

By Senator Albritton

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1 A bill to be entitled
2 An act relating to residential property riparian
3 rights; amending s. 253.141, F.S.; requiring land
4 surveyors to give preference to using the
5 prolongation-of-property-line method to establish a
6 property owner's riparian rights along a channel under
7 certain circumstances; defining terms; providing
8 applicability; requiring courts to award reasonable
9 attorney fees and costs to a prevailing party in a
10 civil action under certain circumstances; reenacting
11 ss. 403.813(1)(s) and 403.9323(3), F.S., relating to
12 permits issued at district centers and legislative
13 intent in recognizing rights of riparian property
14 ownership, respectively, to incorporate the amendment
15 made to s. 253.141, F.S., in references thereto;
16 providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Subsection (1) of section 253.141, Florida
21 Statutes, is amended to read:

22 253.141 Riparian rights defined; certain submerged bottoms
23 subject to private ownership.—

24 (1) (a) Riparian rights are those incident to land bordering
25 upon navigable waters. They are rights of ingress, egress,
26 boating, bathing, and fishing and such others as may be or have
27 been defined by law. Such rights are not of a proprietary
28 nature. They are rights inuring to the owner of the riparian
29 land but are not owned by him or her. They are appurtenant to

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30 and are inseparable from the riparian land. The land to which
31 the owner holds title must extend to the ordinary high watermark
32 of the navigable water in order that riparian rights may attach.
33 Conveyance of title to or lease of the riparian land entitles
34 the grantee to the riparian rights running therewith whether or
35 not mentioned in the deed or lease of the upland.

36 (b) When establishing the boundaries of a residential
37 property owner's riparian rights along a channel, for purposes
38 of the construction of docks, piers, marinas, moorings, pilings,
39 and other private improvements, land surveyors must give
40 preference to the prolongation-of-property-line method unless
41 doing so would result in inequitable apportionment of riparian
42 rights among property owners along the channel.

43 1. As used in this paragraph, the term:

44 a. "Channel" means the marked, buoyed, or artificially
45 dredged channel, if any, or if none, means a space equal to 20
46 percent of the average width of the river or stream at the point
47 concerned which furnishes uninterruptedly, through its course,
48 the deepest water at ordinary low water.

49 b. "Prolongation-of-property-line method" means
50 establishing the boundary of a property owner's riparian rights
51 by extending the owner's property line out into the waterbody at
52 the same angles at which they intersect the ordinary high
53 watermark.

54 2. This paragraph does not apply to littoral waters, such
55 as a lake, an ocean, or a gulf.

56 3. This paragraph applies only when establishing the
57 boundaries of riparian rights after July 1, 2022.

58 (c) In a civil action relating to the riparian rights of a

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59 residential dock owner, when such rights are exercised with all
60 appropriate environmental and regulatory approvals and permits,
61 in which the defendant is the prevailing party, the court shall
62 award reasonable attorney fees and costs to the prevailing
63 party.

64 Section 2. For the purpose of incorporating the amendment
65 made by this act to section 253.141, Florida Statutes, in a
66 reference thereto, paragraph (s) of subsection (1) of section
67 403.813, Florida Statutes, is reenacted to read:

68 403.813 Permits issued at district centers; exceptions.—

69 (1) A permit is not required under this chapter, chapter
70 373, chapter 61-691, Laws of Florida, or chapter 25214 or
71 chapter 25270, 1949, Laws of Florida, and a local government may
72 not require a person claiming this exception to provide further
73 department verification, for activities associated with the
74 following types of projects; however, except as otherwise
75 provided in this subsection, this subsection does not relieve an
76 applicant from any requirement to obtain permission to use or
77 occupy lands owned by the Board of Trustees of the Internal
78 Improvement Trust Fund or a water management district in its
79 governmental or proprietary capacity or from complying with
80 applicable local pollution control programs authorized under
81 this chapter or other requirements of county and municipal
82 governments:

83 (s) The construction, installation, operation, or
84 maintenance of floating vessel platforms or floating boat lifts,
85 provided that such structures:

86 1. Float at all times in the water for the sole purpose of
87 supporting a vessel so that the vessel is out of the water when

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88 not in use;

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

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

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

108 5. Are not constructed in areas specifically prohibited for
109 boat mooring under conditions of a permit issued in accordance
110 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
111 1983, as amended, or part IV of chapter 373, or other form of
112 authorization issued by a local government.

113
114 Structures that qualify for this exemption are relieved from any
115 requirement to obtain permission to use or occupy lands owned by
116 the Board of Trustees of the Internal Improvement Trust Fund

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117 and, with the exception of those structures attached to a
118 bulkhead on a parcel of land where there is no docking
119 structure, may not be subject to any more stringent permitting
120 requirements, registration requirements, or other regulation by
121 any local government. Local governments may require either
122 permitting or one-time registration of floating vessel platforms
123 to be attached to a bulkhead on a parcel of land where there is
124 no other docking structure as necessary to ensure compliance
125 with local ordinances, codes, or regulations. Local governments
126 may require either permitting or one-time registration of all
127 other floating vessel platforms as necessary to ensure
128 compliance with the exemption criteria in this section; to
129 ensure compliance with local ordinances, codes, or regulations
130 relating to building or zoning, which are no more stringent than
131 the exemption criteria in this section or address subjects other
132 than subjects addressed by the exemption criteria in this
133 section; and to ensure proper installation, maintenance, and
134 precautionary or evacuation action following a tropical storm or
135 hurricane watch of a floating vessel platform or floating boat
136 lift that is proposed to be attached to a bulkhead or parcel of
137 land where there is no other docking structure. The exemption
138 provided in this paragraph shall be in addition to the exemption
139 provided in paragraph (b). The department shall adopt a general
140 permit by rule for the construction, installation, operation, or
141 maintenance of those floating vessel platforms or floating boat
142 lifts that do not qualify for the exemption provided in this
143 paragraph but do not cause significant adverse impacts to occur
144 individually or cumulatively. The issuance of such general
145 permit shall also constitute permission to use or occupy lands

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146 owned by the Board of Trustees of the Internal Improvement Trust
147 Fund. Local governments may not impose a more stringent
148 regulation, permitting requirement, registration requirement, or
149 other regulation covered by such general permit. Local
150 governments may require either permitting or one-time
151 registration of floating vessel platforms as necessary to ensure
152 compliance with the general permit in this section; to ensure
153 compliance with local ordinances, codes, or regulations relating
154 to building or zoning that are no more stringent than the
155 general permit in this section; and to ensure proper
156 installation and maintenance of a floating vessel platform or
157 floating boat lift that is proposed to be attached to a bulkhead
158 or parcel of land where there is no other docking structure.

159 Section 3. For the purpose of incorporating the amendment
160 made by this act to section 253.141, Florida Statutes, in a
161 reference thereto, subsection (3) of section 403.9323, Florida
162 Statutes, is reenacted to read:

163 403.9323 Legislative intent.—

164 (3) It is the intent of the Legislature to provide
165 waterfront property owners their riparian right of view, and
166 other rights of riparian property ownership as recognized by s.
167 253.141 and any other provision of law, by allowing mangrove
168 trimming in riparian mangrove fringes without prior government
169 approval when the trimming activities will not result in the
170 removal, defoliation, or destruction of the mangroves.

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