

By Senator DiCeglie

18-00374-23

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1 A bill to be entitled
2 An act relating to floating vessel platforms; amending
3 s. 403.813, F.S.; removing a provision authorizing
4 local governments to require permitting for certain
5 floating vessel platforms; revising conditions under
6 which local governments may require one-time
7 registrations of floating vessel platforms; making
8 technical changes; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (s) of subsection (1) of section
13 403.813, Florida Statutes, is amended to read:

14 403.813 Permits issued at district centers; exceptions.—

15 (1) A permit is not required under this chapter, chapter
16 373, chapter 61-691, Laws of Florida, or chapter 25214 or
17 chapter 25270, 1949, Laws of Florida, and a local government may
18 not require a person claiming this exception to provide further
19 department verification, for activities associated with the
20 following types of projects; however, except as otherwise
21 provided in this subsection, this subsection does not relieve an
22 applicant from any requirement to obtain permission to use or
23 occupy lands owned by the Board of Trustees of the Internal
24 Improvement Trust Fund or a water management district in its
25 governmental or proprietary capacity or from complying with
26 applicable local pollution control programs authorized under
27 this chapter or other requirements of county and municipal
28 governments:

29 (s) The construction, installation, operation, or

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30 maintenance of floating vessel platforms or floating boat
31 lifts., ~~provided that such structures:~~

32 1. To qualify for an exemption under this paragraph, the
33 structure must:

34 a. Float at all times in the water for the sole purpose of
35 supporting a vessel so that the vessel is out of the water when
36 not in use;

37 ~~b.2. Be~~ Are wholly contained within a boat slip previously
38 permitted under ss. 403.91-403.929, 1984 Supplement to the
39 Florida Statutes 1983, as amended, or part IV of chapter 373, or
40 ~~do~~ not exceed a combined total of 500 square feet, or 200 square
41 feet in an Outstanding Florida Water, when associated with a
42 dock that is exempt under this subsection or associated with a
43 permitted dock with no defined boat slip or attached to a
44 bulkhead on a parcel of land where there is no other docking
45 structure;

46 ~~c.3. Not be~~ Are not used for any commercial purpose or for
47 mooring vessels that remain in the water when not in use, and ~~do~~
48 not substantially impede the flow of water, create a
49 navigational hazard, or unreasonably infringe upon the riparian
50 rights of adjacent property owners, as defined in s. 253.141;

51 ~~d.4. Be~~ Are constructed and used so as to minimize adverse
52 impacts to submerged lands, wetlands, shellfish areas, aquatic
53 plant and animal species, and other biological communities,
54 including locating such structures in areas where seagrasses are
55 least dense adjacent to the dock or bulkhead; and

56 ~~e.5. Are~~ Not be constructed in areas specifically
57 prohibited for boat mooring under conditions of a permit issued
58 in accordance with ss. 403.91-403.929, 1984 Supplement to the

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59 Florida Statutes 1983, as amended, or part IV of chapter 373, or
60 other form of authorization issued by a local government.

61 2. The owner of a structure ~~Structures~~ that qualifies
62 ~~qualify~~ for an ~~this~~ exemption under this paragraph is not
63 required ~~are relieved from any requirement~~ to obtain permission
64 to use or occupy lands owned by the Board of Trustees of the
65 Internal Improvement Trust Fund, and, with the exception of
66 those structures attached to a bulkhead on a parcel of land
67 where there is no docking structure, the structure may not be
68 subject to any more stringent permitting requirements,
69 registration requirements, or other regulation by any local
70 government. For a floating vessel platform to be attached to a
71 bulkhead on a parcel of land where there is no docking
72 structure, a local government ~~governments~~ may require the
73 platform owner to obtain a permit ~~either permitting~~ or one-time
74 registration of the floating vessel platform ~~platforms to be~~
75 ~~attached to a bulkhead on a parcel of land where there is no~~
76 ~~other docking structure~~ as necessary to ensure compliance with
77 local ordinances, codes, or regulations. A local government
78 ~~governments~~ may require only a ~~either permitting~~ or one-time
79 registration of all other floating vessel platforms where the
80 platform owner self-certifies ~~as necessary to ensure~~ compliance
81 with the exemption criteria in this section, to ensure
82 compliance with ~~local~~ ordinances, codes, state-delegated or
83 state-mandated plans or programs, or regulations relating to
84 building or zoning, which may not be applied more stringently
85 ~~are no more stringent than, or inconsistent with,~~ the exemption
86 criteria in this section and ~~or~~ address subjects other than
87 subjects addressed by the exemption criteria in this section;

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88 and to ensure proper installation, maintenance, and
89 precautionary or evacuation action following a tropical storm or
90 hurricane watch of a floating vessel platform or floating boat
91 lift that is proposed to be attached to a bulkhead or parcel of
92 land where there is no other docking structure.

93 3. The exemption provided in this paragraph ~~is shall be~~ in
94 addition to the exemption provided in paragraph (b). The
95 department shall adopt a general permit by rule for the
96 construction, installation, operation, or maintenance of those
97 floating vessel platforms or floating boat lifts that do not
98 qualify for the exemption provided in this paragraph but do not
99 cause significant adverse impacts to occur individually or
100 cumulatively. The issuance of such general permit constitutes
101 ~~shall also constitute~~ permission to use or occupy lands owned by
102 the Board of Trustees of the Internal Improvement Trust Fund. A
103 local government ~~governments~~ may not impose a more stringent
104 regulation, permitting requirement, registration requirement, or
105 other regulation covered by such general permit. A local
106 government ~~governments~~ may require a structure owner to obtain
107 either a permit permitting or one-time registration of floating
108 vessel platforms as necessary to ensure compliance with the
109 general permit in this section; to ensure compliance with local
110 ordinances, codes, or regulations relating to building or zoning
111 that are no more stringent than the general permit in this
112 section; and to ensure proper installation and maintenance of a
113 floating vessel platform or floating boat lift that is proposed
114 to be attached to a bulkhead or parcel of land where there is no
115 other docking structure.

116 Section 2. This act shall take effect July 1, 2023.