

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 appropriations and authorizing positions; 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

27 that the Nature Coast Aquatic Preserve be preserved in an
28 essentially natural condition so that its biological and
29 aesthetic value may endure for the enjoyment of future
30 generations.

31 (2) BOUNDARIES.—

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

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

53 (3) AUTHORITY OF TRUSTEES.—The board shall maintain the
 54 Nature Coast Aquatic Preserve subject to the following:
 55 (a) Further sale, transfer, or lease of sovereignty
 56 submerged lands in the preserve may not be approved or
 57 consummated by the board, except upon a showing of extreme
 58 hardship on the part of the applicant and a determination by the
 59 board that such sale, transfer, or lease is in the public
 60 interest.
 61 (b) Further dredging or filling of submerged lands of the
 62 preserve may not be approved by the board except:
 63 1. Minimum dredging and spoiling of submerged lands may be
 64 authorized for existing public navigation projects, as a public
 65 necessity, or for preservation of the preserve according to the
 66 expressed intent of this section.
 67 2. Other alteration of the physical conditions of
 68 submerged lands, including the placement of riprap, may be
 69 authorized as necessary to enhance the quality and utility of
 70 the preserve.
 71 3. Minimum dredging and filling of submerged lands may be
 72 authorized for the creation and maintenance of marinas, piers,
 73 or docks and the maintenance of existing attendant navigation
 74 channels and access roads. Such projects may be authorized only
 75 upon a specific finding by the board that there is assurance
 76 that the project will be constructed and operated in a manner
 77 that will not adversely affect the water quality and utility of
 78 the preserve. This subparagraph does not authorize the

79 connection of upland canals to the waters of the preserve.

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

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

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

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

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

- 105 1. Enter into agreements for and establish lines
 106 delineating sovereignty lands and privately owned lands.
- 107 2. Enter into agreements for the exchange of, and
 108 exchange, sovereignty lands for privately owned lands.
- 109 3. Accept gifts of land within or contiguous to the
 110 preserve.
- 111 4. Negotiate or enter into agreements with owners of lands
 112 contiguous to public lands for any public or private use of such
 113 lands.
- 114 5. Take any action convenient for, or necessary to, the
 115 accomplishment of any of the acts and matters authorized under
 116 this paragraph.
- 117 6. Conduct restoration and enhancement efforts in the
 118 preserve and its tributaries.
- 119 7. Stabilize eroding shorelines of the preserve and its
 120 tributaries which are contributing to turbidity by planting
 121 natural vegetation to the greatest extent feasible and by the
 122 placement of riprap, as determined by Pasco, Hernando, and
 123 Citrus Counties in conjunction with the Department of
 124 Environmental Protection.
- 125 (4) RULES.—
- 126 (a) The board shall adopt and enforce reasonable rules to
 127 carry out this section and to provide:
- 128 1. Additional preserve management criteria as necessary to
 129 accommodate special circumstances.
- 130 2. Regulation of human activity within the preserve in

131 such a manner as not to interfere unreasonably with lawful and
132 traditional public uses of the preserve, such as sport fishing,
133 commercial fishing, boating, and swimming.

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

138 (5) RIPARIAN RIGHTS.—The establishment or the management
139 of the Nature Coast Aquatic Preserve may not operate to infringe
140 upon the riparian rights of upland property owners adjacent to
141 or within the preserve. Reasonable improvement for ingress and
142 egress, mosquito control, shore protection, public utility
143 expansion, and similar purposes may be authorized by the board
144 or the Department of Environmental Protection, subject to any
145 other applicable laws under the jurisdiction of other agencies.
146 However, before approving any such improvements, the board or
147 the department must give public notice as required under s.
148 253.115.

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

154 (7) APPLICABILITY.—This section is subject to the "Florida
155 Electrical Power Plant Siting Act" as described in ss. 403.501-
156 403.518.

157 Section 2. For the 2014-2015 fiscal year, the sums of
158 \$130,689 in recurring funds and \$1,800 in nonrecurring funds are
159 appropriated from the Land Acquisition Trust Fund to the
160 Department of Environmental Protection, and two full-time
161 equivalent positions with associated salary rate of 71,939 are
162 authorized, for the purpose of managing and maintaining the
163 Nature Coast Aquatic Preserve.

164 Section 3. This act shall take effect July 1, 2014.