

Appendix E
Dock Construction
Guidelines

18-21.0041 Florida Keys Marina and Dock Siting Policies and Criteria.

(1) These policies and criteria shall be applied to all applications for leases, easements or consent to use sovereignty submerged lands in Monroe County for multi-slip docking facilities. The following General Policies and Specific Criteria shall be used in developing recommendations to approve, approve with conditions or deny the use of state owned sovereignty submerged lands for multi-slip docking facilities.

(a) General Policies – special attention and consideration shall be given to the following:

1. The proximity to and potential adverse impacts on any rare, threatened or endangered species, or species of special concern, or their habitat, or on any portion of the entire Florida Reef Tract and other corals, including but not limited to those in the John Pennekamp Coral Reef State Park, Key Largo National Marine Sanctuary, Looe Key National Marine Sanctuary, and Everglades National Park; and

2. Eliminating any adverse impacts on wetland or submerged vegetation or benthic communities; and

3. Requiring adequate tidal flushing and/or circulation; and

4. Maintaining or enhancing water quality at levels within or above State water quality standards; and

5. Requiring adequate water depths to avoid dredging and other bottom disturbance; and

6. Requiring consistency and conformity with local government land use plans, zoning, and other land use or development regulations; and

7. Requiring consistency and conformity with Chapters 27F-8, 27F-9, 27F-10, 27F-11, 27F-12, 27F-13, and 27F-15, F.A.C., as amended, “Principles for Guiding Development in the Florida Keys Area of Critical State Concern.” Should any of these provisions conflict with the Sovereignty Lands Management Rules, the Board shall advise staff which provision shall take precedence.

(b) Specific Criteria.

1. There shall be a moratorium on the approval of all leases of state owned submerged lands for multi-slip docking facilities from Tea Table Channel north to the Monroe County Line. This moratorium shall be maintained until rules are adopted for the currently proposed Florida Keys-Monroe County Aquatic Preserve or the revised Monroe County Comprehensive Plan with marina siting policies is adopted, whichever occurs first.

2. No docking facilities shall be approved which require either dredging or filling to provide access by canal, channel, road, or any other means. This restriction shall also apply to widening or deepening any existing canal or channel, but not to regular maintenance dredging of existing canals, basins, or channels, providing such maintenance does not exceed currently acceptable water depths.

3. Water depths requirements. Docking facilities shall only be approved in locations having adequate water depths in the boat mooring, turning basin, access channels and other such areas to accommodate the proposed boat use.

a. A minimum water depth of -4 (minus four) feet mean low water shall be required.

b. Greater depths shall be required for those facilities designed for, or capable of, accommodating boats having greater than a 3 (three) foot draft, so that a minimum of one foot of clearance is provided between the deepest draft of a vessel and the bottom.

c. These depth requirements shall also apply to the area between the proposed facility and any natural or other navigation channel, inlet or deep water. Where necessary, marking of navigational channels shall be required. At the Board’s discretion, the conditions of the lease may stipulate the number, lengths, drafts and types of vessels to be moored in a facility.

4. Requirements for the size of the dock.

a. No dock shall be approved if its length exceeds 500 feet, unless the Board determines that it is not contrary to the public interest.

b. No dock shall be approved if its length preempts in excess of 20% (percent) of the width of the affected waterbody.

c. No dock for the use of a private residence, which is not subject to obtaining a lease, shall exceed four (4) feet in width. Such a dock may have a terminal platform the total area of which shall not exceed 160 feet, and the width of which shall not exceed eight (8) feet.

5. A specific lease condition for any new or expanded docking facility for 10 or more boats will be that the lessee shall maintain water quality standards as provided by Chapter 403, F.S. To assure compliance, the lessee shall maintain a water quality monitoring program approved by the Department of Environmental Protection. Water quality data will be periodically reviewed by the Department of Environmental Protection. In the event that water quality violations occur and water quality standards provided by Chapter 403, F.S., are not maintained, the lessee will be given written notice to correct the problem. Such notice shall require any problems or violations to be corrected within 120 days, or less in the case of severe violations, or demonstrate to the Board’s

satisfaction that the violations are caused by other than the docking facility, or associated activities on the adjacent riparian uplands, including stormwater runoff. If the lessee is the cause of the violations, and does not correct the problem within the specified time, then the lease shall be subject to cancellation by the Board with the resultant removal of the docking facility and other structures within the lease area.

6. In reviewing applications for new docking facilities or expansions to existing facilities, attention shall be given to identifying ways to improve, mitigate or restore adverse environmental impacts caused by previous activities. This may include filling in over dredged areas in order to make them a depth acceptable for propagation of benthic biota, restoring wetland or submerged vegetation, improving circulation, installing sewage pump-out facilities, or marking navigational channels. Such mitigation or restoration may be required as a condition of approval for new or expanded facilities. Marina development shall be encouraged to locate in already developed or disturbed areas.

