

By the Committee on Natural Resources and Senators Sullivan, Myers, Dudley, Gutman, Forman, Klein, Bronson, Latvala, Harris, Crist, Turner, Rossin, Scott, Meadows, Clary, Childers, McKay, Kurth, Silver, Williams, Thomas and Geller

312-2079-98

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; amending s.
3 163.335, F.S.; providing legislative intent for
4 the scope of activities included in community
5 redevelopment; amending s. 163.340, F.S.;
6 redefining the terms "blighted area,"
7 "community redevelopment," and "community
8 redevelopment area"; amending s. 163.360, F.S.;
9 requiring additional findings before approval
10 of certain community redevelopment plans;
11 creating s. 163.336, F.S.; providing
12 legislative intent; providing for the
13 geographical location of a pilot project;
14 providing for pilot project administration;
15 providing exemptions to certain coastal
16 construction requirements; providing for the
17 scheduled expiration of these provisions;
18 providing an effective date.

19
20 WHEREAS, Florida's number one tourist attraction is its
21 beaches, and

22 WHEREAS, according to the Office of Tourism, Trade, and
23 Economic Development, some 43 million tourists visited Florida
24 in 1996, spending \$37.9 billion in taxable sales and creating
25 781,400 travel-related jobs, and

26 WHEREAS, more than half of all tourists coming to
27 Florida spend at least part of their vacation on its beaches,
28 and

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

1 WHEREAS, Florida's beaches produced additional state
2 sales and use tax revenues in excess of \$500 million in 1996,
3 and

4 WHEREAS, Florida's beaches and dunes provide
5 environmentally compatible storm protection to both developed
6 and undeveloped upland property, protecting more than \$150
7 billion in taxable property values in the state, and

8 WHEREAS, the Legislature in 1986, pursuant to s.
9 161.088, Florida Statutes, recognized that uncontrolled beach
10 erosion was a serious threat to the economic and general
11 welfare of the state and its people and that in many areas
12 beach erosion had already advanced to emergency proportions,
13 and

14 WHEREAS, since this declaration over a decade ago, the
15 health of Florida's beaches has further deteriorated and
16 continues to deteriorate to such an extent that over one-third
17 of the state's beaches are now critically eroded or eroding,
18 are no longer providing effective upland storm protection, and
19 as a result have lost much of their value to tourism, and

20 WHEREAS, the Legislature recognizes the urgency of the
21 problem and declares its intent to fund a comprehensive,
22 long-range beach management plan for erosion control; beach
23 preservation, restoration, and renourishment; and storm and
24 hurricane protection, and

25 WHEREAS, the Legislature has already allocated a
26 portion of the excise tax on documents for beach acquisition
27 and land management, and

28 WHEREAS, the Legislature has determined that it is also
29 appropriate to fund the preservation, restoration, and
30 management of Florida's beaches from the same revenue source,
31 NOW, THEREFORE,

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

2
3 Section 1. Section 161.088, Florida Statutes, is
4 amended to read:

5 161.088 Declaration of public policy respecting beach
6 erosion control and beach restoration and renourishment
7 projects.--Because beach erosion is a serious menace to the
8 economy and general welfare of the people of this state and
9 has advanced to emergency proportions, it is hereby declared
10 to be a necessary governmental responsibility to properly
11 manage and protect Florida beaches from erosion and that the
12 Legislature make provision for beach restoration and
13 renourishment projects. The Legislature declares that such
14 beach restoration and renourishment projects, as approved
15 pursuant to s. 161.161, are in the public interest. Given the
16 extent of the problem of critically eroding beaches, it is
17 also declared that beach restoration and renourishment
18 projects shall be funded in a manner that encourages all
19 cost-saving strategies, fosters regional coordination of
20 projects, improves the performance of projects, and provides
21 long-term solutions.The Legislature further declares that
22 nothing herein is intended to reduce or amend the beach
23 protection programs otherwise established in this chapter or
24 to result in local governments altering the coastal management
25 elements of their local government comprehensive plans
26 pursuant to chapter 163.

