

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Environment and Natural Resources; and Senator Garcia

601-02524-26

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1 A bill to be entitled
2 An act relating to nature-based coastal resiliency;
3 amending s. 258.397, F.S.; authorizing certain
4 dredging and filling of submerged lands and placement
5 of certain shorelines and seawalls within the Biscayne
6 Bay Aquatic Preserve; amending s. 258.42, F.S.;
7 authorizing the erection of certain structures within
8 aquatic preserves; creating s. 380.0938, F.S.;
9 requiring the Department of Environmental Protection,
10 by a specified date, to develop guidelines and
11 standards for nature-based methods to address coastal
12 resiliency and to adopt rules, subject to legislative
13 ratification, for a statewide permitting process for
14 such coastal resiliency; providing requirements for
15 such rules; requiring the department and local
16 governments to promote public awareness and education
17 on nature-based solutions for coastal resiliency;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

24 258.397 Biscayne Bay Aquatic Preserve.—

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

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

601-02524-26

2026302c2

30 the preserve shall be approved or tolerated by the board of
31 trustees except:

32 1. Such minimum dredging and spoiling as may be authorized
33 for public navigation projects or for such minimum dredging and
34 spoiling as may be constituted as a public necessity or for
35 preservation of the bay according to the expressed intent of
36 this section.

37 2. Such other alteration of physical conditions, including
38 the placement of riprap, as may be necessary to enhance the
39 quality and utility of the preserve.

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

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

55 5. Such minimum dredging and filling as may be authorized
56 for the restoration and enhancement of natural systems,
57 including the management of substrate for vegetation planting
58 and restoration for mangroves, salt marshes, seagrasses, and

601-02524-26

2026302c2

59 oyster reefs, to enhance the quality and utility of the preserve
60 and coastal resiliency.

61
62 Any dredging or filling under this subsection or improvements
63 under subsection (5) shall be approved only after public notice
64 as provided by s. 253.115.

65 (e) Notwithstanding other provisions of this section, the
66 board of trustees may, respecting lands lying within Biscayne
67 Bay:

68 1. Enter into agreements for and establish lines
69 delineating sovereignty and privately owned lands.

70 2. Enter into agreements for the exchange of, and exchange,
71 sovereignty lands for privately owned lands.

72 3. Accept gifts of land within or contiguous to the
73 preserve.

74 4. Negotiate for, and enter into agreements with owners of
75 lands contiguous to sovereignty lands for, any public and
76 private use of any of such lands.

77 5. Take any and all actions convenient for, or necessary
78 to, the accomplishment of any and all of the acts and matters
79 authorized by this paragraph.

80 6. Conduct restoration and enhancement efforts in Biscayne
81 Bay and its tributaries.

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

601-02524-26

2026302c2

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

98 Section 2. Paragraph (e) of subsection (3) of section
99 258.42, Florida Statutes, is amended to read:

100 258.42 Maintenance of preserves.—The Board of Trustees of
101 the Internal Improvement Trust Fund shall maintain such aquatic
102 preserves subject to the following provisions:

103 (3)

104 (e) Structures may not be erected within the preserve,
105 except:

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

115 2. Private residential multislip docks may be approved if
116 located within a reasonable distance of a publicly maintained

601-02524-26

2026302c2

117 navigation channel, or a natural channel of adequate depth and
118 width to allow operation of the watercraft for which the docking
119 facility is designed without the craft having an adverse impact
120 on marine resources. The distance shall be determined in
121 accordance with criteria established by the trustees by rule,
122 based on the depth of the water, nature and condition of bottom,
123 and presence of manatees.

124 3. Commercial docking facilities shown to be consistent
125 with the use or management criteria of the preserve may be
126 approved if the facilities are located within a reasonable
127 distance of a publicly maintained navigation channel, or a
128 natural channel of adequate depth and width to allow operation
129 of the watercraft for which the docking facility is designed
130 without the craft having an adverse impact on marine resources.
131 The distance shall be determined in accordance with criteria
132 established by the trustees by rule, based on the depth of the
133 water, nature and condition of bottom, and presence of manatees.

