

1 A bill to be entitled

2 An act relating to coastal management; amending s.  
3 161.053, F.S.; revising permit requirements for  
4 coastal construction and excavation; authorizing the  
5 Department of Environmental Protection, in  
6 consultation with the Fish and Wildlife Conservation  
7 Commission, to grant areawide permits for certain  
8 structures; requiring the department to adopt rules;  
9 creating s. 258.435, F.S.; requiring the Department of  
10 Environmental Protection to promote the public use of  
11 aquatic preserves and their associated uplands;  
12 authorizing the department to receive gifts and  
13 donations for specified purposes; providing  
14 restrictions for moneys received; authorizing the  
15 department to grant privileges and concessions for  
16 accommodation of visitors in and use of aquatic  
17 preserves and their associated uplands; providing  
18 criteria for granting such concessions; providing  
19 restrictions on such privileges and concessions and  
20 prohibiting them from being assigned or transferred  
21 without the department's consent; requiring the  
22 department to post descriptions of proposed privileges  
23 and concessions on the department's website; requiring  
24 the department to provide an opportunity for public  
25 comment on agreements for such privileges and  
26 concessions; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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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.—

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

53 appropriate to the type and nature of the activities for which  
54 the areawide permits are sought.

55 (18) (a) The department may grant general permits for  
56 projects, including dune restoration, dune walkovers, decks,  
57 fences, landscaping, sidewalks, driveways, pool resurfacing,  
58 minor pool repairs, and other nonhabitable structures, if the  
59 projects, due to type, size, or temporary nature, will not cause  
60 a measurable interference with the natural functioning of the  
61 beach-dune system or with marine turtles or their nesting sites.  
62 Multifamily habitable structures do not qualify for general  
63 permits. However, single-family habitable structures and  
64 swimming pools associated with such single-family habitable  
65 structures that do not advance the line of existing construction  
66 and satisfy all siting and design requirements of this section,  
67 and minor reconstruction for existing coastal armoring  
68 structures, may be eligible for a general permit.

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

71 (c) ~~(a)~~ Persons wishing to use the general permits must, at  
72 least 30 days before beginning any work, notify the department  
73 in writing on forms adopted by the department. The notice must  
74 include a description of the proposed project and supporting  
75 documents depicting the proposed project, its location, and  
76 other pertinent information as required by rule, to demonstrate  
77 that the proposed project qualifies for the requested general  
78 permit. Persons who undertake projects without proof of notice

79 to the department, but whose projects would otherwise qualify  
 80 for general permits, shall be considered to have undertaken a  
 81 project without a permit and are subject to enforcement pursuant  
 82 to s. 161.121.

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

91 Section 2. Section 258.435, Florida Statutes, is created  
 92 to read:

93 258.435 Use of aquatic preserves for the accommodation of  
 94 visitors.-

95 (1) The Department of Environmental Protection shall  
 96 promote the public use of aquatic preserves and their associated  
 97 uplands. The department may receive gifts and donations to carry  
 98 out the purpose of part II of this chapter. Moneys received in  
 99 trust by the department by gift, devise, appropriation, or  
 100 otherwise, subject to the terms of such trust, shall be  
 101 deposited into the Land Acquisition Trust Fund and appropriated  
 102 to the department for the administration, development,  
 103 improvement, promotion, and maintenance of aquatic preserves and  
 104 their associated uplands and for any future acquisition or

105 development of aquatic preserves and their associated uplands.

106 (2) The department may grant a privilege or concession for  
107 the accommodation of visitors in and use of aquatic preserves  
108 and their associated state-owned uplands if the privilege or  
109 concession does not deny or interfere with the public's access  
110 to such lands and is compatible with the aquatic preserve's  
111 management plan as approved by the Acquisition and Restoration  
112 Council. A concession must be granted based on business plans,  
113 qualifications, approach, and specified expectations or  
114 criteria. A privilege or concession may not be assigned or  
115 transferred by the grantee without the consent of the  
116 department.

117 (3) Upon submittal to the department of a proposed  
118 concession or privilege, the department shall post a description  
119 of the proposed concession or privilege on the department's  
120 website, including a description of the activity to occur under  
121 the proposed concession or privilege, the time of year that the  
122 activity would take place, and the location of the activity.  
123 Once the description of the proposed privilege or concession is  
124 posted on the department's website and at least 60 days before  
125 execution of a privilege or concession agreement, the department  
126 shall provide an opportunity for public comment on the proposed  
127 privilege or concession agreement.

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