

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 831

Nassau County

SPONSOR(S): Adkins

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Fudge	Hoagland
2)	Agriculture & Natural Resources Policy Committee			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

The Nassau River-St. Johns River Marshes Aquatic Preserve (Preserve) was designated an aquatic preserve on November 24, 1969, for the primary purpose of preserving the biological resources of the Nassau Sound area marshes and associated waters. The Preserve extends south from A1A and east from State Road 17 in Nassau County, to the St. Johns River in Duval County, which includes portions of the Nassau, Amelia, and Fort George Rivers. The preserve is bordered by two incorporated cities, Fernandina Beach and Jacksonville.

Activities on sovereignty lands in aquatic preserves are regulated by the Department of Environmental Protection. Specifically, the department prohibits private residential single-family docks from having a terminal platform size more than 160 square feet.

The bill allows certain single-family docks within the Preserve to retain a terminal platform that does not exceed a cumulative total deck and roof area of 800 square feet.

Pursuant to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. The provisions of House Rule 5.5(b) appear to apply to this bill.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Nassau River-St. Johns River Aquatic Preserve was designated an aquatic preserve on November 24, 1969, for the primary purpose of preserving the biological resources of the Nassau Sound area marshes and associated waters. The Preserve extends south from A1A and east from State Road 17 in Nassau County, to the St. Johns River in Duval County, which includes portions of the Nassau, Amelia, and Fort George Rivers. The preserve is bordered by two incorporated cities, Fernandina Beach and Jacksonville.

Activities on sovereignty lands in aquatic preserves are regulated by Rule 18-20.004, F.A.C. Section (5) of the rule prescribes the standards and criteria for docking facilities. Under this rule, private residential single-family docks may not have a terminal platform size more than 160 square feet.

Effect of Proposed Changes

The bill affects an areas within the preserve between State Road 200 to the north and a line drawn between N30°32'44.890", W-81°33'08.68 and N30°32'40.001", W-81°32'55.79 to the south. This area encompasses approximately ____ acres and 112 docks that have terminal platforms that exceed 160 square feet.

Those existing single-family docks may be exempt from the 160 square feet requirement so long as cumulative total deck and roof area does not exceed 800 square feet and the owner applies for a letter of consent to use sovereignty submerged land from the department. In addition, existing docks may be maintained, repaired, or replaced within the footprint the same as or smaller than the footprint of the current structure. The bill does not prohibit an owner from demolishing or removing their dock. However, should more than 50 percent of a nonconforming structure fall into a state of disrepair or be destroyed as a result of any natural or manmade force, the entire structure shall be brought into full compliance with the current rules of the Board. The bill does not prevent the department from taking enforcement action against the owner of the riparian parcel associated with a dock that does not meet the criteria after December 31, 2010.

B. SECTION DIRECTORY:

Section 1: Authorizes certain single-family docks to retain a terminal platform that does not exceed 800 square feet.

Section 2: Provides that the Department of Environmental Protection may take enforcement action against docks that do not meet the criteria in section 1 after December 31, 2010.

Section 3: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 19, 2009.

WHERE? In the *Florida Times-Union*, a daily newspaper published in Nassau County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

[Rule 18-20.004(5)(a)6., F.A.C., provides that "should more than 50 percent of a nonconforming structure fall into a state of disrepair or be destroy as a result of any natural or manmade force, the entire structure shall be brought into full compliance with the current rules of the Board. This shall not be construed to prevent routine repair."

While the bill allows an owner to reduce the size of their dock, it does not require an owner to come into full compliance with the current rules of the Board.]

Possible Exemption from General law

The bill exempts certain described single-family docks from the requirements of part IV of ch. 373, F.s., and ch. 258, F.S.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES