

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1082

INTRODUCER: Senator DiCeglie

SUBJECT: Floating Vessel Platforms

DATE: March 27, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 1082 removes the provision within s. 403.813, F.S., that authorizes a local government to require a permit for certain floating vessel platforms (*i.e.*, those not attached to a bulkhead).

The bill provides that a local government may only require a one-time registration of such platforms where the platform owner self-certifies compliance with the exemption criteria. Local governments may require this self-certification to ensure, among other things, compliance with ordinances, codes, state-delegated or state mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently than, or inconsistent with, the exemption criteria and address subjects other than subjects addressed by the exemption criteria.

II. Present Situation:

Environmental Resource Permitting

The Department of Environmental Protection's (DEP) Environmental Resource Permitting (ERP) program regulates activities involving the alteration of surface water flows.¹ The ERP program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works (including docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters).²

For a number of low impact activities and projects that are narrow in scope, an ERP permit is not required under state law.³ Engaging in these activities and projects requires compliance with

¹ Chapter 373, p. IV, F.S.; Fla. Admin. Code Ch. 62-330.

² Fla. Admin. Code R. 62-330.010(1)-(3). The responsibilities for implementing the statewide ERP program are partially delegated by DEP to the water management districts and certain local governments.

³ Section 403.813, F.S.

applicable local requirements, but generally requires no notice to DEP.⁴ A broad array of activities are expressly exempted from the ERP program, including, but are not limited to: the installation of overhead transmission lines; installation and maintenance of boat ramps; work on seawalls and mooring pilings, swales, and foot bridges; the removal of aquatic plants; construction and operation of floating vessel platforms; and work on county roads and bridges.⁵ Although permitting is not required for these activities, there may be a requirement to obtain permission to use or occupy lands owned by the Board of Trustees or a water management district in its governmental or proprietary capacity.⁶

Permits for Floating Vessel Platforms or Floating Boat Lifts

Generally, an ERP permit is required to construct, alter, operate, maintain, or remove floating vessel platforms or floating boat lifts.⁷ Local governments may require either permitting or one-time registration of floating vessel platforms to be attached to a bulkhead on a parcel of land where there is no other docking structure as necessary to ensure compliance with local ordinances, codes, or regulations.⁸ Local governments may also require permitting or one-time registration of all other floating vessel platforms (*i.e.*, those not attached to a bulkhead) as necessary to ensure compliance with the exemption criteria under s. 403.813, F.S., and to ensure compliance with local ordinances, codes, or regulations relating to building or zoning, which are no more stringent than the exemption criteria under s. 403.813, F.S., or address subjects other than subjects addressed by the exemption criteria in this statute.⁹

However, a permit is *not* required for the construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts, provided that such structures:¹⁰

- Float at all times in the water for the sole purpose of supporting a vessel so that the vessel is out of the water when not in use;
- Are wholly contained within a boat slip previously permitted under state law, or do not exceed a combined total of 500 square feet, or 200 square feet in an Outstanding Florida Water, when associated with a dock that is exempt under this subsection or associated with a permitted dock with no defined boat slip or attached to a bulkhead on a parcel of land where there is no other docking structure;
- Are not used for any commercial purpose or for mooring vessels that remain in the water when not in use, and do not substantially impede the flow of water, create a navigational hazard, or unreasonably infringe upon the riparian rights of adjacent property owners, as defined in state law;
- Are constructed and used so as to minimize adverse impacts to submerged lands, wetlands, shellfish areas, aquatic plant and animal species, and other biological communities, including locating such structures in areas where seagrasses are least dense adjacent to the dock or bulkhead; and

⁴ Fla. Admin. Code Rules 62-330.050(1) and 62-330.051(2).

⁵ Section 403.813(1), F.S.; Fla. Admin. Code R. 62-330.051.

⁶ Section 403.813(1), F.S.; *but see* s. 403.813(1)(s), F.S. (specifically relieving qualifying floating structures from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees).

⁷ Fla. Admin. Code R. 62-330.428.

⁸ Section 403.813(1)(s), F.S.

⁹ *Id.*

¹⁰ Section 403.813(1)(s), F.S.

- Are not constructed in areas specifically prohibited for boat mooring under conditions of a permit issued in accordance with state law, or other form of authorization issued by a local government.¹¹

III. Effect of Proposed Changes:

Section 1 amends s. 403.813, F.S., which provides exemptions to Environmental Resource Permitting (ERP) requirements. The bill removes the provision that authorizes a local government to require a permit for certain floating vessel platforms (*i.e.*, those not attached to a bulkhead). The bill provides that a local government may only require a one-time registration of such platforms where the platform owner self-certifies compliance with the exemption criteria established under this section. Local governments may require this self-certification to ensure, among other things, compliance with ordinances, codes, state-delegated or state mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently than, or inconsistent with, the exemption criteria and address subjects other than subjects addressed by the exemption criteria.

Section 2 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹¹ Section 403.813(1)(s)1.-5., F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.813 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.