By Senator Albritton

A bill to be entitled
An act relating to aquatic preserves; creating s. 258.3991, F.S.; creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system; describing the boundaries of the preserve; outlining the authority of the Board of Trustees of the Internal Improvement Trust Fund in respect to the preserve; requiring the board to adopt rules; prohibiting the establishment and management of the preserve from infringing upon the riparian rights of upland property owners adjacent to or within the preserve; providing civil penalties; providing applicability; providing an effective date.

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

Section 1. Section 258.3991, Florida Statutes, is created to read:

258.3991 Nature Coast Aquatic Preserve.—
(1) DESIGNATION.—The area described in subsection (2) which lies within Pasco, Hernando, and Citrus Counties, is designated by the Legislature for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975 and shall be known as the "Nature Coast Aquatic Preserve." It is the intent of the Legislature that the Nature Coast Aquatic Preserve be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations.

(2) BOUNDARIES.—For the purposes of this section, the
Nature Coast Aquatic Preserve consists of the state-owned submerged lands lying west of the right-of-way of U.S. Highway 19 within the boundaries of Pasco County, as described in s. 7.51, Hernando County, as described in s. 7.27, and Citrus County, as described in s. 7.09, to the south boundary of St. Martins Marsh Aquatic Preserve, as described in s. 258.39(20), and the westerly projection thereof, and also including all the state-owned submerged lands within Citrus County lying west of the west boundary of St. Martins Marsh Aquatic Preserve, lying north of the westerly projection of the south boundary of St. Martins Marsh Aquatic Preserve, and lying south of a line extending westerly along northerly coordinate 1663693 feet, Florida West Zone (NAD83), where the northern and southern boundaries of the Nature Coast Aquatic Preserve will be continuous with the southern boundary of the Big Bend Seagrasses Aquatic Preserve and the northern boundary of the Pinellas County Aquatic Preserve, respectively.

(3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the Internal Improvement Trust Fund shall maintain the aquatic preserve subject to the following:

(a) The board may not approve or consummate the further sale, transfer, or lease of sovereign submerged lands in the preserve, except upon a showing of extreme hardship on the part of the applicant and a determination by the board that such sale, transfer, or lease is in the public interest.

(b) The board may not approve the further dredging or filling of submerged lands of the preserve except:

1. Minimum dredging and spoiling of submerged lands may be authorized for existing public navigation projects, as a public
necessity, or for preservation of the preserve according to the expressed intent of this section.

2. Other alterations of the physical conditions of the submerged lands, including the placement of riprap, may be authorized as necessary to enhance the quality and utility of the aquatic preserve.

3. The board may authorize minimum dredging and filling of the submerged lands for the construction and maintenance of marinas, piers, or docks and the maintenance of existing attendant navigation channels and access roads. Such projects may be authorized only upon a specific finding by the board that there is assurance that the project will be constructed and operated in a manner that will not adversely affect the water quality, valuable habitats, and utility of the preserve. This subparagraph does not authorize the connection of upland canals to the waters of the preserve.

4. The board may authorize the dredging of submerged lands if the board determines that such dredging is necessary to eliminate conditions hazardous to the public health or to eliminate stagnant waters, islands, and spoil banks, and that such dredging would enhance the aesthetic and environmental quality, habitats, and utility of the preserve and is clearly in the public interest as determined by the board.

(c) Before approving any dredging or filling as provided in paragraph (b), the board must give public notice of such dredging and filling as required under s. 253.115.

(d) There may not be any drilling of wells, excavation for shell or minerals, or erection of structures other than docks within the preserve unless such activity is associated with
activity that is authorized under this section.

(e) The board may not approve the seaward relocation of bulkhead lines or the further establishment of bulkhead lines except when a proposed bulkhead line is located at the line of mean high water along the shoreline. Construction, replacement, or relocation of a seawall is prohibited without the approval of the board, which approval may be granted only if riprap construction is used in the seawall. The board may grant approval under this paragraph by a letter of consent.

(f) Notwithstanding this section, the board may, for lands lying within the preserve:

1. Enter into agreements for and establish lines delineating sovereignty and privately owned lands.

2. Enter into agreements for the exchange of, and exchange, sovereignty lands for privately owned lands.

3. Accept gifts of land within or contiguous to the preserve.

4. Negotiate or enter into agreements with owners of lands contiguous to public lands for any public or private use of any of such lands.

5. Take any action that is convenient or necessary to accomplish any of the acts and matters authorized under this paragraph.

6. Conduct restoration and enhancement efforts in the preserve and its tributaries.

7. Stabilize eroding shorelines of the preserve and its tributaries which are contributing to turbidity by planting natural vegetation to the greatest extent feasible and placing riprap, as determined by Pasco, Hernando, and Citrus Counties in
conjunction with the Department of Environmental Protection.

(4) RULES.—

(a) The board shall adopt and enforce reasonable rules to carry out this section and to provide:

1. Additional preserve management criteria as necessary to accommodate special circumstances.

2. Regulation of human activity within the preserve in such a manner as not to interfere unreasonably with lawful and traditional public uses of the preserve, such as sport fishing, commercial fishing, boating, and swimming.

(b) Other uses of the preserve, or human activity within the preserve, although not originally contemplated, may be authorized by the board, but only subsequent to a formal finding of compatibility with the purposes of this section.

(5) RIPARIAN RIGHTS.—The establishment or the management of the preserve may not operate to infringe upon the riparian rights of upland property owners adjacent to or within the preserve. Reasonable improvement for ingress and egress, mosquito control, shore protection, public utility expansion, and similar purposes may be authorized by the board or the Department of Environmental Protection, subject to any other applicable laws under the jurisdiction of other agencies. However, before approving any such improvements, the board or the department must give public notice as required under s. 253.115.

(6) ENFORCEMENT.—This section may be enforced in accordance with s. 403.412. In addition, the Department of Legal Affairs may bring an action for civil penalties of $5,000 per day against a person as defined in s. 1.01(3) who violates this
section or any rule or regulation issued hereunder.

(7) APPLICABILITY.—This section is subject to the Florida Electrical Power Plant Siting Act, as described in ss. 403.501-403.518.

Section 2. This act shall take effect July 1, 2020.