27 Section 2. Section 161.091, Florida Statutes, is
28 amended to read:

29 161.091 Beach management; funding; repair and
30 maintenance strategy.--

31

1 (1) Subject to such appropriations as the Legislature
2 may make therefor from time to time, disbursements from the
3 Ecosystem Management and Restoration Florida Permit Fee Trust
4 Fund may be made by ~~the division subject to the approval of~~
5 the department in order to carry out the proper state
6 responsibilities in a comprehensive, long-range, statewide
7 beach management plan for erosion control; beach preservation,
8 ~~beach~~ restoration, and ~~beach~~ renourishment; and storm and
9 hurricane protection. ~~The department shall make a concerted~~
10 ~~effort to identify an additional dedicated revenue source to~~
11 ~~fund the beach management plan.~~

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

15 (a) Encourages regional approaches to ensure ~~Ensures~~
16 the geographic coordination and sequencing of prioritized
17 projects;

18 (b) Reduces equipment mobilization and demobilization
19 costs;

20 (c) Maximizes the infusion of beach-quality sand into
21 the system;

22 (d) Extends the life of beach nourishment projects and
23 reduces the frequency of renourishment; and

24 (e) Promotes inlet sand bypassing to replicate the
25 natural flow of sand interrupted by inlets and ports.

26 (3) In accordance with the intent expressed in s.
27 161.088 and the legislative finding that erosion of the
28 beaches of this state is detrimental to tourism, the state's
29 major industry, further exposes the state's highly developed
30 coastline to severe storm damage, and threatens beach-related
31 jobs, which, if not stopped, could significantly reduce state

1 sales tax revenues, funds deposited into the State Treasury to
2 the credit of the Ecosystem Management and Restoration Trust
3 Fund, in the annual amounts provided in s. 201.15(8), shall be
4 used, for a period of not less than 15 years, to fund the
5 development, implementation, and administration of the state's
6 beach management plan, as provided in ss. 161.091-161.212,
7 prior to the use of such funds deposited pursuant to s.
8 201.15(8) in that trust fund for any other purpose.

9 Section 3. Section 161.101, Florida Statutes, is
10 amended to read:

11 161.101 State and local participation in authorized
12 projects and studies relating to beach management and erosion
13 control.--

14 (1) The Legislature recognizes that beach erosion is a
15 statewide problem that does not confine its effects to local
16 governmental jurisdictions and that beach erosion can be
17 adequately addressed most efficiently by a state-initiated
18 program of beach restoration and beach renourishment. However,
19 since local beach communities derive the primary benefits from
20 the presence of adequate beaches, a program of beach
21 restoration and beach renourishment should not be accomplished
22 without a commitment of local funds to combat the problem of
23 beach erosion. Accordingly, the Legislature declares that the
24 state, through the department, shall determine those beaches
25 which are critically eroding and in need of restoration and
26 renourishment and may authorize appropriations to pay up to 75
27 percent of the actual costs for restoring and renourishing a
28 critically eroded beach. The local government in which the
29 beach is located shall be responsible for the balance of such
30 costs.

31

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

7 (3) Whenever a beach erosion control project has been
8 authorized by Congress for federal financial participation in
9 accordance with any Act of Congress relating to beach erosion
10 control in which nonfederal participation is required, it
11 shall be the policy of the state to assist with an equitable
12 share of such funds to the extent that funds are available, as
13 determined by the department.

14 (4) The department, for itself or on behalf of any and
15 all duly established beach and shore preservation districts
16 and local governments within the state, may enter into
17 cooperative agreements and otherwise cooperate with, and meet
18 the requirements and conditions (including, but not limited
19 to, execution of indemnification agreements) of, federal,
20 state, and other local governments and political entities, or
21 any agencies or representatives thereof, for the purpose of
22 improving, furthering, and expediting the beach management
23 program.

