

By the Committee on Environmental Protection and Representatives Jones, Bloom, King, Roberts-Burke, Barreiro, Lacasa, Lynn, Eggelletion, Bradley, Betancourt, Crow, Peaden, Posey, Sembler, Wiles, Fischer, Murman, Gay, Mackey, Carlton, (Additional Sponsors on Last Printed Page)

1                                   A bill to be entitled  
2           An act relating to funding for beach  
3           management; amending s. 161.088, F.S.;  
4           providing a legislative declaration that beach  
5           restoration and renourishment projects are in  
6           the public interest and shall be funded in a  
7           specified manner; amending s. 161.091, F.S.;  
8           providing for funding of the state's beach  
9           management plan through the Ecosystem  
10          Management and Restoration Trust Fund;  
11          providing that designated funds be deposited in  
12          the trust fund and that funds in the trust fund  
13          be used to fully implement the beach management  
14          plan prior to being used for any other purpose;  
15          amending s. 161.101, F.S.; authorizing the  
16          Department of Environmental Protection to  
17          implement regional components of the beach  
18          management plan, to enter into agreements to  
19          cost-share and coordinate such activity, and to  
20          sponsor or cosponsor beach management  
21          demonstration projects; providing criteria to  
22          be considered in determining annual funding  
23          priorities for beach management projects;  
24          providing for reductions in local sponsors'  
25          cost shares; amending s. 161.161, F.S.;  
26          providing for regional components of the  
27          statewide beach management plan; providing for  
28          submission of funding recommendations to the  
29          Legislature; deleting obsolete provisions;  
30          amending s. 201.15, F.S.; providing for  
31          appropriation of certain documentary stamp tax

1 revenues to the trust fund for purposes of  
2 beach preservation and repair; providing an  
3 effective date.

4  
5 WHEREAS, Florida's number one tourist attraction is its  
6 beaches, and

7 WHEREAS, according to the Office of Tourism, Trade, and  
8 Economic Development, some 43 million tourists visited Florida  
9 in 1996, spending \$37.9 billion in taxable sales and creating  
10 781,400 travel-related jobs, and

11 WHEREAS, more than half of all tourists coming to  
12 Florida spend at least part of their vacation on its beaches,  
13 and

14 WHEREAS, in a recent study over 60 percent of the beach  
15 tourists in Broward County said they would not return if there  
16 were no beaches, and

17 WHEREAS, Florida's beaches produced additional state  
18 sales and use tax revenues in excess of \$500 million in 1996,  
19 and

20 WHEREAS, Florida's beaches and dunes provide  
21 environmentally compatible storm protection to both developed  
22 and undeveloped upland property, protecting more than \$150  
23 billion in taxable property values in the state, and

24 WHEREAS, the Legislature in 1986, pursuant to s.  
25 161.088, Florida Statutes, recognized that uncontrolled beach  
26 erosion was a serious threat to the economic and general  
27 welfare of the state and its people and that in many areas  
28 beach erosion had already advanced to emergency proportions,  
29 and

30 WHEREAS, since this declaration over a decade ago, the  
31 health of Florida's beaches has further deteriorated and

1 continues to deteriorate to such an extent that over one-third  
2 of the state's beaches are now critically eroded or eroding,  
3 are no longer providing effective upland storm protection, and  
4 as a result have lost much of their value to tourism, and

5 WHEREAS, the Legislature recognizes the urgency of the  
6 problem and declares its intent to fund a comprehensive,  
7 long-range beach management plan for erosion control; beach  
8 preservation, restoration, and renourishment; and storm and  
9 hurricane protection, and

10 WHEREAS, the Legislature has already allocated a  
11 portion of the excise tax on documents for beach acquisition  
12 and land management, and

13 WHEREAS, the Legislature has determined that it is also  
14 appropriate to fund the preservation, restoration, and  
15 management of Florida's beaches from the same revenue source,  
16 NOW, THEREFORE,

17

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

19

20 Section 1. Section 161.088, Florida Statutes, is  
21 amended to read:

22 161.088 Declaration of public policy respecting beach  
23 erosion control and beach restoration and renourishment  
24 projects.--Because beach erosion is a serious menace to the  
25 economy and general welfare of the people of this state and  
26 has advanced to emergency proportions, it is hereby declared  
27 to be a necessary governmental responsibility to properly  
28 manage and protect Florida beaches from erosion and that the  
29 Legislature make provision for beach restoration and  
30 renourishment projects. The Legislature declares that such  
31 beach restoration and renourishment projects, as approved

1 pursuant to s. 161.161, are in the public interest. Given the  
2 extent of the problem of critically eroding beaches, it is  
3 also declared that beach restoration and renourishment  
4 projects shall be funded in a manner that encourages all  
5 cost-saving strategies, fosters regional coordination of  
6 projects, improves the performance of projects, and provides  
7 long-term solutions.The Legislature further declares that  
8 nothing herein is intended to reduce or amend the beach  
9 protection programs otherwise established in this chapter or  
10 to result in local governments altering the coastal management  
11 elements of their local government comprehensive plans  
12 pursuant to chapter 163.

