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LEGISLATIVE ACTION

Senate

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House

The Committee on Environment and Natural Resources (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (17) is added to section 253.03,
Florida Statutes, to read:

253.03 Board of trustees to administer state lands; lands
enumerated.—

(17) The board of trustees may grant easements on
sovereignty submerged lands for mitigation banks that are



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11 permitted under s. 373.4136 to ensure the protection and
12 restoration of natural resources and to offset the unavoidable
13 impacts of projects when mitigation banks meet the public
14 interest criteria under this chapter and chapter 258. This
15 subsection does not prohibit mitigation to offset impacts to
16 seagrass or other habitats on sovereignty submerged lands, upon
17 meeting the public interest criteria under this chapter and
18 chapter 258.

19 Section 2. The Department of Environmental Protection shall
20 adopt and modify rules adopted pursuant to ss. 373.4136 and
21 373.414, Florida Statutes, to ensure that required financial
22 assurances are equivalent and sufficient to provide for the
23 long-term management of mitigation permitted under ss. 373.4136
24 and 373.414, Florida Statutes. The department, in consultation
25 with the water management districts, shall include the
26 rulemaking required by this section in existing active
27 rulemaking, or shall complete rule development by June 30, 2023.

28 Section 3. Paragraphs (b) and (s) of subsection (1) of
29 section 403.813, Florida Statutes, are amended to read:

30 403.813 Permits issued at district centers; exceptions.—

31 (1) A permit is not required under this chapter, chapter
32 373, chapter 61-691, Laws of Florida, or chapter 25214 or
33 chapter 25270, 1949, Laws of Florida, and a local government may
34 not require a person claiming this exception to provide further
35 department verification, for activities associated with the
36 following types of projects; however, except as otherwise
37 provided in this subsection, this subsection does not relieve an
38 applicant from any requirement to obtain permission to use or
39 occupy lands owned by the Board of Trustees of the Internal



40 Improvement Trust Fund or a water management district in its
41 governmental or proprietary capacity or from complying with
42 applicable local pollution control programs authorized under
43 this chapter or other requirements of county and municipal
44 governments:

45 (b) The installation and repair of mooring pilings and
46 dolphins associated with private docking facilities or piers and
47 the installation of private docks, piers, and recreational
48 docking facilities, or piers and recreational docking facilities
49 of local governmental entities when the local governmental
50 entity's activities will not take place in any manatee habitat,
51 any of which docks:

52 1. Has 500 square feet or less of over-water surface area
53 for a dock located in an area designated as Outstanding Florida
54 Waters or 1,000 square feet or less of over-water surface area
55 for a dock located in an area that is not designated as
56 Outstanding Florida Waters;

57 2. Is constructed on or held in place by pilings or is a
58 floating dock constructed so as not to involve filling or
59 dredging other than that necessary to install the pilings;

60 3. May not substantially impede the flow of water or create
61 a navigational hazard;

62 4. Is used for recreational, noncommercial activities
63 associated with the mooring or storage of boats and boat
64 paraphernalia; and

65 5. Is the sole dock constructed pursuant to this exemption
66 as measured along the shoreline for a distance of 65 feet,
67 unless the parcel of land, recorded easement, or individual lot
68 as platted is less than 65 feet in length along the shoreline,



69 in which case one exempt dock may be allowed per parcel,
70 easement, or lot. Such docks shall be granted authorization for
71 the use of submerged lands upon approval by the Board of
72 Trustees of the Internal Improvement Trust Fund.

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74 This paragraph does not prohibit the department from taking
75 appropriate enforcement action pursuant to this chapter to abate
76 or prohibit any activity otherwise exempt from permitting
77 pursuant to this paragraph if the department can demonstrate
78 that the exempted activity has caused water pollution in
79 violation of this chapter.

80 (s) The construction, installation, operation, or
81 maintenance of floating vessel platforms or floating boat lifts,
82 provided that such structures:

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

86 2. Are wholly contained within a boat slip previously
87 permitted under ss. 403.91-403.929, 1984 Supplement to the
88 Florida Statutes 1983, as amended, or part IV of chapter 373, or
89 do not exceed a combined total of 500 square feet, or 200 square
90 feet in an Outstanding Florida Water, when associated with a
91 dock that is exempt under this subsection or associated with a
92 permitted dock with no defined boat slip or attached to a
93 bulkhead on a parcel of land where there is no other docking
94 structure;

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



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

100 4. Are constructed and used so as to minimize adverse
101 impacts to submerged lands, wetlands, shellfish areas, aquatic
102 plant and animal species, and other biological communities,
103 including locating such structures in areas where seagrasses are
104 least dense adjacent to the dock or bulkhead; and

105 5. Are not constructed in areas specifically prohibited for
106 boat mooring under conditions of a permit issued in accordance
107 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
108 1983, as amended, or part IV of chapter 373, or other form of
109 authorization issued by a local government.

