

CS/HB 1035

2026

A bill to be entitled
An act relating to nature-based coastal resiliency;
amending s. 258.397, F.S.; authorizing certain
dredging and filling of submerged lands and placement
of certain shorelines and seawalls within the Biscayne
Bay Aquatic Preserve; amending s. 258.42, F.S.;
authorizing the erection of certain structures within
aquatic preserves; creating s. 380.0938, F.S.;
requiring the Department of Environmental Protection,
by a specified date, to develop guidelines and
standards for nature-based methods to address coastal
resiliency; requiring the department and local
governments to promote nature-based solutions for
coastal resiliency; providing an effective date.

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

Section 1. Paragraphs (b) and (e) of subsection (3) of section 258.397, Florida Statutes, are amended to read:

258.397 Biscayne Bay Aquatic Preserve.-

(3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the Internal Improvement Trust Fund is authorized and directed to maintain the aquatic preserve hereby created pursuant and subject to the following provisions:

(b) No further dredging or filling of submerged lands of

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26 the preserve shall be approved or tolerated by the board of
27 trustees except:

28 1. Such minimum dredging and spoiling as may be authorized
29 for public navigation projects or for such minimum dredging and
30 spoiling as may be constituted as a public necessity or for
31 preservation of the bay according to the expressed intent of
32 this section.

33 2. Such other alteration of physical conditions, including
34 the placement of riprap, as may be necessary to enhance the
35 quality and utility of the preserve.

36 3. Such minimum dredging and filling as may be authorized
37 for the creation and maintenance of marinas, piers, and docks
38 and their attendant navigation channels and access roads. Such
39 projects may only be authorized upon a specific finding by the
40 board of trustees that there is assurance that the project will
41 be constructed and operated in a manner that will not adversely
42 affect the water quality and utility of the preserve. This
43 subparagraph shall not authorize the connection of upland canals
44 to the waters of the preserve.

45 4. Such dredging as is necessary for the purpose of
46 eliminating conditions hazardous to the public health or for the
47 purpose of eliminating stagnant waters, islands, and spoil
48 banks, the dredging of which would enhance the aesthetic and
49 environmental quality and utility of the preserve and be clearly
50 in the public interest as determined by the board of trustees.

51 5. Such minimum dredging and filling as may be authorized
52 for the restoration and enhancement of natural systems,
53 including the management of substrate for vegetation planting
54 and restoration for mangroves, salt marshes, seagrasses, and
55 oyster reefs, to enhance the quality and utility of the preserve
56 and coastal resiliency.

57

58 Any dredging or filling under this subsection or improvements
59 under subsection (5) shall be approved only after public notice
60 as provided by s. 253.115.

61 (e) Notwithstanding other provisions of this section, the
62 board of trustees may, respecting lands lying within Biscayne
63 Bay:

64 1. Enter into agreements for and establish lines
65 delineating sovereignty and privately owned lands.

66 2. Enter into agreements for the exchange of, and
67 exchange, sovereignty lands for privately owned lands.

68 3. Accept gifts of land within or contiguous to the
69 preserve.

70 4. Negotiate for, and enter into agreements with owners of
71 lands contiguous to sovereignty lands for, any public and
72 private use of any of such lands.

73 5. Take any and all actions convenient for, or necessary
74 to, the accomplishment of any and all of the acts and matters
75 authorized by this paragraph.

76 6. Conduct restoration and enhancement efforts in Biscayne
77 Bay and its tributaries.

78 7. Stabilize eroding shorelines of Biscayne Bay and its
79 tributaries that are contributing to turbidity by planting
80 natural vegetation to the greatest extent feasible and by the
81 placement of riprap and living shorelines and seawalls, as
82 determined by Miami-Dade County in conjunction with the
83 Department of Environmental Protection.

84 8. Request the South Florida Water Management District to
85 enter into a memorandum of understanding with the Department of
86 Environmental Protection, the Biscayne National Park Service,
87 the Miami-Dade County Department of Environmental Resources
88 Management and, at their option, the Corps of Engineers to
89 include enhanced marine productivity in Biscayne Bay as an
90 objective when operating the Central and Southern Florida Flood
91 Control projects consistently with the goals of the water
92 management district, including flood protection, water supply,
93 and environmental protection.

94 **Section 2. Paragraph (e) of subsection (3) of section
95 258.42, Florida Statutes, is amended to read:**

96 258.42 Maintenance of preserves.—The Board of Trustees of
97 the Internal Improvement Trust Fund shall maintain such aquatic
98 preserves subject to the following provisions:

99 (3)

100 (e) Structures may not be erected within the preserve,

101 except:

102 1. Private residential docks may be approved for
103 reasonable ingress or egress of riparian owners. Slips at
104 private residential single-family docks which contain boat lifts
105 or davits that do not float in the water when loaded may not, in
106 whole or in part, be enclosed by walls, but may be roofed if the
107 roof does not overhang more than 1 foot beyond the footprint of
108 the lift and the boat stored at the lift. Such roofs are not
109 included in the square-footage calculation of a terminal
110 platform.

111 2. Private residential multislip docks may be approved if
112 located within a reasonable distance of a publicly maintained
113 navigation channel, or a natural channel of adequate depth and
114 width to allow operation of the watercraft for which the docking
115 facility is designed without the craft having an adverse impact
116 on marine resources. The distance shall be determined in
117 accordance with criteria established by the trustees by rule,
118 based on the depth of the water, nature and condition of bottom,
119 and presence of manatees.

120 3. Commercial docking facilities shown to be consistent
121 with the use or management criteria of the preserve may be
122 approved if the facilities are located within a reasonable
123 distance of a publicly maintained navigation channel, or a
124 natural channel of adequate depth and width to allow operation
125 of the watercraft for which the docking facility is designed

126 without the craft having an adverse impact on marine resources.
127 The distance shall be determined in accordance with criteria
128 established by the trustees by rule, based on the depth of the
129 water, nature and condition of bottom, and presence of manatees.

130 4. Structures for shore protection, including restoration
131 of seawalls at their previous location or upland of or within 18
132 inches waterward of their previous location, approved
133 navigational aids, or public utility crossings authorized under
134 paragraph (a) may be approved.

135 5. Nature-based solutions to improve coastal resiliency,
136 including living seawalls, shoreline and vegetation planting,
137 seagrass planting, wave attenuation structures, and green or
138 hybrid green-gray stormwater infrastructure, that are sited to
139 provide the most appropriate benefit.

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141 A structure under this paragraph or chapter 253 may not be
142 prohibited solely because the local government fails to adopt a
143 marina plan or other policies dealing with the siting of such
144 structures in its local comprehensive plan.

145 **Section 3. Section 380.0938, Florida Statutes, is created**
146 **to read:**

147 380.0938 Nature-based methods for improving coastal
148 resilience.—

149 (1) By January 1, 2027, the department shall develop
150 design guidelines and standards for optimal combinations of

151 nature-based methods for using green or hybrid green-gray
152 infrastructure to address coastal resiliency, including local
153 mitigation strategies for erosion control, sea level rise, and
154 storm surge.

155 (2) The department and local governments shall promote
156 public awareness and education of the value of nature-based
157 solutions for coastal resiliency, including the preservation and
158 restoration of wetlands, floodplains, seagrasses, mangroves, and
159 other natural systems along the coastline.

160 **Section 4.** This act shall take effect July 1, 2026.