

26 (17) The board of trustees may grant easements on
 27 sovereignty submerged lands for mitigation banks that are
 28 permitted under s. 373.4136 to ensure the protection and
 29 restoration of natural resources and to offset the unavoidable
 30 impacts of projects when mitigation banks meet the public
 31 interest criteria under chapters 253 and 258. This subsection
 32 does not prohibit mitigation to offset impacts to seagrass or
 33 other habitats on sovereignty submerged lands, upon meeting the
 34 public interest criteria under chapters 253 and 258.

35 Section 2. The Department of Environmental Protection
 36 shall adopt and modify rules adopted pursuant to ss. 373.4136
 37 and 373.414 to ensure that required financial assurances are
 38 equivalent and sufficient to provide for the long-term
 39 management of mitigation permitted under ss. 373.4136 and
 40 373.414. The department, in consultation with the water
 41 management districts, shall include the rulemaking required by
 42 this section in existing active rulemaking, or shall complete
 43 rule development by June 30, 2023.

44 Section 3. Paragraphs (b) and (s) of subsection (1) of
 45 section 403.813, Florida Statutes, are amended to read:

46 403.813 Permits issued at district centers; exceptions.—

47 (1) A permit is not required under this chapter, chapter
 48 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 49 chapter 25270, 1949, Laws of Florida, and a local government may
 50 not require a person claiming this exception to provide further

51 department verification, for activities associated with the
52 following types of projects; however, except as otherwise
53 provided in this subsection, this subsection does not relieve an
54 applicant from any requirement to obtain permission to use or
55 occupy lands owned by the Board of Trustees of the Internal
56 Improvement Trust Fund or a water management district in its
57 governmental or proprietary capacity or from complying with
58 applicable local pollution control programs authorized under
59 this chapter or other requirements of county and municipal
60 governments:

61 (b) The installation and repair of mooring pilings and
62 dolphins associated with private docking facilities or piers and
63 the installation of private docks, piers, and recreational
64 docking facilities, or piers and recreational docking facilities
65 of local governmental entities when the local governmental
66 entity's activities will not take place in any manatee habitat,
67 any of which docks:

68 1. Has 500 square feet or less of over-water surface area
69 for a dock located in an area designated as Outstanding Florida
70 Waters or 1,000 square feet or less of over-water surface area
71 for a dock located in an area that is not designated as
72 Outstanding Florida Waters;

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

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

78 4. Is used for recreational, noncommercial activities
79 associated with the mooring or storage of boats and boat
80 paraphernalia; and

81 5. Is the sole dock constructed pursuant to this exemption
82 as measured along the shoreline for a distance of 65 feet,
83 unless the parcel of land, recorded easement, or individual lot
84 as platted is less than 65 feet in length along the shoreline,
85 in which case one exempt dock may be allowed per parcel,
86 easement, or lot. Such docks shall be granted authorization for
87 the use of submerged lands upon approval by the Board of
88 Trustees of the Internal Improvement Trust Fund.

89
90 This paragraph does not prohibit the department from taking
91 appropriate enforcement action pursuant to this chapter to abate
92 or prohibit any activity otherwise exempt from permitting
93 pursuant to this paragraph if the department can demonstrate
94 that the exempted activity has caused water pollution in
95 violation of this chapter.

96 (s) The construction, installation, operation, or
97 maintenance of floating vessel platforms or floating boat lifts,
98 provided that such structures:

99 1. Float at all times in the water for the sole purpose of
100 supporting a vessel so that the vessel is out of the water when

101 not in use;

102 2. Are wholly contained within a boat slip previously
 103 permitted under ss. 403.91-403.929, 1984 Supplement to the
 104 Florida Statutes 1983, as amended, or part IV of chapter 373, or
 105 do not exceed a combined total of 500 square feet, or 200 square
 106 feet in an Outstanding Florida Water, when associated with a
 107 dock that is exempt under this subsection or associated with a
 108 permitted dock with no defined boat slip or attached to a
 109 bulkhead on a parcel of land where there is no other docking
 110 structure;

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

116 4. Are constructed and used so as to minimize adverse
 117 impacts to submerged lands, wetlands, shellfish areas, aquatic
 118 plant and animal species, and other biological communities,
 119 including locating such structures in areas where seagrasses are
 120 least dense adjacent to the dock or bulkhead; and

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

126
 127 Structures that qualify for this exemption are relieved from any
 128 requirement to obtain permission to use or occupy lands owned by
 129 the Board of Trustees of the Internal Improvement Trust Fund
 130 and, with the exception of those structures attached to a
 131 bulkhead on a parcel of land where there is no docking
 132 structure, are ~~may not be~~ subject to any more stringent
 133 permitting requirements, registration requirements, or other
 134 regulation by any local government. Structures associated with a
 135 dock on a parcel of land under subparagraph 2. which comply with
 136 this subsection create a presumption of compliance with any
 137 requirement to minimize adverse environmental impacts. A local
 138 government ~~governments~~ may require a permit ~~either permitting~~ or
 139 one-time registration of floating vessel platforms to be
 140 attached to a bulkhead on a parcel of land where there is no
 141 other docking structure as necessary to ensure compliance with
 142 local ordinances, codes, or regulations. A local government
 143 ~~governments~~ may require either permitting or one-time
 144 registration of all other floating vessel platforms as necessary
 145 to ensure compliance with the exemption criteria in this
 146 section; to ensure compliance with local ordinances, codes, or
 147 regulations relating to building or zoning, which are no more
 148 stringent than the exemption criteria in this section or address
 149 subjects other than subjects addressed by the exemption criteria
 150 in this section; and to ensure proper installation, maintenance,

151 and precautionary or evacuation action following a tropical
 152 storm or hurricane watch of a floating vessel platform or
 153 floating boat lift that is proposed to be attached to a bulkhead
 154 or parcel of land where there is no other docking structure. The
 155 exemption provided in this paragraph is ~~shall be~~ in addition to
 156 the exemption provided in paragraph (b). The department shall
 157 adopt a general permit by rule for the construction,
 158 installation, operation, or maintenance of those floating vessel
 159 platforms or floating boat lifts that do not qualify for the
 160 exemption provided in this paragraph but do not cause
 161 significant adverse impacts to occur individually or
 162 cumulatively. The issuance of such general permit ~~shall~~ also
 163 constitutes ~~constitute~~ permission to use or occupy lands owned
 164 by the Board of Trustees of the Internal Improvement Trust Fund.
 165 A local government ~~governments~~ may not impose a more stringent
 166 regulation, permitting requirement, registration requirement, or
 167 other regulation covered by such general permit. A local
 168 government ~~governments~~ may require either permitting or one-time
 169 registration of floating vessel platforms as necessary to ensure
 170 compliance with the general permit in this section; to ensure
 171 compliance with local ordinances, codes, or regulations relating
 172 to building or zoning that are no more stringent than the
 173 general permit in this section; and to ensure proper
 174 installation and maintenance of a floating vessel platform or
 175 floating boat lift that is proposed to be attached to a bulkhead

CS/HB 349

2022

176 or parcel of land where there is no other docking structure. As
177 used in this paragraph, the term "local government" includes a
178 charter county, a county that is required to implement a manatee
179 protection plan pursuant to s. 379.2431(2) (t), or a county or
180 municipality that establishes and administers a local pollution
181 control program under s. 403.182.

182 Section 4. This act shall take effect upon becoming a law.