13 Section 2. Section 161.091, Florida Statutes, is  
14 amended to read:

15 161.091 Beach management; funding; repair and  
16 maintenance strategy.--

17 (1) Subject to such appropriations as the Legislature  
18 may make therefor from time to time, disbursements from the  
19 Ecosystem Management and Restoration ~~Florida Permit Fee~~ Trust  
20 Fund may be made by ~~the division subject to the approval of~~  
21 the department in order to carry out the proper state  
22 responsibilities in a comprehensive, long-range, statewide  
23 beach management plan for erosion control; beach preservation,  
24 ~~beach~~ restoration, and ~~beach~~ renourishment; and storm and  
25 hurricane protection. ~~The department shall make a concerted~~  
26 ~~effort to identify an additional dedicated revenue source to~~  
27 ~~fund the beach management plan.~~

28 (2) ~~In concert with any increased funding,~~The  
29 department shall develop a ~~corresponding~~ multiyear repair and  
30 maintenance strategy that:

31

- 1           (a) Encourages regional approaches to ensure ~~Ensures~~  
2 the geographic coordination and sequencing of prioritized  
3 projects;
- 4           (b) Reduces equipment mobilization and demobilization  
5 costs;
- 6           (c) Maximizes the infusion of beach-quality sand into  
7 the system;
- 8           (d) Extends the life of beach nourishment projects and  
9 reduces the frequency of renourishment; and
- 10          (e) Promotes inlet sand bypassing to replicate the  
11 natural flow of sand interrupted by inlets and ports.

12          (3) In accordance with the intent expressed in s.  
13 161.088 and the legislative finding that erosion of the  
14 beaches of this state is detrimental to tourism, the state's  
15 major industry, further exposes the state's highly developed  
16 coastline to severe storm damage, and threatens beach-related  
17 jobs, which, if not stopped, could significantly reduce state  
18 sales tax revenues, funds deposited into the State Treasury to  
19 the credit of the Ecosystem Management and Restoration Trust  
20 Fund, in the annual amounts provided in s. 201.15(8), shall be  
21 used, for a period of not less than 15 years, to fund the  
22 development, implementation, and administration of the state's  
23 beach management plan, as provided in ss. 161.091-161.212,  
24 prior to the use of funds in that trust fund for any other  
25 purpose.

26          Section 3. Section 161.101, Florida Statutes, is  
27 amended to read:

28          161.101 State and local participation in authorized  
29 projects and studies relating to beach management and erosion  
30 control.--

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1           (1) The Legislature recognizes that beach erosion is a  
2 statewide problem that does not confine its effects to local  
3 governmental jurisdictions and that beach erosion can be  
4 adequately addressed most efficiently by a state-initiated  
5 program of beach restoration and beach renourishment. However,  
6 since local beach communities derive the primary benefits from  
7 the presence of adequate beaches, a program of beach  
8 restoration and beach renourishment should not be accomplished  
9 without a commitment of local funds to combat the problem of  
10 beach erosion. Accordingly, the Legislature declares that the  
11 state, through the department, shall determine those beaches  
12 which are critically eroding and in need of restoration and  
13 renourishment and may authorize appropriations to pay up to 75  
14 percent of the actual costs for restoring and renourishing a  
15 critically eroded beach. The local government in which the  
16 beach is located shall be responsible for the balance of such  
17 costs.

18           (2) To carry out the beach and shore preservation  
19 programs, the department is hereby constituted as the beach  
20 and shore preservation authority for the state. In this  
21 capacity, the secretary of the department may at his or her  
22 own initiative take all necessary steps as soon as practicable  
23 and desirable to implement the provisions of this chapter.

24           (3) Whenever a beach erosion control project has been  
25 authorized by Congress for federal financial participation in  
26 accordance with any Act of Congress relating to beach erosion  
27 control in which nonfederal participation is required, it  
28 shall be the policy of the state to assist with an equitable  
29 share of such funds to the extent that funds are available, as  
30 determined by the department.