24 (5) The department is authorized, for and on behalf of
25 the state, to accept such federal moneys for beach erosion
26 control as are available and to sign all necessary agreements
27 therefor and to do and perform all necessary acts in
28 connection therewith to effectuate the intent and purposes of
29 this act.

30 (6) The department is authorized to make application
31 for federal participation in the cost of any beach and shore

1 preservation project under any Acts of Congress and all
2 amendments thereto.

3 (7) The department is authorized to implement regional
4 components of the beach management plan pursuant to ss.
5 161.091 and 161.161 and, where appropriate, to enter into
6 agreements with the Federal Government, inlet districts, port
7 authorities, intercoastal waterway districts, and local
8 governments to cost-share and coordinate such activity.

9 (8) The department is authorized to sponsor or
10 cosponsor demonstration projects of new or innovative
11 technologies which have the potential to reduce project costs,
12 conserve beach quality sand, extend the life of beach
13 nourishment projects, and improve inlet sand bypassing
14 pursuant to s. 161.091.

15 (9)~~(7)~~ The department is authorized to pay up to 100
16 percent of the construction and maintenance costs of projects
17 authorized for construction pursuant to subsection~~(16)~~~~(11)~~
18 when construction and maintenance are on lands of which the
19 state is the upland riparian owner.

20 (10)~~(8)~~ With regard to a project approved in
21 accordance with s. 161.161, the department is authorized to
22 pay from legislative appropriations specifically provided for
23 these purposes an amount up to 75 percent of the actual costs
24 of the approved project, including, but not limited to, the
25 costs for:

26 (a) Project design engineering and construction
27 supervision and inspection;

28 (b) Biological monitoring;

29 (c) Inlet sand transfer projects;

30 (d) Dune revegetation and stabilization;

31

1 (e) Restoration, renourishment, or feeder beach
2 project costs;

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

5 (g) Obtaining required permits;

6 (h) Establishing erosion control lines;

7 (i) Enhancement of marine turtle propagation; and

8 (j) Sand-source studies.

9 (11)~~(9)~~ The intent of the Legislature in preserving
10 and protecting Florida's sandy beaches pursuant to this act is
11 to direct beach erosion control appropriations to the state's
12 most severely eroding beaches, and to prevent further adverse
13 impact caused by navigation inlets, coastal armoring, or
14 existing upland development. In establishing annual project
15 funding priorities, the department shall seek formal input
16 from local coastal governments, beach and general government
17 interest groups, and university experts. Criteria to be
18 considered by the department in determining annual funding
19 priorities shall include:

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

23 (b) The availability of federal matching dollars.

24 (c) The extent of local government sponsor financial
25 and administrative ~~administration~~ commitment to the project,
26 including a long-term financial plan with a designated funding
27 source or sources for initial construction and periodic
28 maintenance.

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

31

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

11 (i) The extent to which local or regional sponsors of
12 beach erosion control projects agree to coordinate the
13 planning, design, and construction of their projects to take
14 advantage of identifiable cost savings.

15 ~~(12)~~~~(10)~~ Until the unmet demand for repairing
16 Florida's damaged beaches and dunes is satisfied, it is the
17 further intent of the Legislature to cost-share such projects
18 equally between the state and local sponsors.

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

27 ~~(14)~~~~(11)~~ The selection of a project engineer
28 acceptable to the department by local government as project
29 sponsor shall be on the basis of competitive negotiation as
30 provided in chapter 287. The project sponsor shall assume full
31

1 responsibility for all project costs in excess of the state
2 cost limitation.

3 (15)~~(12)~~ A local government desiring to initiate and
4 pay the entire cost of designing, constructing, and
5 maintaining an erosion control project prior to the state's
6 initiating such construction may be reimbursed from state
7 funds on the basis of the procedures set forth in s. 161.161,
8 provided the project is approved by the department before
9 initiation of construction and based on legislative
10 appropriations and whether it furthers the provisions of s.
11 161.161. Such local interests shall, as project sponsor, be
12 responsible for obtaining federal reimbursement in the case of
13 federal-aid projects.

