

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Moraitis offered the following:

2
3 **Substitute Amendment for Amendment (462747) (with title**
4 **amendment)**

5 Remove line 14 and insert:

6 Section 2. Effective July 1, 2018, subsection (14) of
7 section 161.101, Florida Statutes, is amended to read:

8 161.101 State and local participation in authorized
9 projects and studies relating to beach management and erosion
10 control.-

11 (14) The intent of the Legislature in preserving and
12 protecting Florida's sandy beaches pursuant to this act is to
13 direct beach erosion control appropriations to the state's most

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14 severely eroded beaches, and to prevent further adverse impact
15 caused by improved, modified, or altered inlets, coastal
16 armoring, or existing upland development. In establishing annual
17 project funding priorities, the department shall seek formal
18 input from local coastal governments, beach and general
19 government interest groups, and university experts. The
20 department shall adopt by rule a scoring system to determine
21 annual project funding priorities. The scoring system must
22 consist of the following criteria equally weighted within the
23 following specified tiers ~~criteria to be considered by the~~
24 ~~department in determining annual funding priorities shall~~
25 include:

26 (a) Tier 1 must account for 20 percent of the total score
27 and consist of the tourism-related return on investment and the
28 ~~severity of erosion conditions, the threat to existing upland~~
29 ~~development, and recreational and/or economic~~ impact of the
30 project. The return on investment of the project is the ratio of
31 the tourism-related tax revenues for the most recent year to the
32 amount of state funding requested for the proposed project. The
33 economic impact of the project is the ratio of the tourism-
34 related tax revenues for the most recent year to all county tax
35 revenues for the most recent year. The department must calculate
36 these ratios using state sales tax and tourism development tax
37 data of the county having jurisdiction over the project area. If
38 multiple counties have jurisdiction over the project area, the

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39 department must assess each county individually using these
40 ratios. The department shall calculate the mean average of these
41 ratios to determine the final overall assessment for the
42 multicounty project benefits.

43 (b) Tier 2 must account for 45 percent of the total score
44 and consist of the following criteria:

45 1. The availability of federal matching dollars,
46 considering federal authorization, the federal cost-share
47 percentage, and the status of the funding award;-

48 2. The storm damage reduction benefits of the project
49 based on the following considerations:

50 a. The current conditions of the project area, including
51 any recent storm damage impact, as a percentage of volume of
52 sand lost since the most recent beach nourishment event or most
53 recent beach surveys. If the project area has not been
54 previously restored, the department must use the historical
55 background erosion rate;

56 b. The overall potential threat to existing upland
57 development, including public and private structures and
58 infrastructure, based on the percentage of vulnerable shoreline
59 within the project boundaries; and

60 c. The value of upland property benefiting from the
61 protection provided by the project and its subsequent
62 maintenance. A property must be within one-quarter mile of the
63 project boundaries to be considered under the criterion

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64 specified in this subparagraph; and

65 3. The cost-effectiveness of the project based on the

66 yearly cost per volume per mile of proposed beach fill

67 placement. The department shall also consider the following when

68 assessing cost-effectiveness pursuant to this subparagraph:

69 a. The existence of projects with proposed structural or

70 design components to extend the beach nourishment interval;

71 b. Existing beach nourishment projects that reduce upland

72 storm damage costs by incorporating new or enhanced dune

73 structures or new or existing dune restoration and revegetation

74 projects;

75 c. Proposed innovative technologies designed to reduce

76 project costs; and

77 d. Regional sediment management strategies and

78 coordination to conserve sand source resources and reduce

79 project costs.

80 (c) Tier 3 must account for 20 percent of the total score

81 and consist of the following criteria: ~~The extent of local~~

82 ~~government sponsor financial and administrative commitment to~~

83 ~~the project, including a long-term financial plan with a~~

84 ~~designated funding source or sources for initial construction~~

85 ~~and periodic maintenance.~~

86 1.(d) Previous state commitment and involvement in the

87 project, considering previously funded phases, the total amount

88 of previous state funding, and previous partial appropriations

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89 for the proposed project;

90 2. The recreational benefits of the project based on:

91 a. The accessible beach area added by the project; and

92 b. The percentage of linear footage within the project

93 boundaries that is zoned:

94 (I) As recreational or open space;

95 (II) For commercial use; or

96 (III) To otherwise allow for public lodging

97 establishments;-

98 ~~(c) The anticipated physical performance of the proposed~~
99 ~~project, including the frequency of periodic planned~~
100 ~~nourishment.~~

101 3.-(f) The extent to which the proposed project mitigates
102 the adverse impact of improved, modified, or altered inlets on
103 adjacent beaches; and-

104 ~~(g) Innovative, cost-effective, and environmentally~~
105 ~~sensitive applications to reduce erosion.~~

106 ~~(h) Projects that provide enhanced habitat within or~~
107 ~~adjacent to designated refuges of nesting sea turtles.~~

108 ~~(i) The extent to which local or regional sponsors of~~
109 ~~beach erosion control projects agree to coordinate the planning,~~
110 ~~design, and construction of their projects to take advantage of~~
111 ~~identifiable cost savings.~~

112 4.-(j) The degree to which the project addresses the
113 state's most significant beach erosion problems based on the

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114 ratio of the linear footage of the project shoreline to the
115 cubic yards of sand placed per mile per year.