31

1           (4) The department, for itself or on behalf of any and  
2 all duly established beach and shore preservation districts  
3 and local governments within the state, may enter into  
4 cooperative agreements and otherwise cooperate with, and meet  
5 the requirements and conditions (including, but not limited  
6 to, execution of indemnification agreements) of, federal,  
7 state, and other local governments and political entities, or  
8 any agencies or representatives thereof, for the purpose of  
9 improving, furthering, and expediting the beach management  
10 program.

11           (5) The department is authorized, for and on behalf of  
12 the state, to accept such federal moneys for beach erosion  
13 control as are available and to sign all necessary agreements  
14 therefor and to do and perform all necessary acts in  
15 connection therewith to effectuate the intent and purposes of  
16 this act.

17           (6) The department is authorized to make application  
18 for federal participation in the cost of any beach and shore  
19 preservation project under any Acts of Congress and all  
20 amendments thereto.

21           (7) The department is authorized to implement regional  
22 components of the beach management plan pursuant to ss.  
23 161.091 and 161.161 and, where appropriate, to enter into  
24 agreements with the Federal Government, inlet districts, port  
25 authorities, intercoastal waterway districts, and local  
26 governments to cost-share and coordinate such activity.

27           (8) The department is authorized to sponsor or  
28 cosponsor demonstration projects of new or innovative  
29 technologies which have the potential to reduce project costs,  
30 conserve beach quality sand, extend the life of beach  
31

1 nourishment projects, and improve inlet sand bypassing  
2 pursuant to s. 161.091.

3 ~~(9)(7)~~ The department is authorized to pay up to 100  
4 percent of the construction and maintenance costs of projects  
5 authorized for construction pursuant to subsection ~~(16)(11)~~  
6 when construction and maintenance are on lands of which the  
7 state is the upland riparian owner.

8 ~~(10)(8)~~ With regard to a project approved in  
9 accordance with s. 161.161, the department is authorized to  
10 pay from legislative appropriations specifically provided for  
11 these purposes an amount up to 75 percent of the actual costs  
12 of the approved project, including, but not limited to, the  
13 costs for:

14 (a) Project design engineering and construction  
15 supervision and inspection;

16 (b) Biological monitoring;

17 (c) Inlet sand transfer projects;

18 (d) Dune revegetation and stabilization;

19 (e) Restoration, renourishment, or feeder beach  
20 project costs;

21 (f) Construction easements, rights-of-way, public  
22 access easements, and vehicle parking spaces;

23 (g) Obtaining required permits;

24 (h) Establishing erosion control lines;

25 (i) Enhancement of marine turtle propagation; and

26 (j) Sand-source studies.

27 ~~(11)(9)~~ The intent of the Legislature in preserving  
28 and protecting Florida's sandy beaches pursuant to this act is  
29 to direct beach erosion control appropriations to the state's  
30 most severely eroding beaches, and to prevent further adverse  
31 impact caused by navigation inlets, coastal armoring, or



1 existing upland development. In establishing annual project  
2 funding priorities, the department shall seek formal input  
3 from local coastal governments, beach and general government  
4 interest groups, and university experts. Criteria to be  
5 considered by the department in determining annual funding  
6 priorities shall include:

7 (a) The severity of erosion conditions, the threat to  
8 existing upland development, and recreational and/or economic  
9 benefits.

10 (b) The availability of federal matching dollars.

11 (c) The extent of local government sponsor financial  
12 and administrative ~~administration~~ commitment to the project,  
13 including a long-term financial plan with a designated funding  
14 source or sources for initial construction and periodic  
15 maintenance.

16 (d) Previous state commitment and involvement in the  
17 project.

18 (e) The anticipated physical performance of the  
19 proposed project, including the frequency of periodic planned  
20 renourishment.

21 (f) The extent to which the proposed project mitigates  
22 the adverse impact of navigation inlets on adjacent beaches.

23 (g) Innovative, cost-effective, and environmentally  
24 sensitive applications to reduce erosion.

25 (h) Proposed beach nourishment projects that provide  
26 enhanced habitat within or adjacent to designated refuges of  
27 nesting sea turtles.

28 (i) The extent to which local or regional sponsors of  
29 beach erosion control projects agree to coordinate the  
30 planning, design, and construction of their projects to take  
31 advantage of identifiable cost savings.

