

By Senator Latvala

312-953A-98

1 A bill to be entitled
 2 An act relating to rulemaking authority with
 3 respect to aquatic preserves (RAB); amending s.
 4 258.42, F.S.; providing authority for the Board
 5 of Trustees of the Internal Improvement Trust
 6 Fund to consider the cumulative impact of
 7 activities on aquatic preserves and the impact
 8 of activities on manatees and other listed
 9 species; providing that the board may adopt and
 10 enforce stricter standards, regulations, and
 11 orders of local governments when the standards
 12 are related to ch. 258, F.S., and are approved
 13 by the board; amending s. 258.43, F.S.;
 14 providing authority for the board to develop
 15 rules regarding the impact of activities on
 16 manatees and other listed species and the
 17 cumulative impact of activities on aquatic
 18 preserves; providing an effective date.

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

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 22 Section 1. Subsection (5) is added to section 258.42,
 23 Florida Statutes, to read:

24 258.42 Maintenance of preserves.--The Board of
 25 Trustees of the Internal Improvement Trust Fund shall maintain
 26 such aquatic preserves subject to the following provisions:

27 (5) The board may:

28 (a) Consider the cumulative impacts of activities on
 29 aquatic preserves; and

30 (b) Adopt and enforce the stricter rules, regulations,
 31 and orders of a local government in the jurisdiction where

1 they apply if they relate to activities covered by this part,
2 if they are consistent with this chapter and any approved
3 management plan for a preserve, and if the board approves them
4 by rule.

5 Section 2. Present subsections (2) and (3) of section
6 258.43, Florida Statutes, are redesignated as subsections (3)
7 and (4), respectively, and a new subsection (2) is added to
8 that section to read:

9 258.43 Rules and regulations.--

10 (2) The board may adopt and enforce rules that address
11 the cumulative effect of activities on aquatic preserves. The
12 rules must provide that the board, in evaluating whether to
13 authorize an activity on lands within an aquatic preserve,
14 will consider the cumulative impacts on the preserve resulting
15 from:

16 (a) The activity for which the board's authorization
17 is sought;

18 (b) Existing similar activities, activities under
19 construction, and activities for which authorization has been
20 sought within the preserve; and

21 (c) Activities that are under review, have been
22 approved, or have vested or other activities requiring
23 authorization from the board which may reasonably be expected
24 to be located within the preserve based on comprehensive plans
25 adopted under chapter 163 by the local governments having
26 jurisdiction over the activities and on applicable land-use
27 restrictions and regulations.

28 Section 3. This act shall take effect upon becoming a
29 law.

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SENATE SUMMARY

Authorizes the Board of Trustees of the Internal
Improvement Trust Fund to adopt rules relating to aquatic
preserves.