

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 appropriation; providing an 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 such funds deposited pursuant to s.
25 201.15(8) in that trust fund for any other 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.--

31

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

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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) Establish a list of beach restoration and beach
17 renourishment projects, arranged in order of priority, and the
18 funding levels needed for such projects.

19
20 The beach management plan may be prepared at the regional
21 ~~district~~ level based upon areas of greatest need and probable
22 federal funding. Such regional ~~district~~ plans shall be
23 components of the statewide beach management plan and shall
24 serve as the basis for state funding decisions upon approval
25 in accordance with chapter 86-138, Laws of Florida. In
26 accordance with a schedule established for the submission of
27 regional ~~district~~ plans by the department, any completed plan
28 must be submitted to the secretary of the department for
29 approval no later than March 1 of each year. These regional
30 ~~district level~~ plans shall include, but shall not be limited
31 to, recommendations of appropriate funding mechanisms for

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

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

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

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

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

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

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

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

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

30 (h) The degree of public access to the beach,
31 including adequate vehicle parking or consolidated public

1 access points, taking into account existing access points and
2 local public access needs;

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

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

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

12

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

22 (3) Upon approval of the beach ~~restoration~~ management
23 plan by the department, the secretary shall present to the
24 President of the Senate, the Speaker of the House of
25 Representatives, and the chairs of the legislative
26 appropriations committees recommendations for funding of beach
27 erosion control projects. Such recommendations, compiled by
28 region, shall be presented to such members of the Legislature
29 in the priority order specified in the plan and established
30 pursuant to criteria contained in subsection (2) and s.
31 161.101(11)Board of Trustees of the Internal Improvement

1 ~~Trust Fund written recommendations for the funding of the~~
2 ~~beach restoration and beach renourishment projects according~~
3 ~~to the priority specified in the beach restoration management~~
4 ~~plan. Each year thereafter, the department shall present to~~
5 ~~the head of the department written recommendations for the~~
6 ~~funding of those projects that remain in need of restoration~~
7 ~~and renourishment pursuant to the approved list.~~

8 (4) ~~Once Upon receipt of the written recommendation~~
9 ~~and certification from the department with respect to a~~
10 ~~project, the board of trustees shall decide whether, in light~~
11 ~~of existing needs throughout the state, the project should be~~
12 ~~pursued. In determining whether a project is determined to~~
13 ~~should be undertaken, the board of trustees shall consider the~~
14 ~~criteria specified in this section relative to the project. If~~
15 ~~the board of trustees determines that a project should be~~
16 ~~pursued, it shall forthwith conduct a survey of all or part of~~
17 ~~the shoreline within the jurisdiction of the local government~~
18 ~~in which the beach is located shall be conducted in order to~~
19 ~~establish the area of beach to be protected by the project and~~
20 ~~locate an erosion control line. No provision of ss.~~

21 ~~161.141-161.211 shall be construed as preventing a local~~
22 ~~government from participating in the funding of erosion~~
23 ~~control projects or surveys undertaken in accordance with the~~
24 ~~provisions of ss. 161.141-161.211. In lieu of conducting a~~
25 ~~survey, the board of trustees may accept and approve a survey~~
26 ~~as initiated, conducted, and submitted by the appropriate~~
27 ~~local government if said survey is made in conformity with the~~
28 ~~appropriate principles set forth in ss. 161.141-161.211.~~

29 (5) Upon completion of the survey depicting the area
30 of the beach erosion control project and the proposed location
31 of the erosion control line, the board of trustees shall give

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

21 (6) The board of trustees shall approve or disapprove
22 the beach restoration or beach renourishment project as it
23 affects sovereignty lands. If approval is granted, the
24 secretary shall authorize the expenditure from legislative
25 appropriations specifically provided for these purposes of the
26 amount necessary to pay for up to 75 percent of the costs of
27 the project, and the board of trustees shall establish the
28 location of the erosion control line. In locating said line,
29 the board of trustees shall be guided generally by the
30 existing line of mean high water, bearing in mind the
31 requirements of proper engineering in the erosion control

1 project, the extent to which erosion or avulsion has occurred,
2 and the need to protect existing ownership of as much upland
3 as is reasonably possible.

4 (7) In no event shall the department undertake a beach
5 restoration or beach renourishment project pursuant to chapter
6 86-138, Laws of Florida, where a local share is required
7 without the approval of the local government or governments
8 responsible for that local share.

