

By the Committees on Appropriations; Community Affairs; and Environmental Preservation and Conservation; and Senator Bean

576-04547-14

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1 A bill to be entitled
2 An act relating to environmental regulation; extending
3 and renewing building permits and certain permits
4 issued by the Department of Environmental Protection
5 or a water management district, including any local
6 government-issued development order or building permit
7 issued pursuant thereto; limiting certain permit
8 extensions to a specified period of time; extending
9 commencement and completion dates for required
10 mitigation associated with a phased construction
11 project; requiring the holder of an extended permit or
12 authorization to provide notice to the authorizing
13 agency; providing exceptions to the extension and
14 renewal of such permits; providing that extended
15 permits are governed by certain rules; providing
16 applicability; amending s. 161.053, F.S.; authorizing
17 the Department of Environmental Protection to grant
18 areawide permits for certain structures; requiring the
19 department to adopt rules; amending s. 258.007, F.S.,
20 prohibiting certain new concession agreements in state
21 parks with limited shorelines; exempting existing
22 accommodations; creating s. 258.435, F.S., requiring
23 the department to promote the public use of aquatic
24 preserves and their associated uplands; authorizing
25 the department to receive gifts and donations for
26 certain purposes; authorizing the department to grant
27 privileges or concessions for the accommodation of
28 visitors in and use of aquatic preserves and their
29 associated uplands provided certain conditions are

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30 met; prohibiting a grantee from assigning or
31 transferring such privileges or concessions without
32 the department's consent; requiring information on
33 proposed concession agreements to be posted on the
34 department's website upon submittal and 60 days before
35 execution; providing effective dates.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. (1) Any building permit, and any permit issued
40 by the Department of Environmental Protection or by a water
41 management district pursuant to part IV of chapter 373, Florida
42 Statutes, which has an expiration date from January 1, 2014,
43 through January 1, 2016, is extended and renewed for a period of
44 2 years after its previously scheduled date of expiration. This
45 extension includes any local government-issued development order
46 or building permit including certificates of levels of service.
47 This section does not prohibit conversion from the construction
48 phase to the operation phase upon completion of construction.
49 This extension is in addition to any existing permit extension.
50 Extensions granted pursuant to this section; s. 14 of chapter
51 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
52 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
53 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; or
54 s. 24 of chapter 2012-205, Laws of Florida, may not exceed 4
55 years in total. Further, specific development order extensions
56 granted pursuant to s. 380.06(19)(c)2., Florida Statutes, may
57 not be further extended by this section.

58 (2) The commencement and completion dates for any required

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59 mitigation associated with a phased construction project are
60 extended so that mitigation takes place in the same timeframe
61 relative to the phase as originally permitted.

62 (3) The holder of a valid permit or other authorization
63 that is eligible for the 2-year extension must notify the
64 authorizing agency in writing by December 31, 2014, identifying
65 the specific authorization for which the holder intends to use
66 the extension and the anticipated timeframe for acting on the
67 authorization.

68 (4) The extension provided in subsection (1) does not apply
69 to:

70 (a) A permit or other authorization under any programmatic
71 or regional general permit issued by the Army Corps of
72 Engineers.

73 (b) A permit or other authorization held by an owner or
74 operator determined to be in significant noncompliance with the
75 conditions of the permit or authorization as established through
76 the issuance of a warning letter or notice of violation, the
77 initiation of formal enforcement, or other equivalent action by
78 the authorizing agency.

79 (c) A permit or other authorization, if granted an
80 extension that would delay or prevent compliance with a court
81 order.

82 (5) Permits extended under this section shall continue to
83 be governed by the rules in effect at the time the permit was
84 issued unless it is demonstrated that the rules in effect at the
85 time the permit was issued would create an immediate threat to
86 public safety or health. This provision applies to any
87 modification of the plans, terms, and conditions of the permit

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88 which lessens the environmental impact, except that any such
89 modification does not extend the time limit beyond 2 additional
90 years.

91 (6) This section does not impair the authority of a county
92 or municipality to require the owner of a property who has
93 notified the county or municipality of the owner's intent to
94 receive the extension of time granted pursuant to this section
95 to maintain and secure the property in a safe and sanitary
96 condition in compliance with applicable laws and ordinances.

97 Section 2. Subsection (3) of section 258.007, Florida
98 Statutes, is amended to read:

99 258.007 Powers of division.—

100 (3) (a) The division may grant privileges, leases,
101 concessions, and permits for the use of land for the
102 accommodation of visitors in the various parks, monuments, and
103 memorials, provided no natural curiosities or objects of
104 interest shall be granted, leased, or rented on such terms as
105 shall deny or interfere with free access to them by the public;
106 provided further, such grants, leases, and permits may be made
107 and given without advertisement or securing competitive bids;
108 and provided further, that no such grant, lease, or permit shall
109 be assigned or transferred by any grantee without consent of the
110 division.