1           ~~(12)~~~~(10)~~ Until the unmet demand for repairing  
2 Florida's damaged beaches and dunes is satisfied, it is the  
3 further intent of the Legislature to cost-share such projects  
4 equally between the state and local sponsors.

5           (13) In order to encourage regional approaches that  
6 provide cost savings, and notwithstanding subsection (12),  
7 actual cost savings that can be documented as resulting from  
8 geographic coordination and sequencing of two or more discrete  
9 erosion control projects shall proportionally reduce each  
10 local sponsor's cost share as long as the state financial  
11 participation does not exceed 75 percent as provided by  
12 subsection (10).

13           ~~(14)~~~~(11)~~ The selection of a project engineer  
14 acceptable to the department by local government as project  
15 sponsor shall be on the basis of competitive negotiation as  
16 provided in chapter 287. The project sponsor shall assume full  
17 responsibility for all project costs in excess of the state  
18 cost limitation.

19           ~~(15)~~~~(12)~~ A local government desiring to initiate and  
20 pay the entire cost of designing, constructing, and  
21 maintaining an erosion control project prior to the state's  
22 initiating such construction may be reimbursed from state  
23 funds on the basis of the procedures set forth in s. 161.161,  
24 provided the project is approved by the department before  
25 initiation of construction and based on legislative  
26 appropriations and whether it furthers the provisions of s.  
27 161.161. Such local interests shall, as project sponsor, be  
28 responsible for obtaining federal reimbursement in the case of  
29 federal-aid projects.

30           ~~(16)~~~~(13)~~ The department may expend funds from the  
31 Ecosystem Management and Restoration Trust Fund to alleviate

1 emergency conditions, upon a declaration, after a hearing, by  
2 the Governor and Cabinet that a shoreline emergency of state  
3 concern exists. Any expenditures made for this purpose shall  
4 be pursuant to legislative appropriations or from amendments  
5 to original approved operating budgets authorized pursuant to  
6 s. 216.181.

7 (17)~~(14)~~ Twenty-five percent of any funds appropriated  
8 for implementation of this section shall be held by the  
9 department until the last quarter of the fiscal year for which  
10 the appropriation is made. This amount shall be used to meet  
11 emergencies prescribed in subsection(16)~~(11)~~. If no such  
12 emergencies occur, then these funds may be released in the  
13 last quarter of the fiscal year in which the appropriation is  
14 made for projects.

15 (18)~~(15)~~ The department shall maintain a current  
16 project listing and may, in its discretion and dependent upon  
17 the availability of local resources and changes in the  
18 criteria listed in s. 161.161, revise the project listing.

19 Section 4. Section 161.161, Florida Statutes, is  
20 amended to read:

21 161.161 Procedure for approval of projects.--

22 (1) The division shall develop and maintain a  
23 comprehensive long-term management plan for the restoration of  
24 the state's critically eroding beaches. The beach management  
25 plan shall:

26 (a) Address long-term solutions to the problem of  
27 critically eroding beaches in this state.

28 (b) Evaluate each improved coastal beach inlet and  
29 determine whether the inlet is a significant cause of beach  
30 erosion. With respect to each inlet determined to be a  
31 significant cause of beach erosion, the plan must include:

- 1           1. The extent to which such inlet causes beach erosion  
2 and recommendations to mitigate the erosive impact of the  
3 inlet, including, but not limited to, recommendations  
4 regarding inlet sediment bypassing; modifications to channel  
5 dredging, jetty design, and disposal of spoil material;  
6 establishment of feeder beaches; and beach restoration and  
7 beach renourishment; and
- 8           2. Cost estimates necessary to take inlet corrective  
9 measures and recommendations regarding cost sharing among the  
10 beneficiaries of such inlet.
- 11           (c) Specify design criteria for beach restoration and  
12 beach renourishment projects, including, but not limited to:
- 13           1. Dune elevation and width and revegetation and  
14 stabilization requirements; and
- 15           2. Beach profile.
- 16           (d) Evaluate the establishment of feeder beaches as an  
17 alternative to direct beach restoration and recommend the  
18 location of such feeder beaches and the source of  
19 beach-compatible sand.
- 20           (e) Identify causes of shoreline erosion and change,  
21 calculate erosion rates, and project long-term erosion for all  
22 major beach and dune systems by surveys and profiles.
- 23           (f) Identify shoreline development and degree of  
24 density and assess impacts of development and shoreline  
25 protective structures on shoreline change and erosion.
- 26           (g) Identify short-term and long-term economic costs  
27 and benefits of beaches, including recreational value to user  
28 groups, tax base, revenues generated, and beach acquisition  
29 and maintenance costs.
- 30           (h) Study dune and vegetation conditions.
- 31

1           (i) Identify beach areas used by marine turtles and  
2 develop strategies for protection of the turtles and their  
3 nests and nesting locations.

