

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

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Paragraph (e) of subsection (3) of section
 27 258.42, Florida Statutes, is amended to read:

28 258.42 Maintenance of preserves.—The Board of Trustees of

HB 1239

2010

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

31 (3)

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

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

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

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

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

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

67
 68 A ~~No~~ structure under this paragraph or chapter 253 may not ~~shall~~
 69 be prohibited solely because the local government fails to adopt
 70 a marina plan or other policies dealing with the siting of such
 71 structures in its local comprehensive plan.

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

76 403.061 Department; powers and duties.—The department
 77 shall have the power and the duty to control and prohibit
 78 pollution of air and water in accordance with the law and rules
 79 adopted and promulgated by it and, for this purpose, to:

80 (29) Adopt by rule special criteria to protect Class II
 81 shellfish harvesting waters. Such rules may include special
 82 criteria for approving docking facilities that have 10 or fewer
 83 slips if the construction and operation of such facilities will
 84 not result in the closure of shellfish waters. ~~Rules previously~~

85 ~~adopted by the department in rule 17-4.28(8)(a), Florida~~
86 ~~Administrative Code, are hereby ratified and determined to be a~~
87 ~~valid exercise of delegated legislative authority and shall~~
88 ~~remain in effect unless amended by the Environmental Regulation~~
89 ~~Commission.~~

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

107 (41) Develop a project management plan to implement an e-
108 permitting program that allows for timely submission and
109 exchange of permit application and compliance information that
110 benefits the department's mission, permit applicants,
111 permitholders, and the public. The plan must include an
112 implementation timetable, estimated costs, and transaction fees.

HB 1239

2010

113 The department shall submit the plan to the President of the
114 Senate, the Speaker of the House of Representatives, and the
115 Legislative Committee on Intergovernmental Relations by January
116 15, 2011.

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

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

131 Section 3. Paragraph (d) of subsection (1) of section
132 403.813, Florida Statutes, is amended to read:

133 403.813 Permits issued at district centers; exceptions.—

134 (1) A permit is not required under this chapter, chapter
135 373, chapter 61-691, Laws of Florida, or chapter 25214 or
136 chapter 25270, 1949, Laws of Florida, for activities associated
137 with the following types of projects; however, except as
138 otherwise provided in this subsection, nothing in this
139 subsection relieves an applicant from any requirement to obtain
140 permission to use or occupy lands owned by the Board of Trustees

HB 1239

2010

141 of the Internal Improvement Trust Fund or any water management
142 district in its governmental or proprietary capacity or from
143 complying with applicable local pollution control programs
144 authorized under this chapter or other requirements of county
145 and municipal governments:

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

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