



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/04/2026	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Garcia) recommended the following:

1                   **Senate Amendment (with title amendment)**

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3                   Delete everything after the enacting clause  
4 and insert:

5                   Section 1. Paragraphs (b) and (e) of subsection (3) of  
6 section 258.397, Florida Statutes, are amended to read:

7                   258.397 Biscayne Bay Aquatic Preserve.—

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



11 subject to the following provisions:

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

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

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

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

32 4. Such dredging as is necessary for the purpose of  
33 eliminating conditions hazardous to the public health or for the  
34 purpose of eliminating stagnant waters, islands, and spoil  
35 banks, the dredging of which would enhance the aesthetic and  
36 environmental quality and utility of the preserve and be clearly  
37 in the public interest as determined by the board of trustees.

38 5. Such minimum dredging and filling as may be authorized  
39 for the restoration and enhancement of natural systems,



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40 including the management of substrate for vegetation planting  
41 and restoration for mangroves, salt marshes, seagrasses, and  
42 oyster reefs, to enhance the quality and utility of the preserve  
43 and coastal resiliency.

44

45 Any dredging or filling under this subsection or improvements  
46 under subsection (5) shall be approved only after public notice  
47 as provided by s. 253.115.

48 (e) Notwithstanding other provisions of this section, the  
49 board of trustees may, respecting lands lying within Biscayne  
50 Bay:

51 1. Enter into agreements for and establish lines  
52 delineating sovereignty and privately owned lands.

53 2. Enter into agreements for the exchange of, and exchange,  
54 sovereignty lands for privately owned lands.

55 3. Accept gifts of land within or contiguous to the  
56 preserve.

57 4. Negotiate for, and enter into agreements with owners of  
58 lands contiguous to sovereignty lands for, any public and  
59 private use of any of such lands.

60 5. Take any and all actions convenient for, or necessary  
61 to, the accomplishment of any and all of the acts and matters  
62 authorized by this paragraph.

63 6. Conduct restoration and enhancement efforts in Biscayne  
64 Bay and its tributaries.

65 7. Stabilize eroding shorelines of Biscayne Bay and its  
66 tributaries that are contributing to turbidity by planting  
67 natural vegetation to the greatest extent feasible and by the  
68 placement of riprap and living shorelines and seawalls, as



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69 determined by Miami-Dade County in conjunction with the  
70 Department of Environmental Protection.

71       8. Request the South Florida Water Management District to  
72 enter into a memorandum of understanding with the Department of  
73 Environmental Protection, the Biscayne National Park Service,  
74 the Miami-Dade County Department of Environmental Resources  
75 Management and, at their option, the Corps of Engineers to  
76 include enhanced marine productivity in Biscayne Bay as an  
77 objective when operating the Central and Southern Florida Flood  
78 Control projects consistently with the goals of the water  
79 management district, including flood protection, water supply,  
80 and environmental protection.

81       Section 2. Paragraph (e) of subsection (3) of section  
82 258.42, Florida Statutes, is amended to read:

83       258.42 Maintenance of preserves.—The Board of Trustees of  
84 the Internal Improvement Trust Fund shall maintain such aquatic  
85 preserves subject to the following provisions:

86       (3)

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

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



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

107        3. Commercial docking facilities shown to be consistent  
108 with the use or management criteria of the preserve may be  
109 approved if the facilities are located within a reasonable  
110 distance of a publicly maintained navigation channel, or a  
111 natural channel of adequate depth and width to allow operation  
112 of the watercraft for which the docking facility is designed  
113 without the craft having an adverse impact on marine resources.  
114 The distance shall be determined in accordance with criteria  
115 established by the trustees by rule, based on the depth of the  
116 water, nature and condition of bottom, and presence of manatees.

117        4. Structures for shore protection, including restoration  
118 of seawalls at their previous location or upland of or within 18  
119 inches waterward of their previous location, approved  
120 navigational aids, or public utility crossings authorized under  
121 paragraph (a) may be approved.

