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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: SEN1/CA
05/02/2014 02:01 PM	.	05/02/2014 09:09 PM
	.	

Senator Dean moved the following:

Senate Amendment (with title amendment)

Between lines 1882 and 1883
insert:

Section 12. Subsections (17) and (18) of section 161.053,
Florida Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on
county basis.—

(17) The department may grant areawide permits to local
governments, other governmental agencies, and utility companies
for special classes of activities in areas under their general



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12 jurisdiction or responsibility or for the construction of minor
13 structures, if these activities or structures, due to the type,
14 size, or temporary nature of the activity or structure, will not
15 cause measurable interference with the natural functioning of
16 the beach-dune system or with marine turtles or their nesting
17 sites. Such activities or structures must comply with this
18 section and may include, but are not limited to: road repairs,
19 not including new construction; utility repairs and
20 replacements, or other minor activities necessary to provide
21 utility services; beach cleaning; dune restoration; on-grade
22 walkovers for enhancing accessibility or use in compliance with
23 the Americans with Disabilities Act; and emergency response. The
24 department shall ~~may~~ adopt rules to establish criteria and
25 guidelines for permit applicants. The department shall consult
26 with the Fish and Wildlife Conservation Commission on each
27 proposed areawide permit and must require notice provisions
28 appropriate to the type and nature of the activities for which
29 the areawide permits are sought.

30 (18) (a) The department may grant general permits for
31 projects, including dune restoration, dune walkovers, decks,
32 fences, landscaping, sidewalks, driveways, pool resurfacing,
33 minor pool repairs, and other nonhabitable structures, if the
34 projects, due to type, size, or temporary nature, will not cause
35 a measurable interference with the natural functioning of the
36 beach-dune system or with marine turtles or their nesting sites.
37 Multifamily habitable structures do not qualify for general
38 permits. However, single-family habitable structures and
39 swimming pools associated with such single-family habitable
40 structures that do not advance the line of existing construction



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41 and satisfy all siting and design requirements of this section,
42 and minor reconstruction for existing coastal armoring
43 structures, may be eligible for a general permit.

44 (b) The department shall ~~may~~ adopt rules to establish
45 criteria and guidelines for permit applicants.

46 (c) ~~(a)~~ Persons wishing to use the general permits must, at
47 least 30 days before beginning any work, notify the department
48 in writing on forms adopted by the department. The notice must
49 include a description of the proposed project and supporting
50 documents depicting the proposed project, its location, and
51 other pertinent information as required by rule, to demonstrate
52 that the proposed project qualifies for the requested general
53 permit. Persons who undertake projects without proof of notice
54 to the department, but whose projects would otherwise qualify
55 for general permits, shall be considered to have undertaken a
56 project without a permit and are subject to enforcement pursuant
57 to s. 161.121.

58 (d) ~~(b)~~ Persons wishing to use a general permit must provide
59 notice as required by the applicable local building code where
60 the project will be located. If a building code does not require
61 ~~requires no~~ notice, a ~~any~~ person wishing to use a general permit
62 must, at a minimum, post a sign describing the project on the
63 property at least 5 days before commencing construction. The
64 sign must be at least 88 square inches, with letters no smaller
65 than one-quarter inch.

66 Section 13. Section 258.435, Florida Statutes, is created
67 to read:

68 258.435 Use of aquatic preserves for the accommodation of
69 visitors.-



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70 (1) The Department of Environmental Protection shall
71 promote the public use of aquatic preserves and their associated
72 uplands. The department may receive gifts and donations to carry
73 out the purpose of part II of this chapter. Moneys received in
74 trust by the department by gift, devise, appropriation, or
75 otherwise, subject to the terms of such trust, shall be
76 deposited into the Land Acquisition Trust Fund and appropriated
77 to the department for the administration, development,
78 improvement, promotion, and maintenance of aquatic preserves and
79 their associated uplands and for any future acquisition or
80 development of aquatic preserves and their associated uplands.

81 (2) The department may grant a privilege or concession for
82 the accommodation of visitors in and use of aquatic preserves
83 and their associated state-owned uplands if the privilege or
84 concession does not deny or interfere with the public's access
85 to such lands and is compatible with the aquatic preserve's
86 management plan as approved by the Acquisition and Restoration
87 Council. A concession must be granted based on business plans,
88 qualifications, approach, and specified expectations or
89 criteria. A privilege or concession may not be assigned or
90 transferred by the grantee without the consent of the
91 department.

