

A bill to be entitled

An act relating to coastal management; amending s. 161.053, F.S.; revising permit requirements for coastal construction and excavation; authorizing the Department of Environmental Protection to grant areawide permits for certain structures; requiring the department to adopt rules; creating s. 258.435, F.S.; requiring the Department of Environmental Protection to promote the public use of aquatic preserves and their associated uplands; authorizing the department to receive gifts and donations for specified purposes; providing restrictions for moneys received; authorizing the department to grant privileges and concessions for accommodation of visitors in and use of aquatic preserves and their associated uplands; providing restrictions on such privileges and concessions and prohibiting them from being assigned or transferred without the department's consent; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (17) and (18) of section 161.053, Florida Statutes, are amended to read:

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

27 (17) The department may grant areawide permits to local
28 governments, other governmental agencies, and utility companies
29 for special classes of activities in areas under their general
30 jurisdiction or responsibility or for the construction of minor
31 structures, if these activities or structures, due to the type,
32 size, or temporary nature of the activity or structure, will not
33 cause measurable interference with the natural functioning of
34 the beach-dune system or with marine turtles or their nesting
35 sites. Such activities or structures must comply with this
36 section and may include, but are not limited to: road repairs,
37 not including new construction; utility repairs and
38 replacements, or other minor activities necessary to provide
39 utility services; beach cleaning; dune restoration; on-grade
40 walkovers for enhancing accessibility or use in compliance with
41 the Americans with Disabilities Act; and emergency response. The
42 department shall ~~may~~ adopt rules to establish criteria and
43 guidelines for permit applicants. The department must require
44 notice provisions appropriate to the type and nature of the
45 activities for which the areawide permits are sought.

46 (18) (a) The department may grant general permits for
47 projects, including dune restoration, dune walkovers, decks,
48 fences, landscaping, sidewalks, driveways, pool resurfacing,
49 minor pool repairs, and other nonhabitable structures, if the
50 projects, due to type, size, or temporary nature, will not cause
51 a measurable interference with the natural functioning of the
52 beach-dune system or with marine turtles or their nesting sites.

53 Multifamily habitable structures do not qualify for general
54 permits. However, single-family habitable structures and
55 swimming pools associated with such single-family habitable
56 structures that do not advance the line of existing construction
57 and satisfy all siting and design requirements of this section,
58 and minor reconstruction for existing coastal armoring
59 structures, may be eligible for a general permit.

60 (b) The department may adopt rules to establish criteria
61 and guidelines for permit applicants.

62 (c) ~~(a)~~ Persons wishing to use the general permits must, at
63 least 30 days before beginning any work, notify the department
64 in writing on forms adopted by the department. The notice must
65 include a description of the proposed project and supporting
66 documents depicting the proposed project, its location, and
67 other pertinent information as required by rule, to demonstrate
68 that the proposed project qualifies for the requested general
69 permit. Persons who undertake projects without proof of notice
70 to the department, but whose projects would otherwise qualify
71 for general permits, shall be considered to have undertaken a
72 project without a permit and are subject to enforcement pursuant
73 to s. 161.121.

74 (d) ~~(b)~~ Persons wishing to use a general permit must
75 provide notice as required by the applicable local building code
76 where the project will be located. If a building code requires
77 no notice, any person wishing to use a general permit must, at a
78 minimum, post a sign describing the project on the property at

79 | least 5 days before commencing construction. The sign must be at
80 | least 88 square inches, with letters no smaller than one-quarter
81 | inch.

82 | Section 2. Section 258.435, Florida Statutes, is created
83 | to read:

84 | 258.435 Use of aquatic preserves for the accommodation of
85 | visitors.—

86 | (1) The Department of Environmental Protection shall
87 | promote the public use of aquatic preserves and their associated
88 | uplands. The department may receive gifts and donations to carry
89 | out the purpose of part II of this chapter. Moneys received in
90 | trust by the department by gift, devise, appropriation, or
91 | otherwise, subject to the terms of such trust, shall be
92 | deposited into the Land Acquisition Trust Fund and appropriated
93 | to the department for the administration, development,
94 | improvement, promotion, and maintenance of aquatic preserves and
95 | their associated uplands and for any future acquisition or
96 | development of aquatic preserves and their associated uplands.

97 | (2) The department may grant a privilege or concession for
98 | the accommodation of visitors in and use of aquatic preserves
99 | and their associated state-owned uplands if the privilege or
100 | concession does not deny or interfere with the public's access
101 | to such lands and is compatible with the aquatic preserve's
102 | management plan as approved by the Acquisition and Restoration
103 | Council. Such a privilege or concession may be granted without
104 | advertisement and without using a competitive bidding process

CS/HB 791

2014

105 and may not be assigned or transferred by the grantee without
106 the consent of the department.

107 Section 3. This act shall take effect July 1, 2014.