4           (j) Identify alternative management responses to  
5 preserve undeveloped beach and dune systems, to restore  
6 damaged beach and dune systems, and to prevent inappropriate  
7 development and redevelopment on migrating beaches, and  
8 consider beach restoration and renourishment, armoring,  
9 relocation and abandonment, dune and vegetation restoration,  
10 and acquisition.

11           (k) Establish criteria, including costs and specific  
12 implementation actions, for alternative management techniques.

13           (l) Select and recommend appropriate management  
14 measures for all of the state's sandy beaches in a beach  
15 management program.

16           (m) From the beach management plan, establish a list  
17 of beach restoration and beach renourishment projects,  
18 arranged in order of priority, and the funding levels needed  
19 for such projects.

20  
21 The beach management plan may be prepared at the regional  
22 ~~district~~ level based upon areas of greatest need and probable  
23 federal funding. Such regional ~~district~~ plans shall be  
24 components of the statewide beach management plan and shall  
25 serve as the basis for state funding decisions upon approval  
26 in accordance with chapter 86-138, Laws of Florida. In  
27 accordance with a schedule established for the submission of  
28 regional ~~district~~ plans by the department, any completed plan  
29 must be submitted to the secretary of the department for  
30 approval no later than March 1 of each year. These regional  
31 ~~district level~~ plans shall include, but shall not be limited

1 to, recommendations of appropriate funding mechanisms for  
2 implementing projects in the beach management plan, giving  
3 consideration to the use of single-county and multicounty  
4 taxing districts or other revenue generation measures by state  
5 and local governments and the private sector. Prior to  
6 presenting the plan to the secretary of the department, the  
7 department shall hold a public meeting in the areas ~~or~~  
8 ~~district~~ for which the plan is prepared. The ~~district~~ plan  
9 submission schedule shall be submitted to the secretary for  
10 approval. Any revisions to such schedule must be approved in  
11 like manner.

12 (2) In establishing the recommended list of  
13 restoration and renourishment projects described in subsection  
14 (1), the division shall consider and balance the following  
15 criteria:

16 (a) The estimated demand user-occasions that would be  
17 served by increased beach area;

18 (b) The extent of existing and threatened damage to  
19 property from beach erosion;

20 (c) The prospect for long-term success of the  
21 restoration or renourishment project, as measured by the  
22 anticipated amount and frequency of future renourishment;

23 (d) The location of the beach relative to the  
24 statewide effort to control the erosion of the beaches;

25 (e) The total anticipated costs of the project,  
26 including the costs for restoration and for periodic  
27 renourishment;

28 (f) The proximity of an adequate source of  
29 beach-compatible sand;

30 (g) The quality of the sand proposed to be used;

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1 (h) The degree of public access to the beach,  
2 including adequate vehicle parking or consolidated public  
3 access points, taking into account existing access points and  
4 local public access needs;

5 (i) The extent of public support for the project;

6 (j) The anticipated impact of the project on natural  
7 resources, including, but not limited to, impacts on coral,  
8 worm and rock reefs, submerged and emergent vegetation,  
9 fishing resources, and turtle nesting;

10 (k) The extent to which the local governments in the  
11 area of the project have enacted ordinances or other  
12 regulations to protect sea turtles from the adverse effects of  
13 beachfront lighting.

14

15 The extent to which the foregoing criteria are addressed in a  
16 net positive manner shall result in a greater priority being  
17 assigned to those projects. In addition to consideration of  
18 criteria listed in this subsection, a project, in order to  
19 receive state funds, must provide for public access in  
20 substantial compliance with paragraph (h) and must provide for  
21 protection for those historically established habitats  
22 identified in paragraph (j) and for endangered and threatened  
23 species.