111 (b) Notwithstanding paragraph (a), after May 1, 2014, the
112 division may not grant new concession agreements for the
113 accommodation of visitors in a state park that provides beach
114 access and contains less than 7,000 linear feet of shoreline if
115 the type of concession is available within 1,500 feet of the
116 park's boundaries. This paragraph does not apply to concession

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117 agreements for accommodations offered at the park on or before
118 May 1, 2014. This paragraph shall take effect upon this act
119 becoming a law.

120 Section 3. Subsections (17) and (18) of section 161.053,
121 Florida Statutes, are amended to read:

122 161.053 Coastal construction and excavation; regulation on
123 county basis.—

124 (17) The department may grant areawide permits to local
125 governments, other governmental agencies, and utility companies
126 for special classes of activities in areas under their general
127 jurisdiction or responsibility or for the construction of minor
128 structures, if these activities or structures, due to the type,
129 size, or temporary nature of the activity or structure, will not
130 cause measurable interference with the natural functioning of
131 the beach-dune system or with marine turtles or their nesting
132 sites. Such activities or structures must comply with this
133 section and may include, but are not limited to: road repairs,
134 not including new construction; utility repairs and
135 replacements, or other minor activities necessary to provide
136 utility services; beach cleaning; dune restoration; on-grade
137 walkovers for enhancing accessibility or usage in compliance
138 with the Americans with Disabilities Act; and emergency
139 response. The department shall ~~may~~ adopt rules to establish
140 criteria and guidelines for permit applicants. The department
141 shall consult with the Florida Fish and Wildlife Conservation
142 Commission on each proposed areawide permit and must require
143 notice provisions appropriate to the type and nature of the
144 activities for which the areawide permits are sought.

145 (18) (a) The department may grant general permits for

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146 projects, including dune restoration, dune walkovers, decks,
147 fences, landscaping, sidewalks, driveways, pool resurfacing,
148 minor pool repairs, and other nonhabitable structures, if the
149 projects, due to type, size, or temporary nature, will not cause
150 a measurable interference with the natural functioning of the
151 beach-dune system or with marine turtles or their nesting sites.
152 Multifamily habitable structures do not qualify for general
153 permits. However, single-family habitable structures and
154 swimming pools associated with such single-family habitable
155 structures that do not advance the line of existing construction
156 and satisfy all siting and design requirements of this section
157 and minor reconstruction for existing coastal armoring
158 structures may be eligible for a general permit.

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

161 (c) ~~(a)~~ Persons wishing to use the general permits must, at
162 least 30 days before beginning any work, notify the department
163 in writing on forms adopted by the department. The notice must
164 include a description of the proposed project and supporting
165 documents depicting the proposed project, its location, and
166 other pertinent information as required by rule, to demonstrate
167 that the proposed project qualifies for the requested general
168 permit. Persons who undertake projects without proof of notice
169 to the department, but whose projects would otherwise qualify
170 for general permits, shall be considered to have undertaken a
171 project without a permit and are subject to enforcement pursuant
172 to s. 161.121.

173 (d) ~~(b)~~ Persons wishing to use a general permit must provide
174 notice as required by the applicable local building code where

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175 the project will be located. If a building code does not require
176 ~~requires no~~ notice, a any person wishing to use a general permit
177 must, at a minimum, post a sign describing the project on the
178 property at least 5 days before commencing construction. The
179 sign must be at least 88 square inches, with letters no smaller
180 than one-quarter inch.

181 Section 4. Section 258.435, Florida Statutes, is created to
182 read:

183 258.435 Use of aquatic preserves for the accommodation of
184 visitors.-

185 (1) The Department of Environmental Protection shall
186 promote the public use of aquatic preserves and their associated
187 uplands. The department may receive gifts and donations to carry
188 out the purposes of this part. Money received in trust by the
189 department by gift, devise, appropriation, or otherwise, subject
190 to the terms of such trust, shall be deposited into the Land
191 Acquisition Trust Fund and appropriated to the department for
192 the administration, development, improvement, promotion, and
193 maintenance of aquatic preserves and their associated uplands
194 and for any future acquisition or development of aquatic
195 preserves and their associated uplands.

196 (2) The department may grant a privilege or concession for
197 the accommodation of visitors in and the use of aquatic
198 preserves and their associated state-owned uplands if the
199 privilege or concession does not deny or interfere with the
200 public's access to such lands and is compatible with the aquatic
201 preserve's management plan as approved by the Acquisition and
202 Restoration Council. A concession must be granted based on
203 business plans, qualifications, approach, and specified

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204 expectations or criteria. A privilege or concession may not be
205 assigned or transferred by the grantee without the consent of
206 the department.

207 (3) In order to provide transparency to the public,
208 information on proposed concession agreements will be posted on
209 the department's website upon submission to the department and
210 60 days before execution. The public shall be afforded the
211 opportunity to comment on proposed concession agreements before
212 execution.

213 Section 5. This act shall take effect July 1, 2014.