

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 expand online self-
13 certification and authorization for certain exemptions,
14 general permits, and individual permits; requiring the
15 department to provide a report to the Legislature and the
16 Legislative Committee on Intergovernmental Relations by a
17 specified date; prohibiting local governments from
18 specifying the method or form for documenting that a
19 project meets specified requirements; amending s. 403.813,
20 F.S.; clarifying provisions relating to permits issued at
21 district centers to authorize the use of different
22 construction materials or minor deviations when replacing
23 or repairing docks and piers; providing an effective 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
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
36 reasonable ingress or egress of riparian owners. Slips at
37 private residential single-family docks that contain boat lifts
38 or 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 boat stored at the lift. Such roofs are not included in the
42 square-footage calculation of a terminal platform.

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

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

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

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

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

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

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

81 (29) Adopt by rule special criteria to protect Class II
 82 and Class III shellfish harvesting waters. Such rules may
 83 include special criteria for approving docking facilities that
 84 have 10 or fewer slips if the construction and operation of such

85 facilities will not result in the closure of shellfish waters.
86 ~~Rules previously adopted by the department in rule 17-~~
87 ~~4.28(8)(a), Florida Administrative Code, are hereby ratified and~~
88 ~~determined to be a valid exercise of delegated legislative~~
89 ~~authority and shall remain in effect unless amended by the~~
90 ~~Environmental Regulation Commission.~~

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

108 (41) Expand the use of online self-certification and other
109 forms of online authorization for appropriate exemptions,
110 general permits, and individual permits issued by the department
111 and the water management districts if such expansion is
112 economically feasible. The department shall provide a report on

113 the progress of these activities to the President of the Senate,
 114 the Speaker of the House of Representatives, and the Legislative
 115 Committee on Intergovernmental Relations by February 15, 2011.
 116 Notwithstanding any other provision of law, a local government
 117 may not specify the method or form for documenting that a
 118 project meets the requirements for authorization under chapter
 119 161, chapter 253, chapter 373, or this chapter. This includes
 120 Internet-based department programs that provide for self-
 121 certification.

122
 123 The department shall implement such programs in conjunction with
 124 its other powers and duties and shall place special emphasis on
 125 reducing and eliminating contamination that presents a threat to
 126 humans, animals or plants, or to the environment.

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

129 403.813 Permits issued at district centers; exceptions.—

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

CS/CS/HB 1239

2010

141 and municipal governments:

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

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