

1 A bill to be entitled
 2 An act relating to floating vessel platforms and
 3 floating boat lifts; amending s. 403.813, F.S.;
 4 providing that specified structures associated with a
 5 dock on a parcel of land create a presumption of
 6 compliance with certain environmental impact
 7 requirements; providing a definition; providing an
 8 effective date.

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

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

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

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

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

49 4. Are constructed and used so as to minimize adverse
50 impacts to submerged lands, wetlands, shellfish areas, aquatic

51 | plant and animal species, and other biological communities,
 52 | including locating such structures in areas where seagrasses are
 53 | least dense adjacent to the dock or bulkhead; and

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

59 |
 60 | Structures that qualify for this exemption are relieved from any
 61 | requirement to obtain permission to use or occupy lands owned by
 62 | the Board of Trustees of the Internal Improvement Trust Fund
 63 | and, with the exception of those structures attached to a
 64 | bulkhead on a parcel of land where there is no docking
 65 | structure, are ~~may~~ not ~~be~~ subject to any more stringent
 66 | permitting requirements, registration requirements, or other
 67 | regulation by any local government. Structures associated with a
 68 | dock on a parcel of land as specified in subparagraph 2. that
 69 | comply with this subsection create a presumption of compliance
 70 | with any requirement to minimize adverse environmental impacts.
 71 | A local government ~~governments~~ may require a permit ~~either~~
 72 | ~~permitting~~ or one-time registration of floating vessel platforms
 73 | to be attached to a bulkhead on a parcel of land where there is
 74 | no other docking structure as necessary to ensure compliance
 75 | with local ordinances, codes, or regulations. A local government

76 | ~~governments~~ may require a permit ~~either permitting~~ or one-time
 77 | registration of all other floating vessel platforms as necessary
 78 | to ensure compliance with the exemption criteria in this
 79 | section; to ensure compliance with local ordinances, codes, or
 80 | regulations relating to building or zoning, which are not ~~ne~~
 81 | more stringent than the exemption criteria in this section or
 82 | address subjects other than subjects addressed by the exemption
 83 | criteria in this section; and to ensure proper installation,
 84 | maintenance, and precautionary or evacuation action following a
 85 | tropical storm or hurricane watch of a floating vessel platform
 86 | or floating boat lift that is proposed to be attached to a
 87 | bulkhead or parcel of land where there is no other docking
 88 | structure. The exemption provided in this paragraph is ~~shall be~~
 89 | in addition to the exemption provided in paragraph (b). The
 90 | department shall adopt a general permit by rule for the
 91 | construction, installation, operation, or maintenance of those
 92 | floating vessel platforms or floating boat lifts that do not
 93 | qualify for the exemption provided in this paragraph but do not
 94 | cause significant adverse impacts to occur individually or
 95 | cumulatively. The issuance of such general permit ~~shall~~ also
 96 | constitutes ~~constitute~~ permission to use or occupy lands owned
 97 | by the Board of Trustees of the Internal Improvement Trust Fund.
 98 | A local government ~~governments~~ may not impose a more stringent
 99 | regulation, permitting requirement, registration requirement, or
 100 | other regulation covered by such general permit. A local

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101 government ~~governments~~ may require a permit ~~either permitting~~ or
102 one-time registration of floating vessel platforms as necessary
103 to ensure compliance with the general permit requirements in
104 this section; to ensure compliance with local ordinances, codes,
105 or regulations relating to building or zoning, which ~~that~~ are
106 not ~~no~~ more stringent than the general permit requirements in
107 this section; and to ensure proper installation and maintenance
108 of a floating vessel platform or floating boat lift that is
109 proposed to be attached to a bulkhead or parcel of land where
110 there is no other docking structure. As used in this paragraph,
111 the term "local government" includes a charter county, a county
112 that is required to implement a manatee protection plan pursuant
113 to s. 379.2431(2)(t), or a county or municipality that
114 establishes and administers a local pollution control program
115 pursuant to s. 403.182.

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