

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

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Paragraph (e) of subsection (3) of section
 26 258.42, Florida Statutes, is amended to read:

27 258.42 Maintenance of preserves.—The Board of Trustees of
 28 the Internal Improvement Trust Fund shall maintain such aquatic

CS/HB 1239

2010

29 preserves subject to the following provisions:

30 (3)

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

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

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

50 3. Commercial docking facilities shown to be consistent
51 with the use or management criteria of the preserve may be
52 approved if the facilities are located within a reasonable
53 distance of a publicly maintained navigation channel, or a
54 natural channel of adequate depth and width to allow operation
55 of the watercraft for which the docking facility is designed
56 without the craft having an adverse impact on marine resources.

57 The distance shall be determined in accordance with criteria
 58 established by the trustees by rule, based on ~~a consideration of~~
 59 the depth of the water, nature and condition of bottom, and
 60 presence of manatees.

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

66
 67 A ~~No~~ structure under this paragraph or chapter 253 may not ~~shall~~
 68 be prohibited solely because the local government fails to adopt
 69 a marina plan or other policies dealing with the siting of such
 70 structures in its local comprehensive plan.

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

75 403.061 Department; powers and duties.—The department
 76 shall have the power and the duty to control and prohibit
 77 pollution of air and water in accordance with the law and rules
 78 adopted and promulgated by it and, for this purpose, to:

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

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

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

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

106 (41) Implement an e-permitting program that allows for
 107 timely submission and exchange of permit applications to benefit
 108 the department's mission, permit applicants, permit holders, and
 109 the public. The plan must include an implementation timetable,
 110 estimated costs, and transaction fees. The department shall
 111 submit the plan to the President of the Senate, the Speaker of
 112 the House of Representatives, and the Legislative Committee on

113 Intergovernmental Relations by January 15, 2011.

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

CS/HB 1239

2010

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
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.