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

11 ~~(9) 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~~
14 ~~most severely eroding beaches, and to prevent further adverse~~
15 ~~impact caused by navigation inlets, coastal armoring, or~~
16 ~~existing upland development. In establishing annual project~~
17 ~~funding priorities, the department shall seek formal input~~
18 ~~from local coastal governments, beach and general government~~
19 ~~interest groups, and university experts. Criteria to be~~
20 ~~considered by the department in determining annual funding~~
21 ~~priorities shall include:~~

22 ~~(a) The severity of erosion conditions, the threat to~~
23 ~~existing upland development, and recreational and/or economic~~
24 ~~benefits.~~

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

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

28 ~~(d) Previous state commitment and involvement in the~~
29 ~~project.~~

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

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

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

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

12 Section 5. Section 201.15, Florida Statutes, is
13 amended to read:

14 201.15 Distribution of taxes collected.--All taxes
15 collected under this chapter shall be subject to the service
16 charge imposed in s. 215.20(1) and shall be distributed as
17 follows:

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

21 (a) Subject to the maximum amount limitations set
22 forth in this paragraph, an amount as shall be necessary to
23 pay the debt service on, or fund debt service reserve funds,
24 rebate obligations, or other amounts with respect to bonds
25 issued pursuant to s. 375.051 and payable from moneys
26 transferred to the Land Acquisition Trust Fund pursuant to
27 this paragraph shall be paid into the State Treasury to the
28 credit of the Land Acquisition Trust Fund to be used for such
29 purposes. The amount transferred to the Land Acquisition Trust
30 Fund shall not exceed \$90 million in fiscal year 1992-1993,
31 \$120 million in fiscal year 1993-1994, \$150 million in fiscal

1 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210
2 million in fiscal year 1996-1997, \$240 million in fiscal year
3 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
4 million in fiscal year 1999-2000 and thereafter. No individual
5 series of bonds may be issued pursuant to this paragraph
6 unless the first year's debt service for such bonds is
7 specifically appropriated in the General Appropriations Act.
8 No moneys transferred to the Land Acquisition Trust Fund
9 pursuant to this paragraph, or earnings thereon, shall be used
10 or made available to pay debt service on the Save Our Coast
11 revenue bonds.

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

29 (c) The remainder of the moneys distributed under this
30 subsection, after the required payments under paragraphs (a)
31 and (b), shall be paid into the State Treasury to the credit

1 of the General Revenue Fund of the state to be used and
2 expended for the purposes for which the General Revenue Fund
3 was created and exists by law or to the Ecosystem Management
4 and Restoration Trust Fund as provided in subsection (8).

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

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

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

25 (3) One and ninety-four hundredths percent of the
26 remaining taxes collected under this chapter shall be paid
27 into the State Treasury to the credit of the Land Acquisition
28 Trust Fund. Moneys deposited in the trust fund pursuant to
29 this section shall be used for the following purposes:
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1 (a) Sixty percent of the moneys shall be used to
2 acquire coastal lands or to pay debt service on bonds issued
3 to acquire coastal lands; and

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

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

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

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

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

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

28 (7) Eight and sixty-six hundredths percent of the
29 remaining taxes collected under this chapter shall be paid
30 into the State Treasury to the credit of the State Housing
31 Trust Fund and shall be used as follows:

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

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

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

21 ~~(9)~~(8) The Department of Revenue may use the payments
22 credited to trust funds pursuant to paragraphs (1)(b) and
23 (2)(b) and subsections (3), (4), (5), (6), and (7) to pay the
24 costs of the collection and enforcement of the tax levied by
25 this chapter. The percentage of such costs which may be
26 assessed against a trust fund is a ratio, the numerator of
27 which is payments credited to that trust fund under this
28 section and the denominator of which is the sum of payments
29 made under paragraphs (1)(b) and (2)(b) and subsections (3),
30 (4), (5), (6), and (7).

31

1 Section 6. There are hereby appropriated to the
2 Department of Environmental Protection, six positions and
3 \$449,918 for FY 1998-99 from the Ecosystems Management and
4 Restoration Trust Fund from revenues provided by this act
5 pursuant to s. 201.15(8). These positions and funding are
6 provided to assist local project sponsors, and shall be used
7 to facilitate and promote enhanced beach erosion control
8 project administration. Such staffing resources shall be
9 directed toward more efficient contract development and
10 oversight, promoting cost-sharing strategies and regional
11 coordination or projects among local governments, providing
12 assistance to local governments to ensure timely permit
13 review, and improving billing review and disbursement
14 processes.

15 Upon implementation of the Governor's Building Codes
16 Study Commission recommendations pertaining to coastal
17 construction, and the adoption of those recommendations by
18 local governments, the department shall delegate the coastal
19 construction building codes review pursuant to s. 161.053,
20 Florida Statutes, to those local governments. Current
21 department positions supporting the coastal construction
22 building codes review shall be directed to support
23 implementation of the subject beach management plan.

24 Section 7. This act shall take effect July 1 of the
25 year in which enacted.
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