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1
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; directing
13 the department to expand online self-certification for
14 certain exemptions and general permits and to report
15 on such activities to the Legislature; prohibiting
16 local governments from specifying the method or form
17 for documenting that a project meets specified
18 requirements; amending s. 403.813, F.S.; clarifying
19 provisions relating to permits issued at district
20 centers to authorize the use of different construction
21 materials or minor deviations when replacing or
22 repairing docks and piers; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Paragraph (e) of subsection (3) of section
28 258.42, Florida Statutes, is amended to read:

29 258.42 Maintenance of preserves.—The Board of Trustees of

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30 the Internal Improvement Trust Fund shall maintain such aquatic
31 preserves subject to the following provisions:

32 (3)

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

35 1. Private residential docks may be approved for reasonable
36 ingress or egress of riparian owners. Slips at private
37 residential single-family docks which contain boat lifts or
38 davits that do not float in the water when loaded may not, in
39 whole or in part, be enclosed by walls, but may be roofed if the
40 roof does not overhang more than 1 foot beyond the footprint of
41 the lift and the boat stored at the lift. Such roofs are not
42 included in the square-footage calculation of a terminal
43 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 (42), and new subsections (40) and (41) are added to
77 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 and
83 Class III shellfish harvesting waters. Such rules may include
84 special criteria for approving docking facilities that have 10
85 or fewer slips if the construction and operation of such
86 facilities will not result in the closure of shellfish waters.

87 ~~Rules previously adopted by the department in rule 17-~~

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88 ~~4.28(8)(a), Florida Administrative Code, are hereby ratified and~~
89 ~~determined to be a valid exercise of delegated legislative~~
90 ~~authority and shall remain in effect unless amended by the~~
91 ~~Environmental Regulation 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) Expand the use of online self-certification and other
110 forms of online authorization for appropriate exemptions,
111 general permits, and individual permits by the department and
112 the water management districts if such expansion is economically
113 feasible. The department shall report on the progress of these
114 activities to the President of the Senate, the Speaker of the
115 House of Representatives, and the Legislative Committee on
116 Intergovernmental Relations by February 15, 2011.

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117 Notwithstanding any other provision of law, a local government
118 may not specify the method or form for documenting that a
119 project meets the requirements for authorization under chapter
120 161, chapter 253, chapter 373, or this chapter. This includes
121 Internet-based department programs that provide for self-
122 certification.

123

124 The department shall implement such programs in conjunction with
125 its other powers and duties and shall place special emphasis on
126 reducing and eliminating contamination that presents a threat to
127 humans, animals or plants, or to the environment.

128 Section 3. Paragraph (d) of subsection (1) of section
129 403.813, Florida Statutes, is amended to read:

130 403.813 Permits issued at district centers; exceptions.—

131 (1) A permit is not required under this chapter, chapter
132 373, chapter 61-691, Laws of Florida, or chapter 25214 or
133 chapter 25270, 1949, Laws of Florida, for activities associated
134 with the following types of projects; however, except as
135 otherwise provided in this subsection, nothing in this
136 subsection relieves an applicant from any requirement to obtain
137 permission to use or occupy lands owned by the Board of Trustees
138 of the Internal Improvement Trust Fund or any water management
139 district in its governmental or proprietary capacity or from
140 complying with applicable local pollution control programs
141 authorized under this chapter or other requirements of county
142 and municipal governments:

143 (d) The replacement or repair of existing docks and piers,
144 except that ~~no~~ fill material may not ~~is to~~ be used and ~~provided~~
145 ~~that~~ the replacement or repaired dock or pier must be ~~is~~ in the

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146 same location and of the same configuration and dimensions as
147 the dock or pier being replaced or repaired. This does not
148 preclude the use of different construction materials or minor
149 deviations to allow upgrades to current structural and design
150 standards.

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