

1 A bill to be entitled
 2 An act relating to public marinas and boat ramps; amending
 3 s. 373.118, F.S.; directing the Department of
 4 Environmental Protection to adopt rules to authorize local
 5 governments to construct and maintain all facilities,
 6 including public marinas and boat ramps; exempting certain
 7 facilities from development-of-regional-impact review;
 8 providing for regulatory criteria; providing for the use
 9 of submerged lands; amending s. 403.813, F.S.; revising
 10 permit exemption requirements for floating vessel
 11 platforms or floating boat lifts; providing an effective
 12 date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Subsection (5) is added to section 373.118,
 17 Florida Statutes, to read:

18 373.118 General permits.--

19 (5) The department shall adopt by rule one or more general
 20 permits for local governments to construct, operate, and
 21 maintain public marina facilities, public mooring fields, public
 22 boat ramps, including associated courtesy docks, and associated
 23 parking facilities located in uplands. Such general permits
 24 adopted by rule shall include provisions to ensure compliance
 25 with subsection (1), part IV of this chapter, and the criteria
 26 necessary to include the general permits in a state programmatic
 27 general permit issued by the United States Army Corps of
 28 Engineers under s. 404 of the Clean Water Act, Pub. L. No. 92-

29 500, as amended, 33 U.S.C. ss. 1251 et seq. A facility
 30 authorized under such general permits is exempt from review as a
 31 development of regional impact if the facility complies with the
 32 comprehensive plan of the applicable local government. Such
 33 facilities shall be consistent with the local government manatee
 34 protection plan required pursuant to ch. 370 and shall obtain
 35 Clean Marina Program status prior to opening for operation and
 36 maintain that status for the life of the facility. Marinas
 37 authorized under any such general permit shall not exceed an
 38 area of 50,000 square feet over wetlands and other surface
 39 waters. The department shall initiate the rulemaking process
 40 within 60 days after the effective date of this act.

41 Section 2. Paragraph (s) of subsection (2) of section
 42 403.813, Florida Statutes, is amended to read:

43 403.813 Permits issued at district centers; exceptions.--

44 (2) A permit is not required under this chapter, chapter
 45 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 46 chapter 25270, 1949, Laws of Florida, for activities associated
 47 with the following types of projects; however, except as
 48 otherwise provided in this subsection, nothing in this
 49 subsection relieves an applicant from any requirement to obtain
 50 permission to use or occupy lands owned by the Board of Trustees
 51 of the Internal Improvement Trust Fund or any water management
 52 district in its governmental or proprietary capacity or from
 53 complying with applicable local pollution control programs
 54 authorized under this chapter or other requirements of county
 55 and municipal governments:

56 (s) The construction, installation, operation, or
57 maintenance of floating vessel platforms or floating boat lifts,
58 provided that such structures:

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

62 2. Are wholly contained within a boat slip previously
63 permitted under ss. 403.91-403.929, 1984 Supplement to the
64 Florida Statutes 1983, as amended, or part IV of chapter 373;
65 are, or, when associated with a dock that is exempt under this
66 subsection or a permitted dock with no defined boat slip and, do
67 not exceed a combined total of 500 square feet, or 200 square
68 feet in an Outstanding Florida Water; or are attached to a
69 bulkhead on a parcel of land where there is no other docking
70 structure and do not exceed a combined total of 1,000 square
71 feet outside of Outstanding Florida Waters, 500 square feet
72 within an Outstanding Florida Water that is not an aquatic
73 preserve, or 200 square feet within an aquatic preserve;

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

79 4. Are constructed and used so as to minimize adverse
80 impacts to submerged lands, wetlands, shellfish areas, aquatic
81 plant and animal species, and other biological communities,
82 including locating such structures in areas where ~~ne~~ seagrasses

83 are least dense ~~exist if such areas are present~~ adjacent to the
 84 dock or bulkhead; and

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

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91 Structures that qualify for this exemption are relieved from any
 92 requirement to obtain permission to use or occupy lands owned by
 93 the Board of Trustees of the Internal Improvement Trust Fund and
 94 shall not be subject to any permitting requirement, registration

95 requirement, or other more stringent regulation by any local
 96 government. The exemption provided in this paragraph shall be in
 97 addition to the exemption provided in paragraph (b). By January
 98 1, 2006 ~~2003~~, the department shall adopt a general permit by
 99 rule for the construction, installation, operation, or

100 maintenance of those floating vessel platforms or floating boat
 101 lifts that do not qualify for the exemption provided in this
 102 paragraph but do not cause significant adverse impacts to occur
 103 individually or cumulatively. The issuance of such general

104 permit shall also constitute permission to use or occupy lands
 105 owned by the Board of Trustees of the Internal Improvement Trust

106 Fund. Structures that qualify for ~~Upon the adoption of the rule~~
 107 ~~creating~~ such general permit shall not be subject to any

108 permitting requirement, registration requirement, or other more
 109 stringent regulation by any, ~~no~~ local government ~~shall impose a~~

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110 ~~more stringent regulation on floating vessel platforms or~~
111 ~~floating boat lifts covered by such general permit.~~

112 Section 3. This act shall take effect July 1, 2005.