

By Senator Brodeur

9-01350-21

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1 A bill to be entitled
2 An act relating to private docks; amending s. 403.803,
3 F.S.; defining the term "private residential multi-
4 family dock or pier"; amending s. 403.813, F.S.;
5 providing that permits are not needed for the
6 installation or construction of private residential
7 multi-family docks or piers; amending s. 403.814,
8 F.S.; authorizing general permits for the
9 construction, alteration, and maintenance of private
10 residential multi-family docks or piers; providing
11 that such docks and piers are not considered
12 commercial; providing construction; amending s.
13 376.302, F.S.; conforming a cross-reference; providing
14 an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Present subsections (12), (13), and (14) of
19 section 403.803, Florida Statutes, are redesignated as
20 subsections (13), (14), and (15), respectively, and a new
21 subsection (12) is added to that section, to read:

22 403.803 Definitions.—When used in this act, the term,
23 phrase, or word:

24 (12) "Private residential multi-family dock or pier" means
25 a dock or other fixed or floating structure extending from land
26 out over water that is intended to be used for private
27 recreational or leisure purposes that are not revenue-generating
28 by persons or groups of persons with real property interest in a
29 multi-family residential development.

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30 Section 2. Paragraphs (b) and (i) of subsection (1) of
31 section 403.813, Florida Statutes, are amended to read:

32 403.813 Permits issued at district centers; exceptions.—

33 (1) A permit is not required under this chapter, chapter
34 373, chapter 61-691, Laws of Florida, or chapter 25214 or
35 chapter 25270, 1949, Laws of Florida, and a local government may
36 not require a person claiming this exception to provide further
37 department verification, for activities associated with the
38 following types of projects; however, except as otherwise
39 provided in this subsection, this subsection does not relieve an
40 applicant from any requirement to obtain permission to use or
41 occupy lands owned by the Board of Trustees of the Internal
42 Improvement Trust Fund or a water management district in its
43 governmental or proprietary capacity or from complying with
44 applicable local pollution control programs authorized under
45 this chapter or other requirements of county and municipal
46 governments:

47 (b) The installation and repair of mooring pilings and
48 dolphins associated with private docking facilities or piers and
49 the installation of private docks, including private residential
50 multi-family docks or piers as defined in s. 403.803, piers, and
51 recreational docking facilities, or piers and recreational
52 docking facilities of local governmental entities when the local
53 governmental entity's activities will not take place in any
54 manatee habitat, any of which docks:

55 1. Has 500 square feet or less of over-water surface area
56 for a dock located in an area designated as Outstanding Florida
57 Waters or 1,000 square feet or less of over-water surface area
58 for a dock located in an area that is not designated as

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59 Outstanding Florida Waters;

60 2. Is constructed on or held in place by pilings or is a
61 floating dock constructed so as not to involve filling or
62 dredging other than that necessary to install the pilings;

63 3. May not substantially impede the flow of water or create
64 a navigational hazard;

65 4. Is used for recreational, noncommercial activities
66 associated with the mooring or storage of boats and boat
67 paraphernalia; and

68 5. Is the sole dock constructed pursuant to this exemption
69 as measured along the shoreline for a distance of 65 feet,
70 unless the parcel of land or individual lot as platted is less
71 than 65 feet in length along the shoreline, in which case one
72 exempt dock may be allowed per parcel or lot.

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74 This paragraph does not prohibit the department from taking
75 appropriate enforcement action pursuant to this chapter to abate
76 or prohibit any activity otherwise exempt from permitting
77 pursuant to this paragraph if the department can demonstrate
78 that the exempted activity has caused water pollution in
79 violation of this chapter.

80 (i) The construction of private docks, including private
81 residential multi-family docks or piers as defined in s.
82 403.803, of 1,000 square feet or less of over-water surface area
83 and seawalls in artificially created waterways when such
84 construction will not violate existing water quality standards,
85 impede navigation, or affect flood control. This exemption does
86 not apply to the construction of vertical seawalls in estuaries
87 or lagoons unless the proposed construction is within an

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88 existing manmade canal where the shoreline is currently occupied
89 in whole or part by vertical seawalls.

90 Section 3. Subsection (13) is added to section 403.814,
91 Florida Statutes, to read:

92 403.814 General permits; delegation.—

93 (13) (a) A general permit may be granted for the
94 construction, alteration, and maintenance of a private
95 residential multi-family dock or pier as defined in s. 403.803
96 if the project complies with applicable law and department rule.
97 A private residential multi-family dock or pier is not
98 considered commercial.

99 (b) This subsection may not be construed to prohibit the
100 granting of a general permit for other docks eligible for such
101 permits under applicable laws and department rule.

102 Section 4. Paragraph (a) of subsection (1) of section
103 376.302, Florida Statutes, is amended to read:

104 376.302 Prohibited acts; penalties.—

105 (1) It shall be a violation of this chapter and it shall be
106 prohibited for any reason:

107 (a) To discharge pollutants or hazardous substances into or
108 upon the surface or ground waters of the state or lands, which
109 discharge violates any departmental "standard" as defined in s.
110 403.803(14) ~~s. 403.803(13)~~.

111 Section 5. This act shall take effect July 1, 2021.