7. In addition to the threshold specified by paragraph 18-21.005(1)(b), F.A.C., all applicants proposing docking facilities designed to moor 10 (ten) or more boats shall be required to obtain a lease.

8. All applicants will be required to provide documentation to show that there is an economic demand for the number of boat slips requested, if the number requested is not consistent with the Department's Projections of Marina Needs for Monroe County.

9. No application to lease state owned sovereignty submerged lands for the purpose of providing multi-slip docking facilities shall be considered for approval unless there are no benthic communities present where the boat mooring area, turning basins, mooring piles or other structures are to be located, excepting any main access docks required to cross benthic communities to reach acceptable areas. This shall not preclude them from applying for consent to use state owned submerged lands for the purpose of using the minimum amount necessary to obtain reasonable ingress and egress.

10. The Board may grant special consideration to the approval of leases or other consent to use state lands for projects which are approved by the Department of Community Affairs which are for the purpose of furthering the commercial fishing village or commercial fishing enterprise zone concept.

Specific Authority 253.03(7) FS. Law Implemented 253.03 FS. History—New 2-25-85, Formerly 16Q-21.041, 16Q-21.0041.

Appendix F
Submerged Lands Lease
Calculations

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF STATE LANDS
BUREAU OF PUBLIC LAND ADMINISTRATION
3900 COMMONWEALTH BLVD., MS 130
TALLAHASSEE, FL 32399-3000
850-245-2720**

Date: March 1, 2012
To: Interested Persons
From: Susan Riggs, OMC Manager

Subject: CONSUMER PRICE INDEX for all items and impacts on the Submerged Land Lease Base Rates

The following chart reflects the rate per square foot at which leases have been computed, as well as the subsequent changes by the Board reflected in rule and the annual fluctuation of the consumer price index pursuant to Section 18-21.011(1)(b) Florida Administrative Code.

FEE RATE CHART

Year	Beginning Effective Date	Processing/Renewal/Assignment and Modification Fees			Minimum Annual Fee	Non-Aquatic Preserve		Aquatic Preserve with Natural Shoreline		Reason for Rate Change
		Private Single Family Facilities	All Other Facilities	Public or Private Easements		Base Rate	Base Rate W/30% Disc.	2 Times Base Rate	2X Base Rate w/30% Disc.	
	10/18/70					\$0.0200				RULE EFFECTIVE
	12/20/78				\$ 100.00	\$0.0200				"
	03/02/80		\$150.00		\$ 187.00	\$0.0370				"
	03/27/82		\$200.00	\$200.00						"
	05/18/82		"	"	\$ 225.00	\$0.0450				"
	08/01/83		"	"	"	\$0.0650	\$ 0.0455	\$ 0.1300	\$ 0.0910	"
84/85	03/01/84		"	"	"	\$0.0704	\$ 0.0493	\$ 0.1408	\$ 0.0986	C.P.I. ADJ. 8.25%
85/86	03/01/85		"	"	"	\$0.0757	\$ 0.0530	\$ 0.1514	\$ 0.1060	C.P.I. ADJ. 7.50%
85/86	10/20/85		"	"	"	\$0.0700	\$ 0.0490	\$ 0.1400	\$ 0.0980	BOARD ACTION
86/87	03/01/86		"	"	"	\$0.0739	\$ 0.0517	\$ 0.1478	\$ 0.1035	C.P.I. ADJ. 5.50%
87/88	03/01/87		"	"	"	\$0.0767	\$ 0.0537	\$ 0.1534	\$ 0.1074	C.P.I. ADJ. 3.81%
88/89	03/01/88		"	"	"	\$0.0792	\$ 0.0554	\$ 0.1584	\$ 0.1109	C.P.I. ADJ. 3.32%
89/90	03/01/89		"	"	"	\$0.0820	\$ 0.0574	\$ 0.1640	\$ 0.1148	C.P.I. ADJ. 3.51%
90/91	03/01/90		"	"	"	\$0.0849	\$ 0.0594	\$ 0.1698	\$ 0.1189	C.P.I. ADJ. 3.60%
91/92	03/01/91		"	"	"	\$0.0883	\$ 0.0618	\$ 0.1766	\$ 0.1236	C.P.I. ADJ. 3.98%
92/93	03/01/92		"	"	"	\$0.0922	\$ 0.0645	\$ 0.1844	\$ 0.1291	C.P.I. ADJ. 4.45%
93/94	03/01/93		"	"	"	\$0.0962	\$ 0.0673	\$ 0.1924	\$ 0.1346	C.P.I. ADJ. 4.31%
94/95	03/01/94		"	"	"	\$0.1001	\$ 0.0700	\$ 0.2002	\$ 0.1400	C.P.I. ADJ. 4.08%
95/96	03/01/95		"	"	"	\$0.1038	\$ 0.0727	\$ 0.2076	\$ 0.1453	C.P.I. ADJ. 3.65%
96/97	03/01/96		"	"	"	\$0.1070	\$ 0.0749	\$ 0.2140	\$ 0.1498	C.P.I. ADJ. 3.08%
97/98	03/01/97		"	"	"	\$0.1101	\$ 0.0771	\$ 0.2202	\$ 0.1541	C.P.I. ADJ. 2.88%
98/99	03/01/98		"	"	"	\$0.1130	\$ 0.0791	\$ 0.2260	\$ 0.1582	C.P.I. ADJ. 2.62%
98/99	10/11/98	\$200.00	\$200.00	\$200.00	\$ 339.00	"	"	"	"	RULE EFFECTIVE
99/00	03/01/99	"	"	"	\$ 347.00	\$0.1156	\$ 0.0809	\$ 0.2312	\$ 0.1618	C.P.I. ADJ. 2.34%
00/01	03/01/00	"	"	"	\$ 355.19	\$0.1183	\$ 0.0828	\$ 0.2366	\$ 0.1656	C.P.I. ADJ. 2.36%
01/02	03/01/01	"	"	"	\$ 364.96	\$0.1216	\$ 0.0851	\$ 0.2432	\$ 0.1702	C.P.I. ADJ. 2.75%
02/03	03/01/02	"	"	"	\$ 373.94	\$0.1246	\$ 0.0872	\$ 0.2492	\$ 0.1744	C.P.I. ADJ. 2.46%
03/04	03/01/03	"	"	"	\$ 383.50	\$0.1278	\$ 0.0894	\$ 0.2556	\$ 0.1789	C.P.I. ADJ. 2.55%
04/05	03/01/04	"	"	"	\$ 392.70	\$0.130867	\$ 0.091607	\$ 0.026173	\$ 0.183214	C.P.I. ADJ. 2.40%
05/06	03/01/05	"	"	"	\$ 402.60	\$0.134165	\$ 0.093915	\$ 0.268330	\$ 0.187831	C.P.I. ADJ. 2.52%