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

139 5. Nature-based solutions to improve coastal resiliency,
140 including living seawalls, shoreline and vegetation planting,
141 seagrass planting, wave attenuation devices, and green or hybrid
142 green-gray stormwater infrastructure, which are sited to provide
143 the most appropriate benefit.

144
145 A structure under this paragraph or chapter 253 may not be

601-02524-26

2026302c2

146 prohibited solely because the local government fails to adopt a
147 marina plan or other policies dealing with the siting of such
148 structures in its local comprehensive plan.

149 Section 3. Section 380.0938, Florida Statutes, is created
150 to read:

151 380.0938 Nature-based methods for improving coastal
152 resiliency.-

153 (1) By January 1, 2027, the department shall develop design
154 guidelines and standards for optimal combinations of nature-
155 based methods for using green or hybrid green-gray
156 infrastructure to address coastal resiliency, including local
157 mitigation strategies for erosion control, sea-level rise, and
158 storm surge.

159 (2) By January 1, 2027, the department must initiate
160 rulemaking, subject to legislative ratification, to provide for
161 a clear and consistent statewide permitting process under s.
162 373.4131 for nature-based methods for improving coastal
163 resiliency and to address all of the following:

164 (a) Criteria and thresholds for permits to implement
165 nature-based methods, including monitoring, inspection, and
166 reporting requirements.

167 (b) Procedures governing the review of applications and
168 notices, duration and modification of permits, operational
169 requirements, and transfers of permits.

170 (c) Provisions for emergencies, abandonment and removal of
171 systems, and significant erosion in areas of critical state
172 concern.

173 (d) Exemptions and general permits that do not allow
174 significant adverse impacts to occur individually or

601-02524-26

2026302c2

175 cumulatively.

176 (e) Improvement of coastal resiliency using nature-based
177 solutions, including living seawalls, shoreline and vegetation
178 planting, seagrass planting, wave attenuation devices, green or
179 hybrid green-gray stormwater infrastructure, beach
180 renourishment, dune and wetland restoration, reinforced dunes,
181 reef restoration, and ecologically sound building materials.

182 (f) Protection and maintenance of access to and navigation
183 of the marked channel and the right-of-way of the Florida
184 Intracoastal Waterway as defined in s. 327.02.

185 (g) Creation of permitting incentives for the use of new
186 strategies and technologies, such as 3D printing and other forms
187 of manufacturing, for living shorelines and nature-based
188 features for coastal protection.

189 (h) Incentives to encourage local governmental entities to
190 create projects using nature-based solutions for coastal
191 protection through the Resilient Florida Grant Program pursuant
192 to s. 380.093(3)(b)1.d.

193 (i) Guidelines for determining when a nature-based
194 solutions project is clearly in the public interest and safety
195 under s. 373.414(1)(a).

196 (j) Development of a clear and efficient permitting process
197 after designated storm events or disasters to replace failed
198 coastal infrastructure with nature-based or green or hybrid
199 green-gray infrastructure that follows established guidelines in
200 subsection (1).

201 (k) Identification of ways local governmental entities can
202 participate in coastal resiliency, including:

203 1. Mangrove replanting and hydrological restoration

601-02524-26

2026302c2

204 programs.

205 2. Restoration of oyster reefs, salt marshes, seagrass
206 beds, and coral reefs.

207 3. Identification and monitoring of threats to mangroves.

208 4. Protection of barrier and spoil islands.

209 (3) The department and local governments shall promote
210 public awareness and education on the value of nature-based
211 solutions for coastal resiliency, including the preservation and
212 restoration of wetlands, floodplains, seagrasses, mangroves, and
213 other natural systems along the coastline.

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