

By Senator Bronson

18-505-00

1                                   A bill to be entitled  
2           An act relating to rulemaking authority  
3           regarding seawalls (RAB); amending s. 403.813,  
4           F.S.; limiting a permit exemption for the  
5           construction of seawalls in specified  
6           circumstances; requiring the restoration and  
7           repair of specified seawalls to meet specified  
8           criteria; providing an 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. Paragraphs (e), (i), and (o) of subsection  
13           (2) of section 403.813, Florida Statutes, are amended to read:

14           403.813 Permits issued at district centers;  
15           exceptions.--

16           (2) No permit under this chapter, chapter 373, chapter  
17           61-691, Laws of Florida, or chapter 25214 or chapter 25270,  
18           1949, Laws of Florida, shall be required for activities  
19           associated with the following types of projects; however,  
20           nothing in this subsection relieves an applicant from any  
21           requirement to obtain permission to use or occupy lands owned  
22           by the Board of Trustees of the Internal Improvement Trust  
23           Fund or any water management district in its governmental or  
24           proprietary capacity or from complying with applicable local  
25           pollution control programs authorized under this chapter or  
26           other requirements of county and municipal governments:

27           (e) The restoration of seawalls at their previous  
28           locations or upland of, or within 1 foot waterward of, their  
29           previous locations. However, this shall not affect the  
30           permitting requirements of chapter 161, and department rules  
31           shall clearly indicate that this exception does not constitute

1 an exception from the permitting requirements of chapter 161.  
2 Restoration and repair must be performed using the criteria  
3 set forth in s. 373.414(5).

4 (i) The construction of private docks and seawalls in  
5 artificially created waterways where such construction will  
6 not violate existing water quality standards, impede  
7 navigation, or affect flood control. This exemption does not  
8 apply to the construction of vertical seawalls in estuaries or  
9 lagoons unless the proposed construction is within an existing  
10 man-made canal where the shoreline is currently occupied in  
11 whole or part by vertical seawalls.

12 (o) The construction of private seawalls in wetlands  
13 or other surface waters of the state where such construction  
14 is between and adjoins at both ends existing seawalls, follows  
15 a continuous and uniform seawall construction line with the  
16 existing seawalls, is no more than 150 feet in length, and  
17 does not violate existing water quality standards, impede  
18 navigation, or affect flood control. However, in estuaries  
19 and lagoons the construction of vertical seawalls is limited  
20 to the circumstances and purposes stated in section  
21 373.414(5)(b)1.-4. This paragraph does ~~this shall~~ not affect  
22 the permitting requirements of chapter 161, and department  
23 rules must ~~shall~~ clearly indicate that this exception does not  
24 constitute an exception from the permitting requirements of  
25 chapter 161.

26 Section 2. This act shall take effect upon becoming a  
27 law.

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SENATE SUMMARY

Limits the permit exemption for the construction of seawalls and requires the restoration and repair of seawalls to meet specified criteria.