



783246

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
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The Committee on Environmental Preservation and Conservation
(Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (17) and (18) of section 161.053, Florida
Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on
county basis.—

(17) The department may grant areawide permits to local
governments, other governmental agencies, and utility companies



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11 for special classes of activities in areas under their general
12 jurisdiction or responsibility or for the construction of minor
13 structures, if these activities or structures, due to the type,
14 size, or temporary nature of the activity or structure, will not
15 cause measurable interference with the natural functioning of
16 the beach-dune system or with marine turtles or their nesting
17 sites. Such activities or structures must comply with this
18 section and may include, but are not limited to: road repairs,
19 not including new construction; utility repairs and
20 replacements, or other minor activities necessary to provide
21 utility services; beach cleaning; dune restoration; on-grade
22 walkovers for enhancing accessibility or usage in compliance
23 with the Americans with Disabilities Act; and emergency
24 response. The department shall ~~may~~ adopt rules to establish
25 criteria and guidelines for permit applicants. The department
26 must require notice provisions appropriate to the type and
27 nature of the activities for which the areawide permits are
28 sought.

29 (18) (a) The department may grant general permits for
30 projects, including dune restoration, dune walkovers, decks,
31 fences, landscaping, sidewalks, driveways, pool resurfacing,
32 minor pool repairs, and other nonhabitable structures, if the
33 projects, due to type, size, or temporary nature, will not cause
34 a measurable interference with the natural functioning of the
35 beach-dune system or with marine turtles or their nesting sites.
36 Multifamily habitable structures do not qualify for general
37 permits. However, single-family habitable structures and
38 swimming pools associated with such single-family habitable
39 structures that do not advance the line of existing construction



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40 and satisfy all siting and design requirements of this section
41 and minor reconstruction for existing coastal armoring
42 structures may be eligible for a general permit.

43 (b) The department shall ~~may~~ adopt rules to establish
44 criteria and guidelines for permit applicants.

45 (c) ~~(a)~~ Persons wishing to use the general permits must, at
46 least 30 days before beginning any work, notify the department
47 in writing on forms adopted by the department. The notice must
48 include a description of the proposed project and supporting
49 documents depicting the proposed project, its location, and
50 other pertinent information as required by rule, to demonstrate
51 that the proposed project qualifies for the requested general
52 permit. Persons who undertake projects without proof of notice
53 to the department, but whose projects would otherwise qualify
54 for general permits, shall be considered to have undertaken a
55 project without a permit and are subject to enforcement pursuant
56 to s. 161.121.

57 (d) ~~(b)~~ Persons wishing to use a general permit must provide
58 notice as required by the applicable local building code where
59 the project will be located. If a building code does not require
60 ~~requires no~~ notice, a ~~any~~ person wishing to use a general permit
61 must, at a minimum, post a sign describing the project on the
62 property at least 5 days before commencing construction. The
63 sign must be at least 88 square inches, with letters no smaller
64 than one-quarter inch.

65 Section 2. Section 258.435, Florida Statutes, is created to
66 read:

67 258.435 Use of aquatic preserves for the accommodation of
68 visitors.-



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69 (1) The Department of Environmental Protection shall
70 promote the public use of aquatic preserves and their associated
71 uplands. The department may receive gifts and donations to carry
72 out the purposes of this part. Money received in trust by the
73 department by gift, devise, appropriation, or otherwise, subject
74 to the terms of such trust, shall be deposited into the Land
75 Acquisition Trust Fund and appropriated to the department for
76 the administration, development, improvement, promotion, and
77 maintenance of aquatic preserves and their associated uplands
78 and for any future acquisition or development of aquatic
79 preserves and their associated uplands.

80 (2) The department may grant a privilege or concession for
81 the accommodation of visitors in and the use of aquatic
82 preserves and their associated state-owned uplands if the
83 privilege or concession does not deny or interfere with the
84 public's access to such lands and is compatible with the aquatic
85 preserve's management plan as approved by the Acquisition and
86 Restoration Council. A privilege or concession may be granted
87 without advertisement or without using a competitive bidding
88 process. A privilege or concession may not be assigned or
89 transferred by the grantee without the consent of the
90 department.

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

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93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete everything before the enacting clause
96 and insert:

97 A bill to be entitled



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98 An act relating to coastal management; amending s.
99 161.053, F.S.; authorizing the department to grant
100 areawide permits for the construction of minor
101 structures; requiring that such activities and
102 structures comply with this section; authorizing
103 certain swimming pools and maintenance projects to be
104 eligible for a general permit; creating s. 258.435,
105 F.S.; requiring the department to promote the public
106 use of aquatic preserves and their associated uplands;
107 authorizing the department to grant privileges,
108 leases, or concessions for the accommodation of
109 visitors in and use of aquatic preserves and their
110 associated uplands; authorizing the department to
111 grant a privilege, lease, or concession without
112 advertisement or without using a competitive bidding
113 process and prohibiting a privilege, lease, or
114 concession from being assigned or transferred without
115 the department's consent; authorizing the department
116 to receive gifts and donations; providing restrictions
117 for such moneys received; providing an effective date.