

By the Committee on Environment and Natural Resources; and
Senator Rodriguez

592-02072-22

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1 A bill to be entitled
2 An act relating to water resources management;
3 amending s. 253.03, F.S.; authorizing the Board of
4 Trustees of the Internal Improvement Trust Fund to
5 grant easements on sovereignty submerged lands for
6 specified mitigation banks under certain conditions;
7 providing construction; requiring the Department of
8 Environmental Protection to adopt and modify specified
9 rules; providing requirements for such rulemaking;
10 requiring the department, in consultation with the
11 water management districts, to include such rulemaking
12 in any active rulemaking process or to complete such
13 rule development within a specified timeframe;
14 amending s. 403.813, F.S.; exempting certain docks on
15 recorded easements from certain permit and
16 verification requirements; requiring authorization for
17 certain docks to use submerged lands upon approval of
18 the board; providing that the compliance of certain
19 structures associated with a dock on a parcel of land
20 with certain provisions creates a presumption of
21 compliance with certain environmental impact
22 requirements; removing provisions authorizing local
23 governments to require permits for certain floating
24 vessel platforms; revising the purposes for which
25 local governments may require one-time registration of
26 such platforms; defining the term "local government";
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:

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

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

Section 3. Paragraphs (b) and (s) of subsection (1) of section 403.813, Florida Statutes, are 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

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chapter 25270, 1949, Laws of Florida, and a local government may not require a person claiming this exception to provide further department verification, 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 to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

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

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

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

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

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88 4. Is used for recreational, noncommercial activities
89 associated with the mooring or storage of boats and boat
90 paraphernalia; and

91 5. Is the sole dock constructed pursuant to this exemption
92 as measured along the shoreline for a distance of 65 feet,
93 unless the parcel of land, recorded easement, or individual lot
94 as platted is less than 65 feet in length along the shoreline,
95 in which case one exempt dock may be allowed per parcel,
96 easement, or lot. Such docks shall be granted authorization for
97 the use of submerged lands upon approval by the Board of
98 Trustees of the Internal Improvement Trust Fund.

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100 This paragraph does not prohibit the department from taking
101 appropriate enforcement action pursuant to this chapter to abate
102 or prohibit any activity otherwise exempt from permitting
103 pursuant to this paragraph if the department can demonstrate
104 that the exempted activity has caused water pollution in
105 violation of this chapter.

106 (s) The construction, installation, operation, or
107 maintenance of floating vessel platforms or floating boat lifts,
108 provided that such structures:

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

112 2. Are wholly contained within a boat slip previously
113 permitted under ss. 403.91-403.929, 1984 Supplement to the
114 Florida Statutes 1983, as amended, or part IV of chapter 373, or
115 do not exceed a combined total of 500 square feet, or 200 square
116 feet in an Outstanding Florida Water, when associated with a

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117 dock that is exempt under this subsection or associated with a
118 permitted dock with no defined boat slip or attached to a
119 bulkhead on a parcel of land where there is no other docking
120 structure;

121 3. Are not used for any commercial purpose or for mooring
122 vessels that remain in the water when not in use, and do not
123 substantially impede the flow of water, create a navigational
124 hazard, or unreasonably infringe upon the riparian rights of
125 adjacent property owners, as defined in s. 253.141;

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

131 5. Are not constructed in areas specifically prohibited for
132 boat mooring under conditions of a permit issued in accordance
133 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
134 1983, as amended, or part IV of chapter 373, or other form of
135 authorization issued by a local government.

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137 Structures that qualify for this exemption are relieved from any
138 requirement to obtain permission to use or occupy lands owned by
139 the Board of Trustees of the Internal Improvement Trust Fund
140 and, with the exception of those structures attached to a
141 bulkhead on a parcel of land where there is no docking
142 structure, are ~~may~~ not ~~be~~ subject to any more stringent
143 permitting requirements, registration requirements, or other
144 regulation by any local government. Structures associated with a
145 dock on a parcel of land under subparagraph 2. which comply with

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146 this paragraph create a presumption of compliance with any
147 requirement to minimize adverse environmental impacts. A local
148 government ~~governments~~ may require a permit ~~either permitting~~ or
149 one-time registration of floating vessel platforms to be
150 attached to a bulkhead on a parcel of land where there is no
151 other docking structure as necessary to ensure compliance with
152 local ordinances, codes, or regulations. A local government
153 ~~governments~~ may require a ~~either permitting~~ or one-time
154 registration of all other floating vessel platforms only as
155 necessary to ensure compliance with the exemption criteria in
156 this section, or ~~or~~ to ensure compliance with local electrical or
157 plumbing ordinances, ~~codes that, or regulations relating to~~
158 ~~building or zoning,~~ ~~which~~ are no more stringent than the
159 exemption criteria in this section or address subjects other
160 than subjects addressed by the exemption criteria in this
161 section; and to ensure proper installation, maintenance, and
162 precautionary or evacuation action following a tropical storm or
163 hurricane watch of a floating vessel platform or floating boat
164 lift that is proposed to be attached to a bulkhead or parcel of
165 land where there is no other docking structure. The exemption
166 provided in this paragraph is ~~shall be~~ in addition to the
167 exemption provided in paragraph (b). The department shall adopt
168 a general permit by rule for the construction, installation,
169 operation, or maintenance of those floating vessel platforms or
170 floating boat lifts that do not qualify for the exemption
171 provided in this paragraph but do not cause significant adverse
172 impacts to occur individually or cumulatively. The issuance of
173 such general permit ~~shall~~ also constitutes ~~constitute~~ permission
174 to use or occupy lands owned by the Board of Trustees of the

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175 Internal Improvement Trust Fund. A local government ~~governments~~
176 may not impose a more stringent regulation, permitting
177 requirement, registration requirement, or other regulation
178 covered by such general permit. A local government ~~governments~~
179 may require either permitting or one-time registration of
180 floating vessel platforms as necessary to ensure compliance with
181 the general permit in this section; to ensure compliance with
182 local ordinances, codes, or regulations relating to building or
183 zoning that are no more stringent than the general permit in
184 this section; and to ensure proper installation and maintenance
185 of a floating vessel platform or floating boat lift that is
186 proposed to be attached to a bulkhead or parcel of land where
187 there is no other docking structure. As used in this paragraph,
188 the term "local government" includes a charter county, a county
189 that is required to implement a manatee protection plan pursuant
190 to s. 379.2431(2)(t), or a county or municipality that
191 establishes and administers a local pollution control program
192 under s. 403.182.

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