

1 A bill to be entitled
2 An act relating to public mooring fields; amending s.
3 373.118, F.S.; prohibiting local governments and
4 special districts from applying for a permit to
5 establish or maintain a public mooring field under
6 certain circumstances; providing applicability;
7 providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 **Section 1. Subsection (4) of section 373.118, Florida**
12 **Statutes, is amended to read:**

13 373.118 General permits; delegation.—

14 (4) (a) The department shall adopt by rule one or more
15 general permits for local governments to construct, operate, and
16 maintain public mooring fields, public boat ramps, including
17 associated courtesy docks, and associated parking facilities
18 located in uplands. Such general permits adopted by rule shall
19 include provisions to ensure compliance with part IV of this
20 chapter, subsection (1), and the criteria necessary to include
21 the general permits in a state programmatic general permit
22 issued by the United States Army Corps of Engineers under s. 404
23 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33
24 U.S.C. ss. 1251 et seq. A facility authorized under such general
25 permits is exempt from review as a development of regional

26 impact if the facility complies with the comprehensive plan of
27 the applicable local government. Such facilities shall be
28 consistent with the local government manatee protection plan
29 required pursuant to chapter 379. Mooring fields authorized
30 under such general permits may not exceed 100 vessels. All
31 facilities permitted under this section shall be constructed,
32 maintained, and operated in perpetuity for the exclusive use of
33 the general public. The department is authorized to have
34 delegation of authority from the Board of Trustees of the
35 Internal Improvement Trust Fund to issue leases for mooring
36 fields that meet the requirements of such general permits. The
37 department shall initiate the rulemaking process within 60 days
38 after the effective date of this act.

39 (b) Notwithstanding any provision of law to the contrary,
40 a county, municipality, or special district may not apply for a
41 permit to establish or maintain a mooring field outside of its
42 territorial boundaries. Notwithstanding any provision of law to
43 the contrary, a county may not apply for a permit to establish
44 or maintain a mooring field within an incorporated area. This
45 paragraph does not apply to a mooring field that has been
46 approved by all jurisdictional local governments or that has
47 been issued a final, nonappealable permit by the department.

48 **Section 2.** This act shall take effect upon becoming a law.