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1
2 An act relating to coastal resiliency; amending s.
3 258.393, F.S.; prohibiting the Board of Trustees of
4 the Internal Improvement Trust Fund from approving the
5 dredging or filling of the submerged lands of the
6 Terra Ceia Aquatic Preserve unless such dredging and
7 filling occurs for certain reasons; requiring public
8 notice for the approval of dredging and filling for
9 certain reasons; amending s. 258.397, F.S.;

10 authorizing certain dredging and filling of submerged
11 lands and placement of certain shorelines and seawalls
12 within the Biscayne Bay Aquatic Preserve; amending s.
13 258.42, F.S.; authorizing the erection of certain
14 structures within aquatic preserves; creating s.
15 380.0938, F.S.; requiring the Department of
16 Environmental Protection, by a specified date, to
17 develop guidelines and standards for nature-based
18 methods to address coastal resiliency and to adopt
19 rules, subject to legislative ratification, for a
20 statewide permitting process for such coastal
21 resiliency; providing requirements for such rules;
22 requiring the department and local governments to
23 promote public awareness and education on nature-based
24 solutions for coastal resiliency; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 258.393, Florida Statutes, is amended to

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30 read:

31 258.393 Terra Ceia Aquatic Preserve ~~wastewater or effluent~~
32 ~~discharge activities.~~—

33 (1) The following described area in Manatee County is
34 hereby designated by the Legislature for inclusion in the
35 aquatic preserve system under the Florida Aquatic Preserve Act
36 of 1975. Such area, to be known as the Terra Ceia Aquatic
37 Preserve, shall be included in the aquatic preserve system and
38 shall include the following described real property: Begin at a
39 point 165 feet north of the southwest corner of the northwest
40 quarter of Section 12, Township 33 South, Range 17 East, Manatee
41 County, thence run west to the mean high-water line of Tampa
42 Bay, said point being the point of beginning. From said point of
43 beginning, run northwesterly into the waters of Tampa Bay and
44 parallel to the Port Manatee ship channel to the Manatee-
45 Hillsborough county line; thence run southwest along the
46 Manatee-Hillsborough county line to its intersection with the
47 Intracoastal Waterway; thence run south-southwesterly along the
48 Intracoastal Waterway to a point on a line connecting the
49 westernmost tip of Sned Island (Manatee County) to the
50 southernmost tip of Mullet Key (Pinellas County); thence run
51 southeasterly along said line to the westernmost tip of Sned
52 Island (also known as Emerson Point); thence run in a
53 northeasterly direction along the mean high-water line of Tampa
54 Bay, Terra Ceia Bay, where the mean high water line intersects
55 the north line of U.S. Government Lot 4, Section 16, Township 34
56 South, Range 17 East; thence east along the said north line of
57 U.S. Government Lot 4 and the easterly extension thereof a
58 distance of 1,111 feet more or less to the mean high water line

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59 at a seawall; thence meander in a northwesterly, westerly,
60 northerly direction along the seawall of a canal; thence in a
61 northeasterly direction along the mean high water line of Miguel
62 Bay, Joe Bay, and Bishop Harbor to the point of beginning,
63 including tidal waters of all tributaries; less all privately
64 titled submerged lands and uplands.

65 (2) Wastewater or effluent discharge activities from an
66 existing stationary facility or existing stationary installation
67 which has been approved pursuant to state law or federal law or
68 for which facility or installation an application has been filed
69 before June 24, 1984, are exempt from the requirements of this
70 chapter.

71 (3) No further dredging or filling of the submerged lands
72 of the Terra Ceia Aquatic Preserve shall be approved or
73 tolerated by the board except:

74 (a) Such minimum dredging and spoiling as may be authorized
75 for public navigation projects or for such minimum dredging and
76 spoiling as may be constituted as a public necessity.

77 (b) Such other alteration of physical conditions, including
78 the placement of riprap, as may be necessary to enhance the
79 quality and utility of the preserve.

80 (c) Such dredging as is necessary for the purpose of
81 eliminating conditions hazardous to the public health or for the
82 purpose of eliminating stagnant waters, islands, and spoil
83 banks, the dredging of which would enhance the aesthetic and
84 environmental quality and utility of the preserve and be clearly
85 in the public interest as determined by the board.

