

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 for specified mitigation banks under  
 6           certain conditions; providing construction; directing  
 7           the Department of Environmental Protection to create  
 8           and modify specified rules; providing requirements for  
 9           such rulemaking; amending s. 403.813, F.S.; exempting  
 10          certain docks on recorded easements from certain  
 11          permit and verification requirements; granting certain  
 12          docks authorization to use submerged lands upon  
 13          approval of the board; providing an effective date.

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

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

19           253.03 Board of trustees to administer state lands; lands  
 20   enumerated.—

21           (17) The board of trustees may grant easements for  
 22   mitigation banks that are permitted under s. 373.4136 to ensure  
 23   the protection and restoration of natural resources and to  
 24   offset the unavoidable impacts of projects when mitigation banks  
 25   meet the public interest criteria under chapters 253 and 258.

26 This subsection does not prohibit mitigation to offset impacts  
 27 to seagrass or other habitats on sovereignty submerged lands,  
 28 upon meeting the public interest criteria under chapters 253 and  
 29 258.

30 Section 2. The Department of Environmental Protection  
 31 shall adopt and modify rules adopted pursuant to ss. 373.4136  
 32 and 373.414 to ensure that required financial assurances are  
 33 equivalent and sufficient to provide for the long-term  
 34 management of mitigation permitted under ss. 373.4136 and  
 35 373.414. The department, in consultation with the water  
 36 management districts, shall include the rulemaking required by  
 37 this section in existing active rulemaking, or shall complete  
 38 rule development by June 30, 2023.

39 Section 3. Paragraph (b) of subsection (1) of section  
 40 403.813, Florida Statutes, is amended to read:

41 403.813 Permits issued at district centers; exceptions.—

42 (1) A permit is not required under this chapter, chapter  
 43 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 44 chapter 25270, 1949, Laws of Florida, and a local government may  
 45 not require a person claiming this exception to provide further  
 46 department verification, for activities associated with the  
 47 following types of projects; however, except as otherwise  
 48 provided in this subsection, this subsection does not relieve an  
 49 applicant from any requirement to obtain permission to use or  
 50 occupy lands owned by the Board of Trustees of the Internal

51 Improvement Trust Fund or a water management district in its  
52 governmental or proprietary capacity or from complying with  
53 applicable local pollution control programs authorized under  
54 this chapter or other requirements of county and municipal  
55 governments:

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

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

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

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

73 4. Is used for recreational, noncommercial activities  
74 associated with the mooring or storage of boats and boat  
75 paraphernalia; and

76           5. Is the sole dock constructed pursuant to this exemption  
77 as measured along the shoreline for a distance of 65 feet,  
78 unless the parcel of land, recorded easement, or individual lot  
79 as platted is less than 65 feet in length along the shoreline,  
80 in which case one exempt dock may be allowed per parcel,   
81 easement, or lot. Such docks shall be granted authorization for  
82 the use of submerged lands upon approval by the Board of  
83 Trustees of the Internal Improvement Trust Fund.

84  
85 This paragraph does not prohibit the department from taking  
86 appropriate enforcement action pursuant to this chapter to abate  
87 or prohibit any activity otherwise exempt from permitting  
88 pursuant to this paragraph if the department can demonstrate  
89 that the exempted activity has caused water pollution in  
90 violation of this chapter.

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