14 (16)~~(13)~~ The department may expend funds from the
15 Ecosystem Management and Restoration Trust Fund to alleviate
16 emergency conditions, upon a declaration, after a hearing, by
17 the Governor and Cabinet that a shoreline emergency of state
18 concern exists. Any expenditures made for this purpose shall
19 be pursuant to legislative appropriations or from amendments
20 to original approved operating budgets authorized pursuant to
21 s. 216.181.

22 (17)~~(14)~~ Twenty-five percent of any funds appropriated
23 for implementation of this section shall be held by the
24 department until the last quarter of the fiscal year for which
25 the appropriation is made. This amount shall be used to meet
26 emergencies prescribed in subsection(16)~~(11)~~. If no such
27 emergencies occur, then these funds may be released in the
28 last quarter of the fiscal year in which the appropriation is
29 made for projects.

30 (18)~~(15)~~ The department shall maintain a current
31 project listing and may, in its discretion and dependent upon

1 the availability of local resources and changes in the
2 criteria listed in s. 161.161, revise the project listing.

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

5 161.161 Procedure for approval of projects.--

6 (1) The division shall develop and maintain a
7 comprehensive long-term management plan for the restoration of
8 the state's critically eroding beaches. The beach management
9 plan shall:

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

12 (b) Evaluate each improved coastal beach inlet and
13 determine whether the inlet is a significant cause of beach
14 erosion. With respect to each inlet determined to be a
15 significant cause of beach erosion, the plan must include:

16 1. The extent to which such inlet causes beach erosion
17 and recommendations to mitigate the erosive impact of the
18 inlet, including, but not limited to, recommendations
19 regarding inlet sediment bypassing; modifications to channel
20 dredging, jetty design, and disposal of spoil material;
21 establishment of feeder beaches; and beach restoration and
22 beach renourishment; and

23 2. Cost estimates necessary to take inlet corrective
24 measures and recommendations regarding cost sharing among the
25 beneficiaries of such inlet.

26 (c) Specify design criteria for beach restoration and
27 beach renourishment projects, including, but not limited to:

28 1. Dune elevation and width and revegetation and
29 stabilization requirements; and

30 2. Beach profile.
31

1 (d) Evaluate the establishment of feeder beaches as an
2 alternative to direct beach restoration and recommend the
3 location of such feeder beaches and the source of
4 beach-compatible sand.

5 (e) Identify causes of shoreline erosion and change,
6 calculate erosion rates, and project long-term erosion for all
7 major beach and dune systems by surveys and profiles.

8 (f) Identify shoreline development and degree of
9 density and assess impacts of development and shoreline
10 protective structures on shoreline change and erosion.

11 (g) Identify short-term and long-term economic costs
12 and benefits of beaches, including recreational value to user
13 groups, tax base, revenues generated, and beach acquisition
14 and maintenance costs.

15 (h) Study dune and vegetation conditions.

16 (i) Identify beach areas used by marine turtles and
17 develop strategies for protection of the turtles and their
18 nests and nesting locations.

19 (j) Identify alternative management responses to
20 preserve undeveloped beach and dune systems, to restore
21 damaged beach and dune systems, and to prevent inappropriate
22 development and redevelopment on migrating beaches, and
23 consider beach restoration and renourishment, armoring,
24 relocation and abandonment, dune and vegetation restoration,
25 and acquisition.

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

28 (l) Select and recommend appropriate management
29 measures for all of the state's sandy beaches in a beach
30 management program.

31

1 (m) Establish a list of beach restoration and beach
2 renourishment projects, arranged in order of priority, and the
3 funding levels needed for such projects.