86 (d) Such minimum dredging and filling as may be authorized
87 for the creation and maintenance of marinas, public boat ramps,

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88 piers, and docks and their attendant navigation channels and
89 access roads. Such projects may be authorized only upon a
90 specific finding by the board that there is assurance that the
91 project will be constructed and operated in a manner that will
92 not adversely affect the water quality and utility of the
93 preserve. This paragraph may not be construed to authorize the
94 connection of upland canals to the waters of the preserve.

95
96 Any dredging and filling pursuant to paragraph (a), paragraph
97 (b), or paragraph (c) shall be approved by the board only after
98 public notice as provided in s. 253.115.

99 Section 2. Paragraphs (b) and (e) of subsection (3) of
100 section 258.397, Florida Statutes, are amended to read:

101 258.397 Biscayne Bay Aquatic Preserve.—

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

106 (b) No further dredging or filling of submerged lands of
107 the preserve shall be approved or tolerated by the board of
108 trustees except:

109 1. Such minimum dredging and spoiling as may be authorized
110 for public navigation projects or for such minimum dredging and
111 spoiling as may be constituted as a public necessity or for
112 preservation of the bay according to the expressed intent of
113 this section.

114 2. Such other alteration of physical conditions, including
115 the placement of riprap, as may be necessary to enhance the
116 quality and utility of the preserve.

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117 3. Such minimum dredging and filling as may be authorized
118 for the creation and maintenance of marinas, piers, and docks
119 and their attendant navigation channels and access roads. Such
120 projects may only be authorized upon a specific finding by the
121 board of trustees that there is assurance that the project will
122 be constructed and operated in a manner that will not adversely
123 affect the water quality and utility of the preserve. This
124 subparagraph shall not authorize the connection of upland canals
125 to the waters of the preserve.

126 4. Such dredging as is necessary for the purpose of
127 eliminating conditions hazardous to the public health or for the
128 purpose of eliminating stagnant waters, islands, and spoil
129 banks, the dredging of which would enhance the aesthetic and
130 environmental quality and utility of the preserve and be clearly
131 in the public interest as determined by the board of trustees.

132 5. Such minimum dredging and filling as may be authorized
133 for the restoration and enhancement of natural systems,
134 including the management of substrate for vegetation planting
135 and restoration for mangroves, salt marshes, seagrasses, and
136 oyster reefs, to enhance the quality and utility of the preserve
137 and coastal resiliency.

138
139 Any dredging or filling under this subsection or improvements
140 under subsection (5) shall be approved only after public notice
141 as provided by s. 253.115.

142 (e) Notwithstanding other provisions of this section, the
143 board of trustees may, respecting lands lying within Biscayne
144 Bay:

145 1. Enter into agreements for and establish lines

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146 delineating sovereignty and privately owned lands.

147 2. Enter into agreements for the exchange of, and exchange,
148 sovereignty lands for privately owned lands.

149 3. Accept gifts of land within or contiguous to the
150 preserve.

151 4. Negotiate for, and enter into agreements with owners of
152 lands contiguous to sovereignty lands for, any public and
153 private use of any of such lands.

154 5. Take any and all actions convenient for, or necessary
155 to, the accomplishment of any and all of the acts and matters
156 authorized by this paragraph.

157 6. Conduct restoration and enhancement efforts in Biscayne
158 Bay and its tributaries.

159 7. Stabilize eroding shorelines of Biscayne Bay and its
160 tributaries that are contributing to turbidity by planting
161 natural vegetation to the greatest extent feasible and by the
162 placement of riprap and living shorelines and seawalls, as
163 determined by Miami-Dade County in conjunction with the
164 Department of Environmental Protection.

165 8. Request the South Florida Water Management District to
166 enter into a memorandum of understanding with the Department of
167 Environmental Protection, the Biscayne National Park Service,
168 the Miami-Dade County Department of Environmental Resources
169 Management and, at their option, the Corps of Engineers to
170 include enhanced marine productivity in Biscayne Bay as an
171 objective when operating the Central and Southern Florida Flood
172 Control projects consistently with the goals of the water
173 management district, including flood protection, water supply,
174 and environmental protection.

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175 Section 3. Paragraph (e) of subsection (3) of section
176 258.42, Florida Statutes, is amended to read:

177 258.42 Maintenance of preserves.—The Board of Trustees of
178 the Internal Improvement Trust Fund shall maintain such aquatic
179 preserves subject to the following provisions:

180 (3)

181 (e) Structures may not be erected within the preserve,
182 except:

183 1. Private residential docks may be approved for reasonable
184 ingress or egress of riparian owners. Slips at private
185 residential single-family docks which contain boat lifts or
186 davits that do not float in the water when loaded may not, in
187 whole or in part, be enclosed by walls, but may be roofed if the
188 roof does not overhang more than 1 foot beyond the footprint of
189 the lift and the boat stored at the lift. Such roofs are not
190 included in the square-footage calculation of a terminal
191 platform.