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111 Structures that qualify for this exemption are relieved from any
112 requirement to obtain permission to use or occupy lands owned by
113 the Board of Trustees of the Internal Improvement Trust Fund
114 and, with the exception of those structures attached to a
115 bulkhead on a parcel of land where there is no docking
116 structure, are may not be subject to any more stringent
117 permitting requirements, registration requirements, or other
118 regulation by any local government. Structures associated with a
119 dock on a parcel of land under subparagraph 2. which comply with
120 this paragraph create a presumption of compliance with any
121 requirement to minimize adverse environmental impacts. A local
122 government governments may require a permit either permitting or
123 one-time registration of floating vessel platforms to be
124 attached to a bulkhead on a parcel of land where there is no
125 other docking structure as necessary to ensure compliance with
126 local ordinances, codes, or regulations. A local government



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127 ~~governments~~ may require a ~~either permitting or~~ one-time
128 registration of all other floating vessel platforms only as
129 necessary to ensure compliance with the exemption criteria in
130 this section, ~~or~~ or to ensure compliance with local electrical or
131 plumbing ordinances, codes that, ~~or regulations relating to~~
132 ~~building or zoning, which~~ are no more stringent than the
133 exemption criteria in this section or address subjects other
134 than subjects addressed by the exemption criteria in this
135 section; and to ensure proper installation, maintenance, and
136 precautionary or evacuation action following a tropical storm or
137 hurricane watch of a floating vessel platform or floating boat
138 lift that is proposed to be attached to a bulkhead or parcel of
139 land where there is no other docking structure. The exemption
140 provided in this paragraph is ~~shall be~~ in addition to the
141 exemption provided in paragraph (b). The department shall adopt
142 a general permit by rule for the construction, installation,
143 operation, or maintenance of those floating vessel platforms or
144 floating boat lifts that do not qualify for the exemption
145 provided in this paragraph but do not cause significant adverse
146 impacts to occur individually or cumulatively. The issuance of
147 such general permit ~~shall~~ also constitutes ~~constitute~~ permission
148 to use or occupy lands owned by the Board of Trustees of the
149 Internal Improvement Trust Fund. A local government ~~governments~~
150 may not impose a more stringent regulation, permitting
151 requirement, registration requirement, or other regulation
152 covered by such general permit. A local government ~~governments~~
153 may require either permitting or one-time registration of
154 floating vessel platforms as necessary to ensure compliance with
155 the general permit in this section; to ensure compliance with



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156 local ordinances, codes, or regulations relating to building or
157 zoning that are no more stringent than the general permit in
158 this section; and to ensure proper installation and maintenance
159 of a floating vessel platform or floating boat lift that is
160 proposed to be attached to a bulkhead or parcel of land where
161 there is no other docking structure. As used in this paragraph,
162 the term "local government" includes a charter county, a county
163 that is required to implement a manatee protection plan pursuant
164 to s. 379.2431(2)(t), or a county or municipality that
165 establishes and administers a local pollution control program
166 under s. 403.182.

167 Section 4. This act shall take effect upon becoming a law.

168
169 ===== T I T L E A M E N D M E N T =====

170 And the title is amended as follows:

171 Delete everything before the enacting clause
172 and insert:

173 A bill to be entitled

174 An act relating to water resources management;
175 amending s. 253.03, F.S.; authorizing the Board of
176 Trustees of the Internal Improvement Trust Fund to
177 grant easements on sovereignty submerged lands for
178 specified mitigation banks under certain conditions;
179 providing construction; requiring the Department of
180 Environmental Protection to adopt and modify specified
181 rules; providing requirements for such rulemaking;
182 requiring the department, in consultation with the
183 water management districts, to include such rulemaking
184 in any active rulemaking process or to complete such



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185 rule development within a specified timeframe;
186 amending s. 403.813, F.S.; exempting certain docks on
187 recorded easements from certain permit and
188 verification requirements; requiring authorization for
189 certain docks to use submerged lands upon approval of
190 the board; providing that the compliance of certain
191 structures associated with a dock on a parcel of land
192 with certain provisions creates a presumption of
193 compliance with certain environmental impact
194 requirements; removing provisions authorizing local
195 governments to require permits for certain floating
196 vessel platforms; revising the purposes for which
197 local governments may require one-time registration of
198 such platforms; defining the term "local government";
199 providing an effective date.