4
5 The beach management plan may be prepared at the regional
6 ~~district~~ level based upon areas of greatest need and probable
7 federal funding. Such regional ~~district~~ plans shall be
8 components of the statewide beach management plan and shall
9 serve as the basis for state funding decisions upon approval
10 in accordance with chapter 86-138, Laws of Florida. In
11 accordance with a schedule established for the submission of
12 regional ~~district~~ plans by the department, any completed plan
13 must be submitted to the secretary of the department for
14 approval no later than March 1 of each year. These regional
15 ~~district level~~ plans shall include, but shall not be limited
16 to, recommendations of appropriate funding mechanisms for
17 implementing projects in the beach management plan, giving
18 consideration to the use of single-county and multicounty
19 taxing districts or other revenue generation measures by state
20 and local governments and the private sector. Prior to
21 presenting the plan to the secretary of the department, the
22 department shall hold a public meeting in the areas ~~or~~
23 ~~district~~ for which the plan is prepared. The ~~district~~ plan
24 submission schedule shall be submitted to the secretary for
25 approval. Any revisions to such schedule must be approved in
26 like manner.

27 (2) In establishing the recommended list of
28 restoration and renourishment projects described in subsection
29 (1), the division shall consider and balance the following
30 criteria:

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

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

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

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

10 (e) The total anticipated costs of the project,
11 including the costs for restoration and for periodic
12 renourishment;

13 (f) The proximity of an adequate source of
14 beach-compatible sand;

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

16 (h) The degree of public access to the beach,
17 including adequate vehicle parking or consolidated public
18 access points, taking into account existing access points and
19 local public access needs;

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

21 (j) The anticipated impact of the project on natural
22 resources, including, but not limited to, impacts on coral,
23 worm and rock reefs, submerged and emergent vegetation,
24 fishing resources, and turtle nesting;

25 (k) The extent to which the local governments in the
26 area of the project have enacted ordinances or other
27 regulations to protect sea turtles from the adverse effects of
28 beachfront lighting.

29

30 The extent to which the foregoing criteria are addressed in a
31 net positive manner shall result in a greater priority being

1 assigned to those projects. In addition to consideration of
2 criteria listed in this subsection, a project, in order to
3 receive state funds, must provide for public access in
4 substantial compliance with paragraph (h) and must provide for
5 protection for those historically established habitats
6 identified in paragraph (j) and for endangered and threatened
7 species.

8 (3) Upon approval of the beach ~~restoration~~ management
9 plan by the department, the secretary shall present to the
10 President of the Senate, the Speaker of the House of
11 Representatives, and the chairs of the legislative
12 appropriations committees recommendations for funding of beach
13 erosion control projects. Such recommendations, compiled by
14 region, shall be presented to such members of the Legislature
15 in the priority order specified in the plan and established
16 pursuant to criteria contained in subsection (2) and s.
17 161.101(11)Board of Trustees of the Internal Improvement
18 Trust Fund written recommendations for the funding of the
19 beach restoration and beach renourishment projects according
20 to the priority specified in the beach restoration management
21 plan. Each year thereafter, the department shall present to
22 the head of the department written recommendations for the
23 funding of those projects that remain in need of restoration
24 and renourishment pursuant to the approved list.

25 (4) Once ~~Upon~~ receipt of the written recommendation
26 ~~and certification from the department with respect to a~~
27 ~~project, the board of trustees shall decide whether, in light~~
28 ~~of existing needs throughout the state, the project should be~~
29 ~~pursued. In determining whether a project~~ is determined to
30 ~~should be undertaken, the board of trustees shall consider the~~
31 ~~criteria specified in this section relative to the project. If~~

1 ~~the board of trustees determines that a project should be~~
2 ~~pursued, it shall forthwith conduct~~ a survey of all or part of
3 the shoreline within the jurisdiction of the local government
4 in which the beach is located shall be conducted in order to
5 establish the area of beach to be protected by the project and
6 locate an erosion control line. No provision of ss.
7 161.141-161.211 shall be construed as preventing a local
8 government from participating in the funding of erosion
9 control projects or surveys undertaken in accordance with the
10 provisions of ss. 161.141-161.211. In lieu of conducting a
11 survey, the board of trustees may accept and approve a survey
12 as initiated, conducted, and submitted by the appropriate
13 local government if said survey is made in conformity with the
14 appropriate principles set forth in ss. 161.141-161.211.

