

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; providing that  
8           the board may adopt and enforce stricter  
9           standards, regulations, and orders of local  
10          governments when the standards are related to  
11          ch. 258, F.S., and are approved by the board;  
12          amending s. 258.43, F.S.; providing authority  
13          for the board to develop rules regarding the  
14          cumulative impact of activities on aquatic  
15          preserves; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (5) is added to section 258.42,  
20 Florida Statutes, to read:

21           258.42 Maintenance of preserves.--The Board of  
22 Trustees of the Internal Improvement Trust Fund shall maintain  
23 such aquatic preserves subject to the following provisions:

24           (5) The board may:

25           (a) Consider the cumulative impacts of activities on  
26 aquatic preserves; and

27           (b) Adopt and enforce the stricter rules, regulations,  
28 and orders of a local government in the jurisdiction where  
29 they apply if they relate to activities covered by this part,  
30 if they are consistent with this chapter and any approved

31

1 management plan for a preserve, and if the board approves them  
2 by rule.

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

7 258.43 Rules and regulations.--

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

14 (a) The activity for which the board's authorization  
15 is sought;

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

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

26 Section 3. This act shall take effect upon becoming a  
27 law.