258.42 Maintenance of preserves.—The Board of Trustees of
31 the Internal Improvement Trust Fund shall maintain such aquatic
32 preserves subject to the following provisions:

33 (3)

34 (e) ~~There shall be no erection of Structures~~ may not be
35 erected within the preserve, except:

36 1. Private residential docks may be approved for reasonable
37 ingress or egress of riparian owners. Slips at private
38 residential single-family docks that contain boat lifts or
39 davits that do not float in the water when loaded may not, in
40 whole or in part, be enclosed by walls, but may be roofed if the
41 roof does not overhang more than 1 foot beyond the footprint of
42 the boat lift. Such roofs are not included in the square-footage
43 calculation of a terminal platform.

44 2. Private residential multislip docks may be approved if
45 located within a reasonable distance of a publicly maintained
46 navigation channel, or a natural channel of adequate depth and
47 width to allow operation of the watercraft for which the docking
48 facility is designed without the craft having an adverse impact
49 on marine resources. The distance shall be determined in
50 accordance with criteria established by the trustees by rule,
51 based on ~~a consideration of~~ the depth of the water, nature and
52 condition of bottom, and presence of manatees.

53 3. Commercial docking facilities shown to be consistent
54 with the use or management criteria of the preserve may be
55 approved if the facilities are located within a reasonable
56 distance of a publicly maintained navigation channel, or a
57 natural channel of adequate depth and width to allow operation
58 of the watercraft for which the docking facility is designed

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59 without the craft having an adverse impact on marine resources.
60 The distance shall be determined in accordance with criteria
61 established by the trustees by rule, based on ~~a consideration of~~
62 the depth of the water, nature and condition of bottom, and
63 presence of manatees.

64 4. Structures for shore protection, including restoration
65 of seawalls at their previous location or upland of or within 18
66 inches waterward of their previous location, approved
67 navigational aids, or public utility crossings authorized under
68 paragraph (a) may be approved.

69
70 A ~~No~~ structure under this paragraph or chapter 253 may not ~~shall~~
71 be prohibited solely because the local government fails to adopt
72 a marina plan or other policies dealing with the siting of such
73 structures in its local comprehensive plan.

74 Section 2. Subsection (29) of section 403.061, Florida
75 Statutes, is amended, present subsection (40) is renumbered as
76 section (43), and new subsections (40), (41), and (42) are added
77 to that section, to read:

78 403.061 Department; powers and duties.—The department shall
79 have the power and the duty to control and prohibit pollution of
80 air and water in accordance with the law and rules adopted and
81 promulgated by it and, for this purpose, to:

82 (29) Adopt by rule special criteria to protect Class II
83 shellfish harvesting waters. Such rules may include special
84 criteria for approving docking facilities that have 10 or fewer
85 slips if the construction and operation of such facilities will
86 not result in the closure of shellfish waters. ~~Rules previously~~
87 ~~adopted by the department in rule 17-4.28(8)(a), Florida~~

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88 ~~Administrative Code, are hereby ratified and determined to be a~~
89 ~~valid exercise of delegated legislative authority and shall~~
90 ~~remain in effect unless amended by the Environmental Regulation~~
91 ~~Commission.~~

92 (40) Maintain a list of projects or activities, including
93 mitigation banks, which applicants may consider when developing
94 proposals in order to meet the mitigation or public interest
95 requirements of this chapter, chapter 253, or chapter 373. The
96 contents of such list are not a rule as defined in chapter 120,
97 and listing a specific project or activity does not imply
98 department approval for such project or activity. Each county
99 government is encouraged to develop an inventory of projects or
100 activities for inclusion on the list by obtaining input from
101 local stakeholders in the public, private, and nonprofit
102 sectors, including local governments, port authorities, marine
103 contractors, other representatives of the marine construction
104 industry, environmental or conservation organizations, and other
105 interested parties. A county may establish dedicated trust funds
106 for depositing public interest donations to be used for future
107 public interest projects, including improving on-water law
108 enforcement capabilities.

109 (41) Develop a project management plan to implement an e-
110 permitting program that allows for timely submission and
111 exchange of permit application and compliance information that
112 benefits the department's mission, permit applicants,
113 permitholders, and the public. The plan must include an
114 implementation timetable, estimated costs, and transaction fees.
115 The department shall submit the plan to the President of the
116 Senate, the Speaker of the House of Representatives, and the

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117 Legislative Committee on Intergovernmental Relations by January
118 15, 2011.

119 (42) Expand the use of online self-certification for
120 appropriate exemptions and general permits issued by the
121 department and the water management districts if such expansion
122 is economically feasible. Notwithstanding any other provision of
123 law, a local government may not specify the method or form for
124 documenting that a project meets the requirements for
125 authorization under chapter 161, chapter 253, chapter 373, or
126 this chapter. This includes Internet-based department programs
127 that provide for self-certification.

128
129 The department shall implement such programs in conjunction with
130 its other powers and duties and shall place special emphasis on
131 reducing and eliminating contamination that presents a threat to
132 humans, animals or plants, or to the environment.

133 Section 3. Paragraph (d) of subsection (1) of section
134 403.813, Florida Statutes, is amended to read:

135 403.813 Permits issued at district centers; exceptions.—

136 (1) A permit is not required under this chapter, chapter
137 373, chapter 61-691, Laws of Florida, or chapter 25214 or
138 chapter 25270, 1949, Laws of Florida, for activities associated
139 with the following types of projects; however, except as
140 otherwise provided in this subsection, nothing in this
141 subsection relieves an applicant from any requirement to obtain
142 permission to use or occupy lands owned by the Board of Trustees
143 of the Internal Improvement Trust Fund or any water management
144 district in its governmental or proprietary capacity or from
145 complying with applicable local pollution control programs

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146 authorized under this chapter or other requirements of county
147 and municipal governments:

148 (d) The replacement or repair of existing docks and piers,
149 except that ~~no~~ fill material may not ~~is to~~ be used and ~~provided~~
150 ~~that~~ the replacement or repaired dock or pier must be ~~is~~ in the
151 same location and of the same configuration and dimensions as
152 the dock or pier being replaced or repaired. This does not
153 preclude the use of different construction materials or minor
154 deviations to allow upgrades to current structural and design
155 standards.

156 Section 4. This act shall take effect July 1, 2010.