92 (3) Upon submittal to the department of a proposed
93 concession or privilege, the department shall post a description
94 of the proposed concession or privilege on the department's
95 website, including a description of the activity to occur under
96 the proposed concession or privilege, the time of year that the
97 activity would take place, and the location of the activity.
98 Once the description of the proposed privilege or concession is



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99 posted on the department's website and at least 60 days before
100 execution of a privilege or concession agreement, the department
101 shall provide an opportunity for public comment on the proposed
102 privilege or concession agreement.

103 Section 14. Subsections (2) and (7) of section 380.276,
104 Florida Statutes, are amended to read:

105 380.276 Beaches and coastal areas; display of uniform
106 warning and safety flags at public beaches; placement of uniform
107 notification signs; beach safety education.—

108 (2) The Department of Environmental Protection, through the
109 Florida Coastal Management Program, shall direct and coordinate
110 the uniform warning and safety flag program. The purpose of the
111 program shall be to encourage the display of uniform warning and
112 safety flags at public beaches along the coast of the state and
113 to encourage the placement of uniform notification signs that
114 provide the meaning of such flags. Unless additional safety and
115 warning devices are authorized pursuant to subsection (7), only
116 warning and safety flags developed by the department shall be
117 displayed. Participation in the program shall be open to any
118 government having jurisdiction over a public beach along the
119 coast, whether or not the beach has lifeguards.

120 (7) The Department of Environmental Protection, through the
121 Florida Coastal Management Program, may ~~also~~ develop and make
122 available to the public other educational information and
123 materials related to beach safety and may also authorize state
124 agencies and local governments to use additional safety and
125 warning devices in conjunction with the display of uniform
126 warning and safety flags at public beaches.

127



128 ===== T I T L E A M E N D M E N T =====

129 And the title is amended as follows:

130 Delete lines 2 - 27

131 and insert:

132 An act relating to the Department of Environmental
133 Protection; amending s. 287.0595, F.S.; deleting a
134 provision exempting certain professional service
135 contracts from pollution response action contract
136 requirements; amending s. 376.3071, F.S.; providing
137 legislative findings and intent regarding the
138 Petroleum Restoration Program and the rehabilitation
139 of contamination sites; providing requirements for
140 site rehabilitation contracts and procedures for
141 payment of rehabilitation work under the Petroleum
142 Restoration Program; revising provisions relating to
143 the duty of the Department of Environmental Protection
144 to seek recovery and reimbursement of certain costs;
145 providing applicability of funding under the Early
146 Detection Incentive Program; deleting obsolete
147 provisions relating to reimbursement for certain
148 cleanup expenses; repealing s. 376.30711, F.S.,
149 relating to preapproved site rehabilitation; amending
150 376.30713, F.S.; providing for certain applicants to
151 use a commitment to pay, a demonstrated cost savings,
152 or both to meet advanced cleanup cost-share
153 requirements; amending ss. 376.301, 376.302, 376.305,
154 376.30714, 376.3072, 376.3073, and 376.3075, F.S.;
155 conforming provisions to changes made by the act;
156 amending s. 161.053, F.S.; revising permit



157 requirements for coastal construction and excavation;
158 authorizing the Department of Environmental
159 Protection, in consultation with the Fish and Wildlife
160 Conservation Commission, to grant areawide permits for
161 certain structures; requiring the department to adopt
162 rules; creating s. 258.435, F.S.; requiring the
163 Department of Environmental Protection to promote the
164 public use of aquatic preserves and their associated
165 uplands; authorizing the department to receive gifts
166 and donations for specified purposes; providing
167 restrictions for moneys received; authorizing the
168 department to grant privileges and concessions for
169 accommodation of visitors in and use of aquatic
170 preserves and their associated uplands; providing
171 criteria for granting such concessions; providing
172 restrictions on such privileges and concessions and
173 prohibiting them from being assigned or transferred
174 without the department's consent; requiring the
175 department to post descriptions of proposed privileges
176 and concessions on the department's website; requiring
177 the department to provide an opportunity for public
178 comment on agreements for such privileges and
179 concessions; amending s. 380.276, F.S.; authorizing
180 the department to allow state agencies and local
181 governments to use additional safety and warning
182 devices at public beaches under certain conditions;
183 providing an effective date.