

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SUBMERGED LANDS AND ENVIRONMENTAL RESOURCES PROGRAM
GENERAL SINGLE-FAMILY DOCK INFORMATION**

Pursuant to Chapter 253.77, Florida Statutes (F.S.), a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the board of trustees of the Internal Improvement Trust Fund, until the person has received the required lease, license, easement, or other form of consent authorizing the proposed use.

Chapter 18-21, Florida Administrative Code (F.A.C.), establishes the criteria for the size of a dock and the form of authorization required, as determined by the amount of shoreline you own, the size of dock or the type of activity requested. The allowable size of the dock depends on the amount of shoreline you own. This section of the rule is commonly referred to as the 10 to 1 rule, it allows you to preempt or utilize 10 square feet of submerged lands for every linear feet of shoreline that you own.

There are four categories for single-family docks and the category determines the form of consent which is necessary.

CATEGORY 1

If your dock is not located in an aquatic preserve, Monroe County or a manatee sanctuary and it is exempt from the requirements of Chapter 403.813, F.S. (does not require a DEP permit), it is also exempt from Chapter 253.77, F.S. (gets an automatic consent to use state-owned submerged lands).

For a single-family dock to be exempt from Chapter 403.813, F.S., the dock must be:

Equal to or less than 1000 square feet and not located in an Outstanding Florida Water.

Equal to less than 500 square feet if it is located within an Outstanding Florida Water.

Waterbodies that are identified as Outstanding Florida Waters are designated by the Department of Environmental Protection. Please contact the DEP, Submerged Lands and Environmental Resources Program office in your area to determine if the waterbody next to your property has been designated an Outstanding Florida Water.

CATEGORY 2

If your proposed dock is NOT exempt from the requirements of Chapter 403.813, F.S. (requires a permit from DEP), and it preempts* no more than 10 square feet of submerged lands for every 1-foot of shoreline that you own you must receive a CONSENT OF USE from the Submerged Lands and Environmental Resources Program.

* "Preempted area" means the area of sovereignty lands from which the traditional public uses have been or would be excluded to any extent by an activity. The area may include, but is not limited to, the sovereignty lands occupied by the docks and other structures and the area between the docks and out to any mooring pilings. Please see the section below entitled **CALCULATION OF THE SQUARE FOOTAGE OF YOUR SINGLE-FAMILY DOCK**.

CATEGORY 3

If your proposed dock is NOT exempt from the requirements of chapter 403.813, F.S., and it preempts more than 10 square feet of submerged lands for every 1 foot of shoreline, the Submerged Lands and Environmental Resources Program, as staff of the Board of Trustees of the Improvement Trust Fund, would require that you apply for a lease pursuant to Chapter 18-21.005(1)(b), F.A.C. Single-family docks are structures which provide reasonable ingress and egress for an upland property owner. Multi-slip docking facilities would not be considered reasonable ingress and egress structures for a single-family residence and would not be authorized under a consent of use or a lease.

CATEGORY 4

Normally, structures which preempt more than 10 square feet of submerged land for every one-foot of shoreline you own require a lease. Exceptions to this requirement are granted depending on the depth of the water and submerged lands resources located in the nearshore area adjacent to your property. If adequate and reasonable water depths cannot be reached without exceeding the 10 to 1 rule, or if the protection of nearshore resources such as seagrasses requires you to extend your dock beyond the 10 to 1 rule, the Department can grant a waiver. These situations are handled on a case-by-case basis; the applicant will be required to adequately demonstrate that a waiver to the 10 to 1 rule should be granted. The dock design shall be kept to the very minimum necessary to achieve reasonable access to acceptable water depths. **(SEE ATTACHED SLER 1000D)**

CALCULATION OF THE SQUARE FOOTAGE OF YOUR SINGLE-FAMILY DOCK (AREA OF PREEMPTION):

The calculation of the square footage of your dock includes any portion of the dock and/or mooring areas that are located at or below the mean high water line or the ordinary high water line and preempts sovereign submerged lands. It includes the walkway, the platform area located at the end of the walkway (commonly referred to as the terminal platform), roofed areas and/or catwalks that may extend beyond the footprint of the walkway and terminal platform, and any open mooring areas.

DOCK SETBACK FROM RIPARIAN LINES:

Riparian lines are extensions of upland property lines and not usually straight-line projections. Your dock cannot infringe on the riparian rights of another person nor can your dock impede watercraft navigation.

If your shoreline is greater than 65 feet in length all structures, including mooring pilings, and activities must be set back a minimum of 25 feet inside the applicant's riparian rights lines (Chapter 18-21.004(3)(d), F.A.C.

If your shoreline is greater than 65 feet in length you may deviate from the 25-foot setback requirement so long as adjacent property owners have provided you a Letter of Concurrence stating that they have no objection to the location of the dock.

Marginal docks may be placed within 10 feet of your riparian lines. Marginal docks are defined (Chapter 18-21.003(29), Florida Administrative Code) as fixed or floating structures placed immediately contiguous and parallel to an established sea wall, bulkhead, or revetment.

If your shoreline is less than 65 feet in length and your proposed dock is not a marginal dock, it must be designed in such a manner that it will not infringe upon the adjacent property owners' rights. Also, please remember that you cannot infringe on the right to navigate. As an example, if you live on a corner lot that borders on a bay and a canal, you cannot build a dock such that it infringes on the navigation rights of those who live on or adjacent to the canal.

PROPRIETARY VERSUS REGULATORY

The following explains the proprietary and regulatory functions of the Submerged Lands and Environmental Resources Program of the Florida Department of Environmental Protection.

The word **regulatory** refers to a type of authority that allows an entity of the government, such as DEP; to limit certain activities on your property, as well as on publicly owned lands, to some specific degree for the greater public good. DEP, in its regulatory capacity, is required by acts of the Florida Legislature to protect the natural resources of the state, such as air, water and wildlife, to insure that these resources will be healthy and abundant for present and future generations. DEP's Submerged Lands and Environmental Resources Program reviews applications for proposed works in wetlands and other surface waters, as well as works in uplands that can affect water quality and quantity, to ensure compliance with the Florida Administrative Code and Florida Statutes.

Over a century ago, the Governor and Cabinet, as the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (Trustees), were designated by the state legislature as the Trustees of sovereign submerged lands. All tidally influenced waters to the mean high water line and navigable fresh waterbodies to the ordinary high water line in existence when Florida became a state in 1845 are considered sovereign. In accordance with the Constitution of the State of Florida, these lands are held in trust by the state for all the people. As the Trustees, the Governor and Cabinet have **proprietary** (ownership) authority over sovereign submerged lands and their uses and are responsible for insuring that these lands and the associated aquatic resources remain healthy and in abundance for present and future generations.

The Department of Environmental Protection, in addition to its regulatory capacity, acts as the staff to the Trustees in the review of proposed uses of sovereign submerged lands. If you are proposing to conduct an activity in waters that are not sovereign submerged lands, you will only be required to meet regulatory standards. If your proposed activity is located on sovereign submerged lands, you may be required to meet both regulatory and proprietary requirements as found in the Florida Statutes and Florida Administrative Code.