

By Senator Albritton

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1 A bill to be entitled
2 An act relating to aquatic preserves; creating s.
3 258.3991, F.S.; creating the Nature Coast Aquatic
4 Preserve; designating the preserve for inclusion in
5 the aquatic preserve system; describing the boundaries
6 of the preserve; outlining the authority of the Board
7 of Trustees of the Internal Improvement Trust Fund in
8 respect to the preserve; requiring the board to adopt
9 rules; prohibiting the establishment and management of
10 the preserve from infringing upon the riparian rights
11 of upland property owners adjacent to or within the
12 preserve; providing civil penalties; providing
13 applicability; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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

19 258.3991 Nature Coast Aquatic Preserve.—

20 (1) DESIGNATION.—The area described in subsection (2) which
21 lies within Pasco, Hernando, and Citrus Counties, is designated
22 by the Legislature for inclusion in the aquatic preserve system
23 under the Florida Aquatic Preserve Act of 1975 and shall be
24 known as the "Nature Coast Aquatic Preserve." It is the intent
25 of the Legislature that the Nature Coast Aquatic Preserve be
26 preserved in an essentially natural condition so that its
27 biological and aesthetic values may endure for the enjoyment of
28 future generations.

29 (2) BOUNDARIES.—For the purposes of this section, the

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

47 (3) AUTHORITY OF TRUSTEES.—The Board of Trustees of the
48 Internal Improvement Trust Fund shall maintain the aquatic
49 preserve subject to the following:

50 (a) The board may not approve or consummate the further
51 sale, transfer, or lease of sovereign submerged lands in the
52 preserve, except upon a showing of extreme hardship on the part
53 of the applicant and a determination by the board that such
54 sale, transfer, or lease is in the public interest.

55 (b) The board may not approve the further dredging or
56 filling of submerged lands of the preserve except:

57 1. Minimum dredging and spoiling of submerged lands may be
58 authorized for existing public navigation projects, as a public

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59 necessity, or for preservation of the preserve according to the
60 expressed intent of this section.

61 2. Other alterations of the physical conditions of the
62 submerged lands, including the placement of riprap, may be
63 authorized as necessary to enhance the quality and utility of
64 the aquatic preserve.

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

75 4. The board may authorize the dredging of submerged lands
76 if the board determines that such dredging is necessary to
77 eliminate conditions hazardous to the public health or to
78 eliminate stagnant waters, islands, and spoil banks, and that
79 such dredging would enhance the aesthetic and environmental
80 quality, habitats, and utility of the preserve and is clearly in
81 the public interest as determined by the board.

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

85 (d) There may not be any drilling of wells, excavation for
86 shell or minerals, or erection of structures other than docks
87 within the preserve unless such activity is associated with

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88 activity that is authorized under this section.

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

97 (f) Notwithstanding this section, the board may, for lands
98 lying within the preserve:

99 1. Enter into agreements for and establish lines
100 delineating sovereignty and privately owned lands.

101 2. Enter into agreements for the exchange of, and exchange,
102 sovereignty lands for privately owned lands.

103 3. Accept gifts of land within or contiguous to the
104 preserve.

105 4. Negotiate or enter into agreements with owners of lands
106 contiguous to public lands for any public or private use of any
107 of such lands.

108 5. Take any action that is convenient or necessary to
109 accomplish any of the acts and matters authorized under this
110 paragraph.

111 6. Conduct restoration and enhancement efforts in the
112 preserve and its tributaries.

113 7. Stabilize eroding shorelines of the preserve and its
114 tributaries which are contributing to turbidity by planting
115 natural vegetation to the greatest extent feasible and placing
116 riprap, as determined by Pasco, Hernando, and Citrus Counties in

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117 conjunction with the Department of Environmental Protection.

118 (4) RULES.—

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

121 1. Additional preserve management criteria as necessary to
122 accommodate special circumstances.

123 2. Regulation of human activity within the preserve in such
124 a manner as not to interfere unreasonably with lawful and
125 traditional public uses of the preserve, such as sport fishing,
126 commercial fishing, boating, and swimming.

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

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

142 (6) ENFORCEMENT.—This section may be enforced in accordance
143 with s. 403.412. In addition, the Department of Legal Affairs
144 may bring an action for civil penalties of \$5,000 per day
145 against a person as defined in s. 1.01(3) who violates this

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146 section or any rule or regulation issued hereunder.

147 (7) APPLICABILITY.—This section is subject to the Florida
148 Electrical Power Plant Siting Act, as described in ss. 403.501-
149 403.518.

150 Section 2. This act shall take effect July 1, 2020.