

HB 791

2014

1 A bill to be entitled

2 An act relating to coastal management; amending s.
3 161.053, F.S.; revising permit requirements;
4 authorizing the Department of Environmental Protection
5 to grant areawide permits for certain structures;
6 creating s. 258.435, F.S.; requiring the Department of
7 Environmental Protection to promote the public use of
8 aquatic preserves; authorizing the department to grant
9 privileges, leases, concessions, or permits for the
10 use of certain state-owned lands for the accommodation
11 of visitors in aquatic preserves; providing
12 restrictions on such privileges, leases, concessions,
13 or permits and prohibiting them from being assigned or
14 transferred without the department's consent;
15 authorizing the department to receive gifts and
16 donations; providing restrictions for moneys received;
17 providing an effective date.

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

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

23 161.053 Coastal construction and excavation; regulation on
24 county basis.—

25 (17) The department may grant areawide permits to local
26 governments, other governmental agencies, and utility companies

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

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

53 swimming pools that do not advance the line of existing
54 construction and satisfy all siting and design requirements of
55 this section and maintenance of existing coastal armoring
56 structures may be eligible for a general permit.

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

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

71 (d) ~~(b)~~ Persons wishing to use a general permit must
72 provide notice as required by the applicable local building code
73 where the project will be located. If a building code requires
74 no notice, any person wishing to use a general permit must, at a
75 minimum, post a sign describing the project on the property at
76 least 5 days before commencing construction. The sign must be at
77 least 88 square inches, with letters no smaller than one-quarter
78 inch.

79 Section 2. Section 258.435, Florida Statutes, is created
80 to read:

81 258.435 Use of aquatic preserves for the accommodation of
82 visitors.—The Department of Environmental Protection shall
83 promote the public use of aquatic preserves.

84 (1) The department may grant a privilege, lease,
85 concession, or permit for the accommodation of visitors and use
86 of state-owned submerged lands and their associated uplands in
87 aquatic preserves if the privilege, lease, concession, or
88 permit:

89 (a) Does not deny or interfere with the public's free
90 access to such lands; and

91 (b) Is not made or given pursuant to advertisement or
92 through a competitive bidding process.

93 (2) A privilege, lease, concession, or permit granted
94 under this section may not be assigned or transferred by a
95 grantee without the consent of the department.

96 (3) The department may receive gifts and donations to
97 carry out the purpose of this section. Money received by the
98 department in trust, subject to the terms of such trust, or by
99 gift, devise, appropriation, or otherwise shall be deposited
100 into the Land Acquisition Trust Fund and appropriated to the
101 department for the administration, development, improvement,
102 promotion, and maintenance of state-owned submerged lands and
103 their associated uplands in aquatic preserves and for any future
104 acquisition and development of state-owned submerged lands and

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105 | their associated uplands.

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