

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 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
 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 | subsection (42), and new subsections (40) and (41) are added to
 77 | that section, to read:

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

82 | (29) Adopt by rule special criteria to protect Class II
 83 | and Class III shellfish harvesting waters. Such rules may
 84 | include special criteria for approving docking facilities that

85 have 10 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-~~
 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 issued by the department
 112 and the water management districts if such expansion is

113 economically feasible. The department shall provide a report on
 114 the progress of these activities to the President of the Senate,
 115 the Speaker of the House of Representatives, and the Legislative
 116 Committee on Intergovernmental Relations by February 15, 2011.
 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

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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.