

1                   A bill to be entitled  
2       An act relating to nature-based coastal resiliency;  
3       amending s. 258.397, F.S.; authorizing certain  
4       dredging and filling of submerged lands and placement  
5       of certain shorelines and seawalls within the Biscayne  
6       Bay Aquatic Preserve; amending s. 258.42, F.S.;  
7       authorizing the erection of certain structures within  
8       aquatic preserves; creating s. 380.0938, F.S.;  
9       requiring the Department of Environmental Protection,  
10      by a specified date, to develop guidelines and  
11      standards for nature-based methods to address coastal  
12      resiliency and to adopt rules for a statewide  
13      permitting process for such coastal resiliency;  
14      requiring the department and local governments to  
15      promote nature-based solutions for coastal resiliency;  
16      providing an effective date.

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

19  
20       **Section 1. Paragraphs (b) and (e) of subsection (3) of**  
21      **section 258.397, Florida Statutes, are amended to read:**

22       258.397 Biscayne Bay Aquatic Preserve.—

23       (3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the  
24      Internal Improvement Trust Fund is authorized and directed to  
25      maintain the aquatic preserve hereby created pursuant and

subject to the following provisions:

(b) No further dredging or filling of submerged lands of the preserve shall be approved or tolerated by the board of trustees except:

1. Such minimum dredging and spoiling as may be authorized for public navigation projects or for such minimum dredging and spoiling as may be constituted as a public necessity or for preservation of the bay according to the expressed intent of this section.

2. Such other alteration of physical conditions, including the placement of riprap, as may be necessary to enhance the quality and utility of the preserve.

3. Such minimum dredging and filling as may be authorized for the creation and maintenance of marinas, piers, and docks and their attendant navigation channels and access roads. Such projects may only be authorized upon a specific finding by the board of trustees that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality and utility of the preserve. This subparagraph shall not authorize the connection of upland canals to the waters of the preserve.

4. Such dredging as is necessary for the purpose of eliminating conditions hazardous to the public health or for the purpose of eliminating stagnant waters, islands, and spoil banks, the dredging of which would enhance the aesthetic and

51 environmental quality and utility of the preserve and be clearly  
52 in the public interest as determined by the board of trustees.

53 5. Such minimum dredging and filling as may be authorized  
54 for the restoration and enhancement of natural systems,  
55 including the management of substrate for vegetation planting  
56 and restoration for mangroves, salt marshes, seagrasses, and  
57 oyster reefs, to enhance the quality and utility of the preserve  
58 and coastal resiliency.

59  
60 Any dredging or filling under this subsection or improvements  
61 under subsection (5) shall be approved only after public notice  
62 as provided by s. 253.115.

63 (e) Notwithstanding other provisions of this section, the  
64 board of trustees may, respecting lands lying within Biscayne  
65 Bay:

66 1. Enter into agreements for and establish lines  
67 delineating sovereignty and privately owned lands.

68 2. Enter into agreements for the exchange of, and  
69 exchange, sovereignty lands for privately owned lands.

70 3. Accept gifts of land within or contiguous to the  
71 preserve.

72 4. Negotiate for, and enter into agreements with owners of  
73 lands contiguous to sovereignty lands for, any public and  
74 private use of any of such lands.

75 5. Take any and all actions convenient for, or necessary

76 to, the accomplishment of any and all of the acts and matters  
77 authorized by this paragraph.

78 6. Conduct restoration and enhancement efforts in Biscayne  
79 Bay and its tributaries.

80 7. Stabilize eroding shorelines of Biscayne Bay and its  
81 tributaries that are contributing to turbidity by planting  
82 natural vegetation to the greatest extent feasible and by the  
83 placement of riprap and living shorelines and seawalls, as  
84 determined by Miami-Dade County in conjunction with the  
85 Department of Environmental Protection.

86 8. Request the South Florida Water Management District to  
87 enter into a memorandum of understanding with the Department of  
88 Environmental Protection, the Biscayne National Park Service,  
89 the Miami-Dade County Department of Environmental Resources  
90 Management and, at their option, the Corps of Engineers to  
91 include enhanced marine productivity in Biscayne Bay as an  
92 objective when operating the Central and Southern Florida Flood  
93 Control projects consistently with the goals of the water  
94 management district, including flood protection, water supply,  
95 and environmental protection.

96 **Section 2. Paragraph (e) of subsection (3) of section**  
97 **258.42, Florida Statutes, is amended to read:**

98 258.42 Maintenance of preserves.—The Board of Trustees of  
99 the Internal Improvement Trust Fund shall maintain such aquatic  
100 preserves subject to the following provisions:

(3)

(e) Structures may not be erected within the preserve, except:

1. Private residential docks may be approved for reasonable ingress or egress of riparian owners. Slips at private residential single-family docks which contain boat lifts or davits that do not float in the water when loaded may not, in whole or in part, be enclosed by walls, but may be roofed if the roof does not overhang more than 1 foot beyond the footprint of the lift and the boat stored at the lift. Such roofs are not included in the square-footage calculation of a terminal platform.