FEE RATE CHART

Year	Beginning Effective Date	Processing/Renewal/Assignment and Modification Fees			Minimum Annual Fee	Non-Aquatic Preserve		Aquatic Preserve with Natural Shoreline		Reason for Rate Change
		Private Single Family Facilities	All Other Facilities	Public or Private Easements		Base Rate	Base Rate W/30% Disc.	2 Times Base Rate	2X Base Rate w/30% Disc.	
05/06	08/10/05	\$200.00	\$500.00	\$500.00	"	"	"	"	"	RULE EFFECTIVE
06/07	03/01/06	\$205.00	\$512.00	\$512.00	\$ 412.75	\$0.137546	\$ 0.096282	\$ 0.275092	\$ 0.192564	C.P.I. ADJ. 2.52%
07/08	03/01/07	\$210.00	\$525.00	\$525.00	\$ 423.89	\$0.141260	\$ 0.098882	\$ 0.282519	\$ 0.197764	C.P.I. ADJ. 2.70%
08/09	03/01/08	\$216.00	\$540.00	\$540.00	\$ 436.78	\$0.145554	\$ 0.101888	\$ 0.291109	\$ 0.203776	C.P.I. ADJ. 3.04%
09/10	03/01/09	\$222.00	\$555.00	\$555.00	\$ 448.49	\$0.149455	\$ 0.104618	\$ 0.298910	\$ 0.209237	C.P.I. ADJ. 2.68%
10/11	03/01/10	\$227.00	\$569.00	\$569.00	\$ 459.97	\$0.153281	\$ 0.107297	\$ 0.306562	\$ 0.214593	C.P.I. ADJ. 2.56%
11/12	03/01/11	\$232.00	\$581.00	\$581.00	\$ 470.00	\$0.156623	\$ 0.109636	\$ 0.313245	\$ 0.219272	C.P.I. ADJ. 2.18%
12/13	03/01/12	\$237.00	\$595.00	\$595.00	\$ 481.00	\$0.160194	\$ 0.112136	\$ 0.320388	\$ 0.224272	C.P.I. ADJ. 2.28%

As noted above, the base fee is modified annually based on fluctuations of the Consumer Price Index (CPI) with a 10% cap on annual adjustments. The CPI is averaged over a five year period and the resulting percentage of change is then applied to the previous annual base rate. There is a qualified 30% discount from the annual base rate allowed for marinas in which no less than 90% of the slips are open to the public on a first come first served **rental** basis. Additionally, the rate per square foot shall be doubled for leases located in certain qualified areas within aquatic preserves. While this higher rate also allows a qualified 30% discount, the rate is dependent upon an existing natural condition of the ambient and subject shoreline. If you receive a designation in the Clean Marina Program, remain in good standing with the terms of your lease and have no change in use you are entitled to a 10% discount on the annual fee. Facilities with this designation will also have the extended term fee waived on extended term leases that are open to the general public on a 'first come, first served' basis.



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