24 (3) Upon approval of the beach ~~restoration~~ management  
25 plan by the department, the secretary shall present to the  
26 President of the Senate, the Speaker of the House of  
27 Representatives, and the chairs of the legislative  
28 appropriations committees recommendations for funding of beach  
29 erosion control projects. Such recommendations, compiled by  
30 region, shall be presented to such members of the Legislature  
31 in the priority order specified in the plan and established

1 pursuant to criteria contained in subsection (2) and s.  
2 161.101(11)Board of Trustees of the Internal Improvement  
3 Trust Fund written recommendations for the funding of the  
4 beach restoration and beach renourishment projects according  
5 to the priority specified in the beach restoration management  
6 plan. Each year thereafter, the department shall present to  
7 the head of the department written recommendations for the  
8 funding of those projects that remain in need of restoration  
9 and renourishment pursuant to the approved list.

10 (4) Once Upon receipt of the written recommendation  
11 and certification from the department with respect to a  
12 project, the board of trustees shall decide whether, in light  
13 of existing needs throughout the state, the project should be  
14 pursued. In determining whether a project is determined to  
15 should be undertaken, the board of trustees shall consider the  
16 criteria specified in this section relative to the project. If  
17 the board of trustees determines that a project should be  
18 pursued, it shall forthwith conduct a survey of all or part of  
19 the shoreline within the jurisdiction of the local government  
20 in which the beach is located shall be conducted in order to  
21 establish the area of beach to be protected by the project and  
22 locate an erosion control line. No provision of ss.  
23 161.141-161.211 shall be construed as preventing a local  
24 government from participating in the funding of erosion  
25 control projects or surveys undertaken in accordance with the  
26 provisions of ss. 161.141-161.211. In lieu of conducting a  
27 survey, the board of trustees may accept and approve a survey  
28 as initiated, conducted, and submitted by the appropriate  
29 local government if said survey is made in conformity with the  
30 appropriate principles set forth in ss. 161.141-161.211.  
31



1           (5) Upon completion of the survey depicting the area  
2 of the beach erosion control project and the proposed location  
3 of the erosion control line, the board of trustees shall give  
4 notice of the survey and the date on which the board of  
5 trustees will hold a public hearing for the purpose of  
6 receiving evidence on the merits of the proposed project and,  
7 if approval is granted, of locating and establishing such  
8 requested erosion control line. Such notice shall be by  
9 publication in a newspaper of general circulation published in  
10 the county or counties in which the proposed beach erosion  
11 control project shall be located not less than once a week for  
12 3 consecutive weeks and by mailing copies of such notice by  
13 certified or registered mail to each riparian owner of record  
14 of upland property lying within 1,000 feet (radial distance)  
15 of the shoreline to be extended through construction of the  
16 proposed beach erosion control project, as his or her name and  
17 address appear upon the latest tax assessment roll, in order  
18 that any persons who have an interest in the beach erosion  
19 control project or in the location of such requested erosion  
20 control line can be present at such hearing to submit their  
21 views concerning necessity for the project and the precise  
22 location of the proposed erosion control line. Such notice  
23 shall be in addition to any notice requirement in chapter 120.

24           (6) The board of trustees shall approve or disapprove  
25 the beach restoration or beach renourishment project as it  
26 affects sovereignty lands. If approval is granted, the  
27 secretary shall authorize the expenditure from legislative  
28 appropriations specifically provided for these purposes of the  
29 amount necessary to pay for up to 75 percent of the costs of  
30 the project, and the board of trustees shall establish the  
31 location of the erosion control line. In locating said line,

1 the board of trustees shall be guided generally by the  
2 existing line of mean high water, bearing in mind the  
3 requirements of proper engineering in the erosion control  
4 project, the extent to which erosion or avulsion has occurred,  
5 and the need to protect existing ownership of as much upland  
6 as is reasonably possible.

7 (7) In no event shall the department undertake a beach  
8 restoration or beach renourishment project pursuant to chapter  
9 86-138, Laws of Florida, where a local share is required  
10 without the approval of the local government or governments  
11 responsible for that local share.

12 (8) The department shall adopt rules for reviewing and  
13 determining projects eligible for state funds.

