

## CHAPTER 2026-1

### Committee Substitute for Committee Substitute for Senate Bill No. 302

An act relating to coastal resiliency; amending s. 258.393, F.S.; prohibiting the Board of Trustees of the Internal Improvement Trust Fund from approving the dredging or filling of the submerged lands of the Terra Ceia Aquatic Preserve unless such dredging and filling occurs for certain reasons; requiring public notice for the approval of dredging and filling for certain reasons; 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 and to adopt rules, subject to legislative ratification, for a statewide permitting process for such coastal resiliency; providing requirements for such rules; requiring the department and local governments to promote public awareness and education on nature-based solutions for coastal resiliency; providing an effective date.

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

Section 1. Section 258.393, Florida Statutes, is amended to read:

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

(1) The following described area in Manatee County is hereby designated by the Legislature for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975. Such area, to be known as the Terra Ceia Aquatic Preserve, shall be included in the aquatic preserve system and shall include the following described real property: Begin at a point 165 feet north of the southwest corner of the northwest quarter of Section 12, Township 33 South, Range 17 East, Manatee County, thence run west to the mean high-water line of Tampa Bay, said point being the point of beginning. From said point of beginning, run northwesterly into the waters of Tampa Bay and parallel to the Port Manatee ship channel to the Manatee-Hillsborough county line; thence run southwest along the Manatee-Hillsborough county line to its intersection with the Intracoastal Waterway; thence run south-southwesterly along the Intracoastal Waterway to a point on a line connecting the westernmost tip of Snead Island (Manatee County) to the southernmost tip of Mullet Key (Pinellas County); thence run southeasterly along said line to the westernmost tip of Snead Island (also known as Emerson Point); thence run in a northeasterly direction along the mean high-water line of Tampa Bay, Terra Ceia Bay, where the mean high water line intersects the north line of U.S. Government Lot 4, Section 16,

Township 34 South, Range 17 East; thence east along the said north line of U.S. Government Lot 4 and the easterly extension thereof a distance of 1,111 feet more or less to the mean high water line at a seawall; thence meander in a northwesterly, westerly, northerly direction along the seawall of a canal; thence in a northeasterly direction along the mean high water line of Miguel Bay, Joe Bay, and Bishop Harbor to the point of beginning, including tidal waters of all tributaries; less all privately titled submerged lands and uplands.

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

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

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

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

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

(d) Such minimum dredging and filling as may be authorized for the creation and maintenance of marinas, public boat ramps, piers, and docks and their attendant navigation channels and access roads. Such projects may be authorized only upon a specific finding by the board that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality and utility of the preserve. This paragraph may not be construed to authorize the connection of upland canals to the waters of the preserve.

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

Section 2. 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 the preserve shall be approved or tolerated by the board of trustees except:

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

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

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

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

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

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

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

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

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

3. Accept gifts of land within or contiguous to the preserve.
4. Negotiate for, and enter into agreements with owners of lands contiguous to sovereignty lands for, any public and private use of any of such lands.
5. Take any and all actions convenient for, or necessary to, the accomplishment of any and all of the acts and matters authorized by this paragraph.
6. Conduct restoration and enhancement efforts in Biscayne Bay and its tributaries.
7. Stabilize eroding shorelines of Biscayne Bay and its tributaries that are contributing to turbidity by planting natural vegetation to the greatest extent feasible and by the placement of riprap and living shorelines and seawalls, as determined by Miami-Dade County in conjunction with the Department of Environmental Protection.
8. Request the South Florida Water Management District to enter into a memorandum of understanding with the Department of Environmental Protection, the Biscayne National Park Service, the Miami-Dade County Department of Environmental Resources Management and, at their option, the Corps of Engineers to include enhanced marine productivity in Biscayne Bay as an objective when operating the Central and Southern Florida Flood Control projects consistently with the goals of the water management district, including flood protection, water supply, and environmental protection.

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

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

(3)

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

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

2. Private residential multislip docks may be approved if located within a reasonable distance of a publicly maintained navigation channel, or a natural channel of adequate depth and width to allow operation of the

watercraft for which the docking facility is designed without the craft having an adverse impact on marine resources. The distance shall be determined in accordance with criteria established by the trustees by rule, based on the depth of the water, nature and condition of bottom, and presence of manatees.

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

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

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

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

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

380.0938 Nature-based methods for improving coastal resiliency.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Mangrove replanting and hydrological restoration programs.
2. Restoration of oyster reefs, salt marshes, seagrass beds, and coral reefs.
3. Identification and monitoring of threats to mangroves.
4. Protection of barrier and spoil islands.

(3) The department and local governments shall promote public awareness and education on the value of nature-based solutions for coastal resiliency, including the preservation and restoration of wetlands,

floodplains, seagrasses, mangroves, and other natural systems along the coastline.

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

Approved by the Governor March 19, 2026.

Filed in Office Secretary of State March 19, 2026.