

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

592-02553-14

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1 A bill to be entitled
2 An act relating to coastal management; amending s.
3 161.053, F.S.; authorizing the Department of
4 Environmental Protection to grant areawide permits for
5 certain structures; requiring the department to adopt
6 rules; creating s. 258.435, F.S.; requiring the
7 department to promote the public use of aquatic
8 preserves and their associated uplands; authorizing
9 the department to receive gifts and donations for
10 certain purposes; authorizing the department to grant
11 privileges or concessions for the accommodation of
12 visitors in and use of aquatic preserves and their
13 associated uplands provided certain conditions are
14 met; providing that such privileges or concessions may
15 be granted without advertisement or without using a
16 competitive bidding process; prohibiting a grantee
17 from assigning or transferring such privileges or
18 concessions without the department's consent;
19 providing an effective date.

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

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

25 161.053 Coastal construction and excavation; regulation on
26 county basis.—

27 (17) The department may grant areawide permits to local
28 governments, other governmental agencies, and utility companies
29 for special classes of activities in areas under their general

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30 jurisdiction or responsibility or for the construction of minor
31 structures, if these activities or structures, due to the type,
32 size, or temporary nature of the activity or structure, will not
33 cause measurable interference with the natural functioning of
34 the beach-dune system or with marine turtles or their nesting
35 sites. Such activities or structures must comply with this
36 section and may include, but are not limited to: road repairs,
37 not including new construction; utility repairs and
38 replacements, or other minor activities necessary to provide
39 utility services; beach cleaning; dune restoration; on-grade
40 walkovers for enhancing accessibility or usage in compliance
41 with the Americans with Disabilities Act; and emergency
42 response. The department shall ~~may~~ adopt rules to establish
43 criteria and guidelines for permit applicants. The department
44 must require notice provisions appropriate to the type and
45 nature of the activities for which the areawide permits are
46 sought.

47 (18) (a) The department may grant general permits for
48 projects, including dune restoration, dune walkovers, decks,
49 fences, landscaping, sidewalks, driveways, pool resurfacing,
50 minor pool repairs, and other nonhabitable structures, if the
51 projects, due to type, size, or temporary nature, will not cause
52 a measurable interference with the natural functioning of the
53 beach-dune system or with marine turtles or their nesting sites.
54 Multifamily habitable structures do not qualify for general
55 permits. However, single-family habitable structures and
56 swimming pools associated with such single-family habitable
57 structures that do not advance the line of existing construction
58 and satisfy all siting and design requirements of this section

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59 and minor reconstruction for existing coastal armoring
60 structures may be eligible for a general permit.

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

63 (c) ~~(a)~~ Persons wishing to use the general permits must, at
64 least 30 days before beginning any work, notify the department
65 in writing on forms adopted by the department. The notice must
66 include a description of the proposed project and supporting
67 documents depicting the proposed project, its location, and
68 other pertinent information as required by rule, to demonstrate
69 that the proposed project qualifies for the requested general
70 permit. Persons who undertake projects without proof of notice
71 to the department, but whose projects would otherwise qualify
72 for general permits, shall be considered to have undertaken a
73 project without a permit and are subject to enforcement pursuant
74 to s. 161.121.

75 (d) ~~(b)~~ Persons wishing to use a general permit must provide
76 notice as required by the applicable local building code where
77 the project will be located. If a building code does not require
78 ~~requires no~~ notice, a ~~any~~ person wishing to use a general permit
79 must, at a minimum, post a sign describing the project on the
80 property at least 5 days before commencing construction. The
81 sign must be at least 88 square inches, with letters no smaller
82 than one-quarter inch.

83 Section 2. Section 258.435, Florida Statutes, is created to
84 read:

85 258.435 Use of aquatic preserves for the accommodation of
86 visitors.—

87 (1) The Department of Environmental Protection shall

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88 promote the public use of aquatic preserves and their associated
89 uplands. The department may receive gifts and donations to carry
90 out the purposes of this part. Money received in trust by the
91 department by gift, devise, appropriation, or otherwise, subject
92 to the terms of such trust, shall be deposited into the Land
93 Acquisition Trust Fund and appropriated to the department for
94 the administration, development, improvement, promotion, and
95 maintenance of aquatic preserves and their associated uplands
96 and for any future acquisition or development of aquatic
97 preserves and their associated uplands.

98 (2) The department may grant a privilege or concession for
99 the accommodation of visitors in and the use of aquatic
100 preserves and their associated state-owned uplands if the
101 privilege or concession does not deny or interfere with the
102 public's access to such lands and is compatible with the aquatic
103 preserve's management plan as approved by the Acquisition and
104 Restoration Council. A privilege or concession may be granted
105 without advertisement or without using a competitive bidding
106 process. A privilege or concession may not be assigned or
107 transferred by the grantee without the consent of the
108 department.

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