

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Maggard offered the following:

Amendment (with title amendment)

Between lines 44 and 45, insert:

Section 1. Paragraph (s) of subsection (1) of section 403.813, Florida Statutes, is amended to read:

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission

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14 to use or occupy lands owned by the Board of Trustees of the
15 Internal Improvement Trust Fund or a water management district
16 in its governmental or proprietary capacity or from complying
17 with applicable local pollution control programs authorized
18 under this chapter or other requirements of county and municipal
19 governments:

20 (s) The construction, installation, operation, or
21 maintenance of floating vessel platforms or floating boat lifts,
22 provided that such structures:

23 1. Float at all times in the water for the sole purpose of
24 supporting a vessel so that the vessel is out of the water when
25 not in use;

26 2. Are wholly contained within a boat slip previously
27 permitted under ss. 403.91-403.929, 1984 Supplement to the
28 Florida Statutes 1983, as amended, or part IV of chapter 373, or
29 do not exceed a combined total of 500 square feet, or 200 square
30 feet in an Outstanding Florida Water, when associated with a
31 dock that is exempt under this subsection or associated with a
32 permitted dock with no defined boat slip or attached to a
33 bulkhead on a parcel of land where there is no other docking
34 structure;

35 3. Are not used for any commercial purpose or for mooring
36 vessels that remain in the water when not in use, and do not
37 substantially impede the flow of water, create a navigational

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38 | hazard, or unreasonably infringe upon the riparian rights of
39 | adjacent property owners, as defined in s. 253.141;

40 | 4. Are constructed and used so as to minimize adverse
41 | impacts to submerged lands, wetlands, shellfish areas, aquatic
42 | plant and animal species, and other biological communities,
43 | including locating such structures in areas where seagrasses are
44 | least dense adjacent to the dock or bulkhead; and

45 | 5. Are not constructed in areas specifically prohibited
46 | for boat mooring under conditions of a permit issued in
47 | accordance with ss. 403.91-403.929, 1984 Supplement to the
48 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
49 | other form of authorization issued by a local government.

50 |
51 | Structures that qualify for this exemption are relieved from any
52 | requirement to obtain permission to use or occupy lands owned by
53 | the Board of Trustees of the Internal Improvement Trust Fund
54 | and, with the exception of those structures attached to a
55 | bulkhead on a parcel of land where there is no docking
56 | structure, are shall ~~not be~~ subject to any more stringent
57 | permitting requirements, registration requirements, or other
58 | regulation by any local government. Structures associated with a
59 | dock on a parcel of land pursuant to subparagraph 2. that comply
60 | with this subsection create a presumption of compliance with any
61 | requirement to minimize adverse environmental impacts. Local
62 | governments may require ~~either~~ permitting or one-time

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63 registration of floating vessel platforms to be attached to a
64 bulkhead on a parcel of land where there is no other docking
65 structure as necessary to ensure compliance with local
66 ordinances, codes, or regulations. Local governments may require
67 ~~either~~ permitting or one-time registration of all other floating
68 vessel platforms as necessary to ensure compliance with the
69 exemption criteria in subparagraphs 1.-5. ~~this section;~~ to
70 ensure compliance with local electrical or plumbing ordinances,
71 ~~codes, or regulations relating to building or zoning, which are~~
72 ~~no more stringent than the exemption criteria in this section or~~
73 ~~address subjects other than subjects addressed by the exemption~~
74 ~~criteria in this section;~~ and to ensure proper installation,
75 maintenance, and precautionary or evacuation action following a
76 tropical storm or hurricane watch of a floating vessel platform
77 or floating boat lift that is proposed to be attached to a
78 bulkhead or parcel of land where there is no other docking
79 structure. The exemption provided in this paragraph is ~~shall be~~
80 in addition to the exemption provided in paragraph (b). The
81 department shall adopt a general permit by rule for the
82 construction, installation, operation, or maintenance of those
83 floating vessel platforms or floating boat lifts that do not
84 qualify for the exemption provided in this paragraph but do not
85 cause significant adverse impacts to occur individually or
86 cumulatively. The issuance of such general permit shall also
87 constitute permission to use or occupy lands owned by the Board

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88 of Trustees of the Internal Improvement Trust Fund. A ~~No~~ local
 89 government may not ~~shall~~ impose a more stringent regulation,
 90 permitting requirement, registration requirement, or other
 91 regulation covered by such general permit. Local governments may
 92 require ~~either~~ permitting or one-time registration of floating
 93 vessel platforms as necessary to ensure compliance with the
 94 general permit in this section; to ensure compliance with local
 95 electrical or plumbing ordinances, codes, or regulations
 96 ~~relating to building or zoning that are no more stringent than~~
 97 ~~the general permit in this section;~~ and to ensure proper
 98 installation and maintenance of a floating vessel platform or
 99 floating boat lift that is proposed to be attached to a bulkhead
 100 or parcel of land where there is no other docking structure. As
 101 used in this paragraph, the term "local government" means, but
 102 is not limited to, a charter county, a local government that is
 103 required to implement programs under s. 379.2431(2)(t), and a
 104 local government that establishes and administers a program
 105 under s. 403.182. Notwithstanding any other law, the department
 106 may not adopt rules to implement this paragraph.

107
 108 -----
 109 **T I T L E A M E N D M E N T**

110 Remove line 2 and insert:

111 An act relating to environmental regulation; amending
 112 s. 403.813, F.S.; providing a presumption of

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113 | compliance with requirements to minimize adverse
114 | environmental impacts for certain floating vessel
115 | platforms and floating boat lifts; authorizing local
116 | governments to ensure that certain floating vessel
117 | platforms and floating boat lifts meet local
118 | electrical and plumbing codes; providing a definition;
119 | prohibiting the Department of Environmental Protection
120 | from adopting certain rules; amending s.

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