Special Permit Considerations for Sovereign Lands & Aquatic Preserves

29th Annual Environmental Permitting Summer School
Orlando 2015
Tim Rach
What’s New with DEP?

• Organizational Structure
• Rulemaking
• Policy Updates
Active Rulemaking

SWERP Phase II fixes

Municipal Mooring Field General Permit*

WCIND General Permit*

UMAM

* Publication of final rule is pending
Chapter 18-21 (October 2015 ?)

- eliminate appraisals for private easements
- over water dining
- delegations

Chapter 18-14 (2016 ?)

- Fines and penalties for non-compliance

Chapter 18-20 (?)

- minus four foot limitation for single family docks
Recap from past years

2012/2013 predictions
— Water related definition
— Floating amusement parks
— Open air dining
— Lease box survey
— Liveaboard definition

2013/2014 predictions
— Open air dining
— No easement appraisals
— No CE’s for multi-slip docks
— Expanded delegation
— Electronic surveys

2014/2015 predictions *
— Over-water, Open air dining
— No easement appraisals
— Electronic survey submittal
— Revised rule for fines
— Eliminate conservation easements for multi-family docks
— Expanded delegations
— Statutory fee updates

Rulemaking didn’t occur
* Concepts still being considered
Over-water, Open-air dining and beverage service

Eliminate appraisals for private easements

Electronic submittal of surveys

Revised fines and penalties rule

Eliminate conservation easements for multi-family docks

Expanded delegations (pending since 2011)

Fee changes to match the statutory changes
Policy Updates

- Paperless processes
  - Electronic submittals and electronic filing with DSL
- Lease processing
  - Single family leases processed by DEP Districts
- Regulatory Certainty
- Priority is getting non-compliant facilities under lease
- Aquatic Preserve Society
  - Donations for public interest requirements
  - Funding for restoration projects and public access
DEP District Offices
http://www.dep.state.fl.us/secretary/dist

Helpful Websites
http://www.dep.state.fl.us/water/wetlands
http://www.dep.state.fl.us/water/wetlands/erphelp
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