14 ~~(9) The intent of the Legislature in preserving and~~  
15 ~~protecting Florida's sandy beaches pursuant to this act is to~~  
16 ~~direct beach erosion control appropriations to the state's~~  
17 ~~most severely eroding beaches, and to prevent further adverse~~  
18 ~~impact caused by navigation inlets, coastal armoring, or~~  
19 ~~existing upland development. In establishing annual project~~  
20 ~~funding priorities, the department shall seek formal input~~  
21 ~~from local coastal governments, beach and general government~~  
22 ~~interest groups, and university experts. Criteria to be~~  
23 ~~considered by the department in determining annual funding~~  
24 ~~priorities shall include:~~

25 ~~(a) The severity of erosion conditions, the threat to~~  
26 ~~existing upland development, and recreational and/or economic~~  
27 ~~benefits.~~

28 ~~(b) The availability of federal matching dollars.~~

29 ~~(c) The extent of local government sponsor financial~~  
30 ~~and administration commitment to the project.~~

31

1       ~~(d) Previous state commitment and involvement in the~~  
2 ~~project.~~

3       ~~(e) The anticipated physical performance of the~~  
4 ~~proposed project, including the frequency of periodic planned~~  
5 ~~renourishment.~~

6       ~~(f) The extent to which the proposed project mitigates~~  
7 ~~the adverse impact of navigation inlets on adjacent beaches.~~

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

10       ~~(i0) Until the unmet demand for repairing Florida's~~  
11 ~~damaged beaches and dunes is satisfied, it is the further~~  
12 ~~intent of the Legislature to cost-share such projects equally~~  
13 ~~between the state and local sponsors.~~

14       Section 5. Section 201.15, Florida Statutes, is  
15 amended to read:

16       201.15 Distribution of taxes collected.--All taxes  
17 collected under this chapter shall be subject to the service  
18 charge imposed in s. 215.20(1) and shall be distributed as  
19 follows:

20       (1) Sixty-two and sixty-three hundredths percent of  
21 the remaining taxes collected under this chapter shall be used  
22 for the following purposes:

23       (a) Subject to the maximum amount limitations set  
24 forth in this paragraph, an amount as shall be necessary to  
25 pay the debt service on, or fund debt service reserve funds,  
26 rebate obligations, or other amounts with respect to bonds  
27 issued pursuant to s. 375.051 and payable from moneys  
28 transferred to the Land Acquisition Trust Fund pursuant to  
29 this paragraph shall be paid into the State Treasury to the  
30 credit of the Land Acquisition Trust Fund to be used for such  
31 purposes. The amount transferred to the Land Acquisition Trust

1 Fund shall not exceed \$90 million in fiscal year 1992-1993,  
2 \$120 million in fiscal year 1993-1994, \$150 million in fiscal  
3 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210  
4 million in fiscal year 1996-1997, \$240 million in fiscal year  
5 1997-1998, \$270 million in fiscal year 1998-1999, and \$300  
6 million in fiscal year 1999-2000 and thereafter. No individual  
7 series of bonds may be issued pursuant to this paragraph  
8 unless the first year's debt service for such bonds is  
9 specifically appropriated in the General Appropriations Act.  
10 No moneys transferred to the Land Acquisition Trust Fund  
11 pursuant to this paragraph, or earnings thereon, shall be used  
12 or made available to pay debt service on the Save Our Coast  
13 revenue bonds.

14 (b) The remainder of the moneys distributed under this  
15 subsection, after the required payment under paragraph (a),  
16 shall be paid into the State Treasury to the credit of the  
17 Land Acquisition Trust Fund and may be used for any purpose  
18 for which funds deposited in the Land Acquisition Trust Fund  
19 may lawfully be used. Payments made under this paragraph shall  
20 continue until the cumulative amount credited to the Land  
21 Acquisition Trust Fund for the fiscal year under this  
22 paragraph and paragraph (2)(b) equals 70 percent of the  
23 current official forecast for distributions of taxes collected  
24 under this chapter pursuant to subsection (2). As used in this  
25 paragraph, the term "current official forecast" means the most  
26 recent forecast as determined by the Revenue Estimating  
27 Conference. If the current official forecast for a fiscal year  
28 changes after payments under this paragraph have ended during  
29 that fiscal year, no further payments are required under this  
30 paragraph during the fiscal year.

31

1           (c) The remainder of the moneys distributed under this  
2 subsection, after the required payments under paragraphs (a)  
3 and (b), shall be paid into the State Treasury to the credit  
4 of the General Revenue Fund of the state to be used and  
5 expended for the purposes for which the General Revenue Fund  
6 was created and exists by law or to the Ecosystem Management  
7 and Restoration Trust Fund as provided in subsection (8).

8           (2) Seven and fifty-six hundredths percent of the  
9 remaining taxes collected under this chapter shall be used for  
10 the following purposes:

11           (a) Beginning in the month following the final payment  
12 for a fiscal year under paragraph (1)(b), available moneys  
13 shall be paid into the State Treasury to the credit of the  
14 General Revenue Fund of the state to be used and expended for  
15 the purposes for which the General Revenue Fund was created  
16 and exists by law or to the Ecosystem Management and  
17 Restoration Trust Fund as provided in subsection (8). Payments  
18 made under this paragraph shall continue until the cumulative  
19 amount credited to the General Revenue Fund for the fiscal  
20 year under this paragraph equals the cumulative payments made  
21 under paragraph (1)(b) for the same fiscal year.