15 (5) Upon completion of the survey depicting the area
16 of the beach erosion control project and the proposed location
17 of the erosion control line, the board of trustees shall give
18 notice of the survey and the date on which the board of
19 trustees will hold a public hearing for the purpose of
20 receiving evidence on the merits of the proposed project and,
21 if approval is granted, of locating and establishing such
22 requested erosion control line. Such notice shall be by
23 publication in a newspaper of general circulation published in
24 the county or counties in which the proposed beach erosion
25 control project shall be located not less than once a week for
26 3 consecutive weeks and by mailing copies of such notice by
27 certified or registered mail to each riparian owner of record
28 of upland property lying within 1,000 feet (radial distance)
29 of the shoreline to be extended through construction of the
30 proposed beach erosion control project, as his or her name and
31 address appear upon the latest tax assessment roll, in order

1 that any persons who have an interest in the beach erosion
2 control project or in the location of such requested erosion
3 control line can be present at such hearing to submit their
4 views concerning necessity for the project and the precise
5 location of the proposed erosion control line. Such notice
6 shall be in addition to any notice requirement in chapter 120.

7 (6) The board of trustees shall approve or disapprove
8 the beach restoration or beach renourishment project as it
9 affects sovereignty lands. If approval is granted, the
10 secretary shall authorize the expenditure from legislative
11 appropriations specifically provided for these purposes of the
12 amount necessary to pay for up to 75 percent of the costs of
13 the project, and the board of trustees shall establish the
14 location of the erosion control line. In locating said line,
15 the board of trustees shall be guided generally by the
16 existing line of mean high water, bearing in mind the
17 requirements of proper engineering in the erosion control
18 project, the extent to which erosion or avulsion has occurred,
19 and the need to protect existing ownership of as much upland
20 as is reasonably possible.

21 (7) In no event shall the department undertake a beach
22 restoration or beach renourishment project pursuant to chapter
23 86-138, Laws of Florida, where a local share is required
24 without the approval of the local government or governments
25 responsible for that local share.

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

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

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

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

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

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

14 ~~(d) Previous state commitment and involvement in the~~
15 ~~project.~~

16 ~~(e) The anticipated physical performance of the~~
17 ~~proposed project, including the frequency of periodic planned~~
18 ~~renourishment.~~

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

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

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

27 Section 5. Section 201.15, Florida Statutes, is
28 amended to read:

29 201.15 Distribution of taxes collected.--All taxes
30 collected under this chapter shall be subject to the service
31

1 charge imposed in s. 215.20(1) and shall be distributed as
2 follows:

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

6 (a) Subject to the maximum amount limitations set
7 forth in this paragraph, an amount as shall be necessary to
8 pay the debt service on, or fund debt service reserve funds,
9 rebate obligations, or other amounts with respect to bonds
10 issued pursuant to s. 375.051 and payable from moneys
11 transferred to the Land Acquisition Trust Fund pursuant to
12 this paragraph shall be paid into the State Treasury to the
13 credit of the Land Acquisition Trust Fund to be used for such
14 purposes. The amount transferred to the Land Acquisition Trust
15 Fund shall not exceed \$90 million in fiscal year 1992-1993,
16 \$120 million in fiscal year 1993-1994, \$150 million in fiscal
17 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210
18 million in fiscal year 1996-1997, \$240 million in fiscal year
19 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
20 million in fiscal year 1999-2000 and thereafter. No individual
21 series of bonds may be issued pursuant to this paragraph
22 unless the first year's debt service for such bonds is
23 specifically appropriated in the General Appropriations Act.
24 No moneys transferred to the Land Acquisition Trust Fund
25 pursuant to this paragraph, or earnings thereon, shall be used
26 or made available to pay debt service on the Save Our Coast
27 revenue bonds.

