

By the Committee on Environmental Preservation and Conservation;  
and Senator Dean

592-02204A-14

20141094c1

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.

592-02204A-14

20141094c1

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

592-02204A-14

20141094c1

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

592-02204A-14

20141094c1

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.

592-02204A-14

20141094c1

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.

592-02204A-14

20141094c1

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.