2. Private residential multislip docks may be approved if located within a reasonable distance of a publicly maintained navigation channel, or a natural channel of adequate depth and width to allow operation of the watercraft for which the docking facility is designed without the craft having an adverse impact on marine resources. The distance shall be determined in accordance with criteria established by the trustees by rule, based on the depth of the water, nature and condition of bottom, and presence of manatees.

3. Commercial docking facilities shown to be consistent with the use or management criteria of the preserve may be approved if the facilities are located within a reasonable distance of a publicly maintained navigation channel, or a

126 natural channel of adequate depth and width to allow operation  
127 of the watercraft for which the docking facility is designed  
128 without the craft having an adverse impact on marine resources.  
129 The distance shall be determined in accordance with criteria  
130 established by the trustees by rule, based on the depth of the  
131 water, nature and condition of bottom, and presence of manatees.

132 4. Structures for shore protection, including restoration  
133 of seawalls at their previous location or upland of or within 18  
134 inches waterward of their previous location, approved  
135 navigational aids, or public utility crossings authorized under  
136 paragraph (a) may be approved.

137 5. Nature-based solutions to improve coastal resiliency,  
138 including living seawalls, shoreline and vegetation planting,  
139 seagrass planting, wave attenuation devices, and green or hybrid  
140 green-gray stormwater infrastructure, that are sited to provide  
141 the most appropriate benefit.

142  
143 A structure under this paragraph or chapter 253 may not be  
144 prohibited solely because the local government fails to adopt a  
145 marina plan or other policies dealing with the siting of such  
146 structures in its local comprehensive plan.

147 **Section 3. Section 380.0938, Florida Statutes, is created**  
148 **to read:**

149 380.0938 Nature-based methods for improving coastal  
150 resilience.—

151       (1) By January 1, 2027, the department shall develop  
152 design guidelines and standards for optimal combinations of  
153 nature-based methods for using green or hybrid green-gray  
154 infrastructure to address coastal resiliency, including local  
155 mitigation strategies for erosion control, sea level rise, and  
156 storm surge.

157       (2) By January 1, 2027, the department must initiate  
158 rulemaking to provide for a clear and consistent statewide  
159 permitting process under s. 373.4131 for nature-based methods  
160 for improving coastal resilience and to address all of the  
161 following:

162           (a) Criteria and thresholds for permits to implement  
163 nature-based methods, including monitoring, inspection, and  
164 reporting requirements.

165           (b) Procedures governing the review of applications and  
166 notices, duration and modification of permits, operational  
167 requirements, and transfers of permits.

168           (c) Provisions for emergencies, abandonment and removal of  
169 systems, and significant erosion in areas of critical state  
170 concern.

171           (d) Exemptions and general permits that do not allow  
172 significant adverse impacts to occur individually or  
173 cumulatively.

174           (e) Improvement of coastal resilience using nature-based  
175 solutions, including living seawalls, shoreline and vegetation

176 planting, seagrass planting, wave attenuation devices, green or  
177 hybrid green-gray stormwater infrastructure, beach  
178 renourishment, dune and wetland restoration, reinforced dunes,  
179 reef restoration, and ecologically sound building materials.

180 (f) Protection and maintenance of access to and navigation  
181 of the marked channel and the right-of-way of the Florida  
182 Intracoastal Waterway as defined in s. 327.02.

183 (g) Creation of permitting incentives for the use of new  
184 strategies and technologies, such as 3D printing and other forms  
185 of manufacturing, for living shorelines and nature-based  
186 features for coastal protection.

187 (h) Incentives to encourage local governmental entities to  
188 create projects using nature-based solutions for coastal  
189 protection through the Resilient Florida Grant Program pursuant  
190 to s. 380.093(3)(b)1.d.

191 (i) Guidelines for determining when a nature-based  
192 solutions project is clearly in the public interest and safety  
193 under s. 373.414(1)(a).

194 (j) Development of a clear and efficient permitting  
195 process after designated storm events or disasters to replace  
196 failed coastal infrastructure with nature-based or hybrid green-  
197 gray infrastructure that follows established guidelines in s.  
198 380.0938(1).

199 (k) Identification of ways local governmental entities can  
200 participate in coastal resiliency, including:



201        1. Mangrove replanting and hydrological restoration  
202 programs.

203        2. Restoration of oyster reefs, salt marshes, seagrass  
204 beds, and coral reefs.

205        3. Identification and monitoring of threats to mangroves.

206        4. Protection of barrier and spoil islands.

207        (3) The department and local governments shall promote  
208 public awareness and education of the value of nature-based  
209 solutions for coastal resiliency, including the preservation and  
210 restoration of wetlands, floodplains, seagrasses, mangroves, and  
211 other natural systems along the coastline.

212        **Section 4.** This act shall take effect July 1, 2026.