192 2. Private residential multislip docks may be approved if
193 located within a reasonable distance of a publicly maintained
194 navigation channel, or a natural channel of adequate depth and
195 width to allow operation of the watercraft for which the docking
196 facility is designed without the craft having an adverse impact
197 on marine resources. The distance shall be determined in
198 accordance with criteria established by the trustees by rule,
199 based on the depth of the water, nature and condition of bottom,
200 and presence of manatees.

201 3. Commercial docking facilities shown to be consistent
202 with the use or management criteria of the preserve may be
203 approved if the facilities are located within a reasonable

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204 distance of a publicly maintained navigation channel, or a
205 natural channel of adequate depth and width to allow operation
206 of the watercraft for which the docking facility is designed
207 without the craft having an adverse impact on marine resources.
208 The distance shall be determined in accordance with criteria
209 established by the trustees by rule, based on the depth of the
210 water, nature and condition of bottom, and presence of manatees.

211 4. Structures for shore protection, including restoration
212 of seawalls at their previous location or upland of or within 18
213 inches waterward of their previous location, approved
214 navigational aids, or public utility crossings authorized under
215 paragraph (a) may be approved.

216 5. Nature-based solutions to improve coastal resiliency,
217 including living seawalls, shoreline and vegetation planting,
218 seagrass planting, wave attenuation devices, and green or hybrid
219 green-gray stormwater infrastructure, which are sited to provide
220 the most appropriate benefit.

221
222 A structure under this paragraph or chapter 253 may not be
223 prohibited solely because the local government fails to adopt a
224 marina plan or other policies dealing with the siting of such
225 structures in its local comprehensive plan.

226 Section 4. Section 380.0938, Florida Statutes, is created
227 to read:

228 380.0938 Nature-based methods for improving coastal
229 resiliency.—

230 (1) By January 1, 2027, the department shall develop design
231 guidelines and standards for optimal combinations of nature-
232 based methods for using green or hybrid green-gray

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233 infrastructure to address coastal resiliency, including local
234 mitigation strategies for erosion control, sea-level rise, and
235 storm surge.

236 (2) By January 1, 2027, the department must initiate
237 rulemaking, subject to legislative ratification, to provide for
238 a clear and consistent statewide permitting process under s.
239 373.4131 for nature-based methods for improving coastal
240 resiliency and to address all of the following:

241 (a) Criteria and thresholds for permits to implement
242 nature-based methods, including monitoring, inspection, and
243 reporting requirements.

244 (b) Procedures governing the review of applications and
245 notices, duration and modification of permits, operational
246 requirements, and transfers of permits.

247 (c) Provisions for emergencies, abandonment and removal of
248 systems, and significant erosion in areas of critical state
249 concern.

250 (d) Exemptions and general permits that do not allow
251 significant adverse impacts to occur individually or
252 cumulatively.

253 (e) Improvement of coastal resiliency using nature-based
254 solutions, including living seawalls, shoreline and vegetation
255 planting, seagrass planting, wave attenuation devices, green or
256 hybrid green-gray stormwater infrastructure, beach
257 renourishment, dune and wetland restoration, reinforced dunes,
258 reef restoration, and ecologically sound building materials.

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

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

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

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

273 (j) Development of a clear and efficient permitting process
274 after designated storm events or disasters to replace failed
275 coastal infrastructure with nature-based or green or hybrid
276 green-gray infrastructure that follows established guidelines in
277 subsection (1).

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

280 1. Mangrove replanting and hydrological restoration
281 programs.

282 2. Restoration of oyster reefs, salt marshes, seagrass
283 beds, and coral reefs.

284 3. Identification and monitoring of threats to mangroves.

285 4. Protection of barrier and spoil islands.

286 (3) The department and local governments shall promote
287 public awareness and education on the value of nature-based
288 solutions for coastal resiliency, including the preservation and
289 restoration of wetlands, floodplains, seagrasses, mangroves, and
290 other natural systems along the coastline.

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Section 5. This act shall take effect July 1, 2026.