

**By** the Committees on Community Affairs; and Environmental Preservation and Conservation; and Senator Bean

578-03195-14

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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; prohibiting a grantee from assigning or  
15      transferring such privileges or concessions without  
16      the department's consent; requiring information on  
17      proposed concession agreements to be posted on the  
18      department's website upon submittal and 60 days before  
19      execution; providing an effective date.

20  
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,  
24 Florida 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 shall consult with the Florida Fish and Wildlife Conservation  
45 Commission on each proposed areawide permit and must require  
46 notice provisions appropriate to the type and nature of the  
47 activities for which the areawide permits are sought.

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

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59 and satisfy all siting and design requirements of this section  
60 and minor reconstruction for existing coastal armoring  
61 structures may be eligible for a general permit.

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

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

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

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

86 258.435 Use of aquatic preserves for the accommodation of  
87 visitors.-

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

99       (2) The department may grant a privilege or concession for  
100 the accommodation of visitors in and the use of aquatic  
101 preserves and their associated state-owned uplands if the  
102 privilege or concession does not deny or interfere with the  
103 public's access to such lands and is compatible with the aquatic  
104 preserve's management plan as approved by the Acquisition and  
105 Restoration Council. A concession must be granted based on  
106 business plans, qualifications, approach, and specified  
107 expectations or criteria. A privilege or concession may not be  
108 assigned or transferred by the grantee without the consent of  
109 the department.

110       (3) In order to provide transparency to the public,  
111 information on proposed concession agreements will be posted on  
112 the department's website upon submission to the department and  
113 60 days before execution. The public shall be afforded the  
114 opportunity to comment on proposed concession agreements before  
115 execution.

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