116 (d) Tier 4 must account for 15 percent of the total score
117 and consist of the following criteria:

118 1. Increased prioritization of projects that have been on
119 the department's ranked project list for successive years and
120 that have not previously secured state funding for project
121 implementation;

122 2. Environmental habitat enhancement, recognizing state or
123 federal critical habitat areas for threatened or endangered
124 species which may be subject to extensive shoreline armoring or
125 recognizing areas where extensive shoreline armoring threatens
126 the availability or quality of habitat for such species. Turtle-
127 friendly designs, dune and vegetation projects for areas with
128 redesigned or reduced fill templates, proposed incorporation of
129 best management practices and adaptive management strategies to
130 protect resources, and innovative technologies designed to
131 benefit critical habitat preservation may also be considered;
132 and

133 3. The overall readiness of the project to proceed in a
134 timely manner considering the project's readiness for the
135 construction phase of development, the status of required
136 permits, the status of any needed easement acquisition, the
137 availability of local funding sources, and the establishment of
138 an erosion control line. If the department identifies specific

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139 reasonable and documented concerns that the project will not
140 proceed in a timely manner, the department may choose not to
141 include the project in the annual funding priorities submitted
142 to the Legislature.

143

144 If ~~In the event that~~ more than one project qualifies equally
145 under the provisions of this subsection, the department shall
146 assign funding priority to those projects shown to be most ~~that~~
147 ~~are~~ ready to proceed.

148 Section 3. Subsection (20) of section 161.101, Florida
149 Statutes, is amended to read:

150 161.101 State and local participation in authorized
151 projects and studies relating to beach management and erosion
152 control.-

153 (20) The department shall maintain active project lists,
154 updated at least quarterly, ~~listings~~ on its website by fiscal
155 year in order to provide transparency regarding those projects
156 receiving funding and the funding amounts, and to facilitate
157 legislative reporting and oversight. In consideration of this
158 intent:

159 (a) The department shall notify the Executive Office of
160 the Governor and the Legislature regarding any significant
161 changes in the funding levels of a given project as initially
162 requested in the department's budget submission and subsequently
163 included in approved annual funding allocations. The term

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164 "significant change" means a project-specific change or
165 cumulative changes that exceed the project's original allocation
166 by \$500,000 or that exceed those changes exceeding 25 percent of
167 the a project's original allocation.

168 1. Except as provided in subparagraph 2., if there is
169 surplus funding, the department must provide a notification and
170 supporting justification shall be provided to the Executive
171 Office of the Governor and the Legislature to indicate whether
172 surplus additional dollars are intended to be used for inlet
173 management projects pursuant to s. 161.143 or for beach
174 restoration and beach nourishment projects, offered for
175 reversion as part of the next appropriations process, or used
176 for other specified priority projects on active project lists.

177 2. For surplus funds for projects that do not have a
178 significant change, the department may use such funds for the
179 same purposes identified in subparagraph 1. The department shall
180 post the uses of such funds on the project listing web page of
181 its website. No other notice or supporting justification is
182 required before the use of surplus funds for a project that does
183 not have a significant change.

184 (b) The department shall prepare a summary of specific
185 project activities ~~for the current fiscal year,~~ their funding
186 status, and changes to annual project lists for the current and
187 preceding fiscal year. shall be prepared by The department shall
188 include the summary and included with the department's

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189 submission of its annual legislative budget request.

190 (c) Funding for specific projects on annual project lists
191 approved by the Legislature must remain available for such
192 projects for 18 months. A local project sponsor may at any time
193 release, in whole or in part, appropriated project dollars by
194 formal notification to the department. The department,~~which~~
195 shall notify the Executive Office of the Governor and the
196 Legislature of such release and. ~~Notification must indicate in~~
197 the notification how the project dollars are recommended
198 ~~intended~~ to be used after such release.

199 Section 4. Except as otherwise provided in this act, this
200 act shall take effect July 1, 2017.

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

203 Remove lines 2-4 and insert:
204 An act relating to coastal management; establishing
205 the Southeast Florida Coral Reef Ecosystem
206 Conservation Area; amending s. 161.101, F.S.; revising
207 the criteria to be considered by the Department of
208 Environmental Protection in determining and assigning
209 annual funding priorities for beach management and
210 erosion control projects; specifying tiers for such
211 criteria; requiring tiers to be given certain weight;
212 requiring the department to update active project
213

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214 lists on its website; redefining the term "significant
215 change"; revising the department's reporting
216 requirements; specifying allowable uses for certain
217 surplus funds; revising the requirements for a
218 specified summary; requiring that funding for certain
219 projects remain available for a specified period;
220 providing effective dates.

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