28 (b) The remainder of the moneys distributed under this
29 subsection, after the required payment under paragraph (a),
30 shall be paid into the State Treasury to the credit of the
31 Land Acquisition Trust Fund and may be used for any purpose

1 for which funds deposited in the Land Acquisition Trust Fund
2 may lawfully be used. Payments made under this paragraph shall
3 continue until the cumulative amount credited to the Land
4 Acquisition Trust Fund for the fiscal year under this
5 paragraph and paragraph (2)(b) equals 70 percent of the
6 current official forecast for distributions of taxes collected
7 under this chapter pursuant to subsection (2). As used in this
8 paragraph, the term "current official forecast" means the most
9 recent forecast as determined by the Revenue Estimating
10 Conference. If the current official forecast for a fiscal year
11 changes after payments under this paragraph have ended during
12 that fiscal year, no further payments are required under this
13 paragraph during the fiscal year.

14 (c) The remainder of the moneys distributed under this
15 subsection, after the required payments under paragraphs (a)
16 and (b), shall be paid into the State Treasury to the credit
17 of the General Revenue Fund of the state to be used and
18 expended for the purposes for which the General Revenue Fund
19 was created and exists by law or to the Ecosystem Management
20 and Restoration Trust Fund as provided in subsection (8).

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

24 (a) Beginning in the month following the final payment
25 for a fiscal year under paragraph (1)(b), available moneys
26 shall be paid into the State Treasury to the credit of the
27 General Revenue Fund of the state to be used and expended for
28 the purposes for which the General Revenue Fund was created
29 and exists by law or to the Ecosystem Management and
30 Restoration Trust Fund as provided in subsection (8). Payments
31 made under this paragraph shall continue until the cumulative

1 amount credited to the General Revenue Fund for the fiscal
2 year under this paragraph equals the cumulative payments made
3 under paragraph (1)(b) for the same fiscal year.

4 (b) The remainder of the moneys distributed under this
5 subsection shall be paid into the State Treasury to the credit
6 of the Land Acquisition Trust Fund. Sums deposited in the fund
7 pursuant to this subsection may be used for any purpose for
8 which funds deposited in the Land Acquisition Trust Fund may
9 lawfully be used.

10 (3) One and ninety-four hundredths percent of the
11 remaining taxes collected under this chapter shall be paid
12 into the State Treasury to the credit of the Land Acquisition
13 Trust Fund. Moneys deposited in the trust fund pursuant to
14 this section shall be used for the following purposes:

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

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

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

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

31

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

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

8 (b) Half of that amount shall be paid into the State
9 Treasury to the credit of 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 (7) Eight and sixty-six hundredths percent of the
13 remaining taxes collected under this chapter shall be paid
14 into the State Treasury to the credit of the State Housing
15 Trust Fund and shall be used as follows:

16 (a) Twelve and one-half percent of that amount shall
17 be deposited into the State Housing Trust Fund and be expended
18 by the Department of Community Affairs and by the Florida
19 Housing Finance Agency for the purposes for which the State
20 Housing Trust Fund was created and exists by law.

21 (b) Eighty-seven and one-half percent of that amount
22 shall be distributed to the Local Government Housing Trust
23 Fund and shall be used for the purposes for which the Local
24 Government Housing Trust Fund was created and exists by law.
25 Funds from this category may also be used to provide for state
26 and local services to assist the homeless.

27 (8) From the moneys specified in paragraphs (1)(c) and
28 (2)(a) and prior to deposit of any moneys into the General
29 Revenue Fund, \$10 million shall be paid into the State
30 Treasury to the credit of the Ecosystem Management and
31 Restoration Trust Fund in fiscal year 1998-1999, \$20 million

1 in fiscal year 1999-2000, and \$30 million in fiscal year
2 2000-2001 and each fiscal year thereafter, to be used for the
3 preservation and repair of the state's beaches as provided in
4 ss. 161.091-161.212.