22           (b) The remainder of the moneys distributed under this  
23 subsection shall be paid into the State Treasury to the credit  
24 of the Land Acquisition Trust Fund. Sums deposited in the fund  
25 pursuant to this subsection may be used for any purpose for  
26 which funds deposited in the Land Acquisition Trust Fund may  
27 lawfully be used.

28           (3) One and ninety-four hundredths percent of the  
29 remaining taxes collected under this chapter shall be paid  
30 into the State Treasury to the credit of the Land Acquisition  
31

1 Trust Fund. Moneys deposited in the trust fund pursuant to  
2 this section shall be used for the following purposes:

3 (a) Sixty percent of the moneys shall be used to  
4 acquire coastal lands or to pay debt service on bonds issued  
5 to acquire coastal lands; and

6 (b) Forty percent of the moneys shall be used to  
7 develop and manage lands acquired with moneys from the Land  
8 Acquisition Trust Fund.

9 (4) Five and eighty-four hundredths percent of the  
10 remaining taxes collected under this chapter shall be paid  
11 into the State Treasury to the credit of the Water Management  
12 Lands Trust Fund. Sums deposited in that fund may be used for  
13 any purpose authorized in s. 373.59.

14 (5) Five and eighty-four hundredths percent of the  
15 remaining taxes collected under this chapter shall be paid  
16 into the State Treasury to the credit of the Conservation and  
17 Recreation Lands Trust Fund to carry out the purposes set  
18 forth in s. 259.032.

19 (6) Seven and fifty-three hundredths percent of the  
20 remaining taxes collected under this chapter shall be paid  
21 into the State Treasury to the credit of the State Housing  
22 Trust Fund and shall be used as follows:

23 (a) Half of that amount shall be used for the purposes  
24 for which the State Housing Trust Fund was created and exists  
25 by law.

26 (b) Half of that amount shall be paid into the State  
27 Treasury to the credit of the Local Government Housing Trust  
28 Fund and shall be used for the purposes for which the Local  
29 Government Housing Trust Fund was created and exists by law.

30 (7) Eight and sixty-six hundredths percent of the  
31 remaining taxes collected under this chapter shall be paid

1 into the State Treasury to the credit of the State Housing  
2 Trust Fund and shall be used as follows:

3 (a) Twelve and one-half percent of that amount shall  
4 be deposited into the State Housing Trust Fund and be expended  
5 by the Department of Community Affairs and by the Florida  
6 Housing Finance Agency for the purposes for which the State  
7 Housing Trust Fund was created and exists by law.

8 (b) Eighty-seven and one-half percent of that amount  
9 shall be distributed to the Local Government Housing Trust  
10 Fund and shall be used for the purposes for which the Local  
11 Government Housing Trust Fund was created and exists by law.  
12 Funds from this category may also be used to provide for state  
13 and local services to assist the homeless.

14 (8) From the moneys specified in paragraphs (1)(c) and  
15 (2)(a) and prior to deposit of any moneys into the General  
16 Revenue Fund, \$10 million shall be paid into the State  
17 Treasury to the credit of the Ecosystem Management and  
18 Restoration Trust Fund in fiscal year 1998-1999, \$20 million  
19 in fiscal year 1999-2000, and \$30 million in fiscal year  
20 2000-2001 and each fiscal year thereafter, to be used for the  
21 preservation and repair of the state's beaches as provided in  
22 ss. 161.091-161.212.

23 (9)~~(8)~~ The Department of Revenue may use the payments  
24 credited to trust funds pursuant to paragraphs (1)(b) and  
25 (2)(b) and subsections (3), (4), (5), (6), and (7) to pay the  
26 costs of the collection and enforcement of the tax levied by  
27 this chapter. The percentage of such costs which may be  
28 assessed against a trust fund is a ratio, the numerator of  
29 which is payments credited to that trust fund under this  
30 section and the denominator of which is the sum of payments  
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1 made under paragraphs (1)(b) and (2)(b) and subsections (3),  
2 (4), (5), (6), and (7).

3 Section 6. This act shall take effect July 1 of the  
4 year in which enacted.

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