122        5. Nature-based solutions to improve coastal resiliency,  
123 including living seawalls, shoreline and vegetation planting,  
124 seagrass planting, wave attenuation devices, and green or hybrid  
125 green-gray stormwater infrastructure, which are sited to provide  
126 the most appropriate benefit.



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127  
128 A structure under this paragraph or chapter 253 may not be  
129 prohibited solely because the local government fails to adopt a  
130 marina plan or other policies dealing with the siting of such  
131 structures in its local comprehensive plan.

132 Section 3. Section 380.0938, Florida Statutes, is created  
133 to read:

134 380.0938 Nature-based methods for improving coastal  
135 resiliency.—

136 (1) By January 1, 2027, the department shall develop design  
137 guidelines and standards for optimal combinations of nature-  
138 based methods for using green or hybrid green-gray  
139 infrastructure to address coastal resiliency, including local  
140 mitigation strategies for erosion control, sea-level rise, and  
141 storm surge.

142 (2) By January 1, 2027, the department must initiate  
143 rulemaking, subject to legislative ratification, to provide for  
144 a clear and consistent statewide permitting process under s.  
145 373.4131 for nature-based methods for improving coastal  
146 resiliency and to address all of the following:

147 (a) Criteria and thresholds for permits to implement  
148 nature-based methods, including monitoring, inspection, and  
149 reporting requirements.

150 (b) Procedures governing the review of applications and  
151 notices, duration and modification of permits, operational  
152 requirements, and transfers of permits.

153 (c) Provisions for emergencies, abandonment and removal of  
154 systems, and significant erosion in areas of critical state  
155 concern.



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156        (d) Exemptions and general permits that do not allow  
157 significant adverse impacts to occur individually or  
158 cumulatively.

159        (e) Improvement of coastal resiliency using nature-based  
160 solutions, including living seawalls, shoreline and vegetation  
161 planting, seagrass planting, wave attenuation devices, green or  
162 hybrid green-gray stormwater infrastructure, beach  
163 renourishment, dune and wetland restoration, reinforced dunes,  
164 reef restoration, and ecologically sound building materials.

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

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

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

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

179        (j) Development of a clear and efficient permitting process  
180 after designated storm events or disasters to replace failed  
181 coastal infrastructure with nature-based or hybrid green-gray  
182 infrastructure that follows established guidelines in subsection  
183 (1).

184        (k) Identification of ways local governmental entities can



185 participate in coastal resiliency, including:

186 1. Mangrove replanting and hydrological restoration

187 programs.

188 2. Restoration of oyster reefs, salt marshes, seagrass  
189 beds, and coral reefs.

190 3. Identification and monitoring of threats to mangroves.

191 4. Protection of barrier and spoil islands.

192 (3) The department and local governments shall promote  
193 public awareness and education on the value of nature-based  
194 solutions for coastal resiliency, including the preservation and  
195 restoration of wetlands, floodplains, seagrasses, mangroves, and  
196 other natural systems along the coastline.

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

199 ===== T I T L E A M E N D M E N T =====

200 And the title is amended as follows:

201 Delete everything before the enacting clause  
202 and insert:

203 A bill to be entitled

204 An act relating to nature-based coastal resiliency;  
205 amending s. 258.397, F.S.; authorizing certain  
206 dredging and filling of submerged lands and placement  
207 of certain shorelines and seawalls within the Biscayne  
208 Bay Aquatic Preserve; amending s. 258.42, F.S.;  
209 authorizing the erection of certain structures within  
210 aquatic preserves; creating s. 380.0938, F.S.;  
211 requiring the Department of Environmental Protection,  
212 by a specified date, to develop guidelines and  
213 standards for nature-based methods to address coastal



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214       resiliency and to adopt rules, subject to legislative  
215       ratification, for a statewide permitting process for  
216       such coastal resiliency; providing requirements for  
217       such rules; requiring the department and local  
218       governments to promote public awareness and education  
219       on nature-based solutions for coastal resiliency;  
220       providing an effective date.  
221