

A bill to be entitled

An act relating to aquatic preserves; creating s. 258.3991, F.S.; creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system; describing the boundaries of the preserve; outlining the authority of the Board of Trustees of the Internal Improvement Trust Fund in respect to the preserve; requiring the board to adopt rules to carry out this section; prohibiting the establishment and management of the preserve from infringing upon the riparian rights of upland property owners adjacent to or within the preserve; providing for enforcement and applicability; providing an effective date.

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

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

258.3991 Nature Coast Aquatic Preserve.—

(1) DESIGNATION.—The following described area in Pasco, Hernando, and Citrus Counties is designated by the Legislature for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975 and shall be known as the "Nature Coast Aquatic Preserve." It is the intent of the Legislature that the Nature Coast Aquatic Preserve be preserved in an

HB 1123

2014

27 essentially natural condition so that its biological and
28 aesthetic value may endure for the enjoyment of future
29 generations.

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
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
67 submerged lands, including the placement of riprap, may be
68 authorized as necessary to enhance the quality and utility of
69 the preserve.

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

HB 1123

2014

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

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

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

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

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

104 1. Enter into agreements for and establish lines

105 delineating sovereignty lands and privately owned lands.

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

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

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

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

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

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

124 (4) RULES.—

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

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

129 2. Regulation of human activity within the preserve in
130 such a manner as not to interfere unreasonably with lawful and

131 traditional public uses of the preserve, such as sport fishing,
132 commercial fishing, boating, and swimming.

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

137 (5) RIPARIAN RIGHTS.—The establishment or the management
138 of the Nature Coast Aquatic Preserve may not operate to infringe
139 upon the riparian rights of upland property owners adjacent to
140 or within the preserve. Reasonable improvement for ingress and
141 egress, mosquito control, shore protection, public utility
142 expansion, and similar purposes may be authorized by the board
143 or the Department of Environmental Protection, subject to any
144 other applicable laws under the jurisdiction of other agencies.
145 However, before approving any such improvements, the board or
146 the department must give public notice as required under s.
147 253.115.

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

153 (7) APPLICABILITY.—This section is subject to the "Florida
154 Electrical Power Plant Siting Act" as described in ss. 403.501-
155 403.518.

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