

By Senator Dean

5-01147-14

20141094__

1 A bill to be entitled
2 An act relating to aquatic preserves; creating s.
3 258.3991, F.S.; creating the Nature Coast Aquatic
4 Preserve; designating the preserve for inclusion in
5 the aquatic preserve system; describing the boundaries
6 of the preserve; outlining the authority of the Board
7 of Trustees of the Internal Improvement Trust Fund in
8 respect to the preserve; requiring the board to adopt
9 rules to carry out this section; prohibiting the
10 establishment and management of the preserve from
11 infringing upon the riparian rights of upland property
12 owners adjacent to or within the preserve; providing
13 for enforcement and applicability; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 258.3991, Florida Statutes, is created
19 to read:

20 258.3991 Nature Coast Aquatic Preserve.—

21 (1) DESIGNATION.—The following described area in Pasco,
22 Hernando, and Citrus Counties is designated by the Legislature
23 for inclusion in the aquatic preserve system under the Florida
24 Aquatic Preserve Act of 1975 and shall be known as the "Nature
25 Coast Aquatic Preserve." It is the intent of the Legislature
26 that the Nature Coast Aquatic Preserve be preserved in an
27 essentially natural condition so that its biological and
28 aesthetic value may endure for the enjoyment of future
29 generations.

5-01147-14

20141094

30 (2) BOUNDARIES.—

31 (a) For the purpose of this section, the Nature Coast
32 Aquatic Preserve consists of the state-owned submerged lands
33 lying west of the west right-of-way line of U.S. Highway 19
34 within the boundaries of Pasco County, as described in s. 7.51,
35 Hernando County, as described in s. 7.27, and Citrus County, as
36 described in s. 7.09, to the south boundary of St. Martins Marsh
37 Aquatic Preserve, as described in s. 258.39(20), and the
38 westerly projection thereof, and also including all the state-
39 owned submerged lands within Citrus County lying west of the
40 west boundary of St. Martins Marsh Aquatic Preserve, lying north
41 of the westerly projection of the south boundary of St. Martins
42 Marsh Aquatic Preserve, and lying south of a line extending
43 westerly along northerly coordinate 1663693 feet, Florida West
44 Zone (NAD83).

45 (b) The Nature Coast Aquatic Preserve includes the
46 submerged bottom lands, the water column upon such lands, and
47 all publicly owned islands within the boundaries of the
48 preserve. Any privately owned upland within the boundaries of
49 the preserve is excluded. However, the board may negotiate an
50 arrangement with the owner of any privately owned upland by
51 which such upland may be included in the preserve.

52 (3) AUTHORITY OF TRUSTEES.—The board shall maintain the
53 Nature Coast Aquatic Preserve subject to the following:

54 (a) Further sale, transfer, or lease of sovereignty
55 submerged lands in the preserve may not be approved or
56 consummated by the board, except upon a showing of extreme
57 hardship on the part of the applicant and a determination by the
58 board that such sale, transfer, or lease is in the public

5-01147-14

20141094__

59 interest.

60 (b) Further dredging or filling of submerged lands of the
61 preserve may not be approved by the board except:

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

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

69 3. Minimum dredging and filling of submerged lands may be
70 authorized for the maintenance of existing marinas, piers, or
71 docks and their attendant navigation channels and access roads.
72 Such projects may be authorized only upon a specific finding by
73 the board that there is assurance that the project will be
74 constructed and operated in a manner that will not adversely
75 affect the water quality and utility of the preserve. This
76 subparagraph does not authorize the connection of upland canals
77 to the waters of the preserve.

78 4. Dredging of submerged lands may be authorized if the
79 board determines that such dredging is necessary for eliminating
80 conditions hazardous to the public health or for eliminating
81 stagnant waters, islands, and spoil banks and that such dredging
82 would enhance the aesthetic and environmental quality and
83 utility of the preserve and is clearly in the public interest as
84 determined by the board.

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

5-01147-14

20141094__

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

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

100 (f) Notwithstanding other provisions of this section, the
101 board may, for lands lying within the Nature Coast Aquatic
102 Preserve:

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

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

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

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

112 5. Take any action convenient for, or necessary to, the
113 accomplishment of any of the acts and matters authorized under
114 this paragraph.

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

5-01147-14

20141094__

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

123 (4) RULES.—

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

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

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

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

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

5-01147-14

20141094__

146 253.115.

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

152 (7) APPLICABILITY.—This section is subject to the “Florida
153 Electrical Power Plant Siting Act” as described in ss. 403.501-
154 403.518.

155 Section 2. This act shall take effect July 1, 2014.