5 (9)~~(8)~~ The Department of Revenue may use the payments
6 credited to trust funds pursuant to paragraphs (1)(b) and
7 (2)(b) and subsections (3), (4), (5), (6), and (7) to pay the
8 costs of the collection and enforcement of the tax levied by
9 this chapter. The percentage of such costs which may be
10 assessed against a trust fund is a ratio, the numerator of
11 which is payments credited to that trust fund under this
12 section and the denominator of which is the sum of payments
13 made under paragraphs (1)(b) and (2)(b) and subsections (3),
14 (4), (5), (6), and (7).

15 Section 6. Section 163.335, Florida Statutes, is
16 amended to read:

17 163.335 Findings and declarations of necessity.--

18 (1) It is hereby found and declared that there exist
19 in counties and municipalities of the state slum and blighted
20 areas which constitute a serious and growing menace, injurious
21 to the public health, safety, morals, and welfare of the
22 residents of the state; that the existence of such areas
23 contributes substantially and increasingly to the spread of
24 disease and crime, constitutes an economic and social
25 liability imposing onerous burdens which decrease the tax base
26 and reduce tax revenues, substantially impairs or arrests
27 sound growth, retards the provision of housing accommodations,
28 aggravates traffic problems, and substantially hampers the
29 elimination of traffic hazards and the improvement of traffic
30 facilities; and that the prevention and elimination of slums
31 and blight is a matter of state policy and state concern in

1 order that the state and its counties and municipalities shall
2 not continue to be endangered by areas which are focal centers
3 of disease, promote juvenile delinquency, and consume an
4 excessive proportion of its revenues because of the extra
5 services required for police, fire, accident, hospitalization,
6 and other forms of public protection, services, and
7 facilities.

8 (2) It is further found and declared that certain slum
9 or blighted areas, or portions thereof, may require
10 acquisition, clearance, and disposition subject to use
11 restrictions, as provided in this part, since the prevailing
12 condition of decay may make impracticable the reclamation of
13 the area by conservation or rehabilitation; that other areas
14 or portions thereof may, through the means provided in this
15 part, be susceptible of conservation or rehabilitation in such
16 a manner that the conditions and evils enumerated may be
17 eliminated, remedied, or prevented; and that salvageable slum
18 and blighted areas can be conserved and rehabilitated through
19 appropriate public action as herein authorized and the
20 cooperation and voluntary action of the owners and tenants of
21 property in such areas.

22 (3) It is further found and declared that the powers
23 conferred by this part are for public uses and purposes for
24 which public money may be expended and the power of eminent
25 domain and police power exercised, and the necessity in the
26 public interest for the provisions herein enacted is hereby
27 declared as a matter of legislative determination.

28 (4) It is further found that coastal resort and
29 tourist areas or portions thereof which are deteriorating and
30 economically distressed due to building density patterns,
31 inadequate transportation and parking facilities, faulty lot

1 layout, or inadequate street layout, could, through the means
2 provided in this part, be revitalized and redeveloped in a
3 manner that will vastly improve the economic and social
4 conditions of the community.

5 (5)~~(4)~~ It is further found and declared that the
6 preservation or enhancement of the tax base from which a
7 taxing authority realizes tax revenues is essential to its
8 existence and financial health; that the preservation and
9 enhancement of such tax base is implicit in the purposes for
10 which a taxing authority is established; that tax increment
11 financing is an effective method of achieving such
12 preservation and enhancement in areas in which such tax base
13 is declining; that community redevelopment in such areas, when
14 complete, will enhance such tax base and provide increased tax
15 revenues to all affected taxing authorities, increasing their
16 ability to accomplish their other respective purposes; and
17 that the preservation and enhancement of the tax base in such
18 areas through tax increment financing and the levying of taxes
19 by such taxing authorities therefor and the appropriation of
20 funds to a redevelopment trust fund bears a substantial
21 relation to the purposes of such taxing authorities and is for
22 their respective purposes and concerns. This subsection does
23 not apply in any jurisdiction where the community
24 redevelopment agency validated bonds as of April 30, 1984.

25 (6)~~(5)~~ It is further found and declared that there
26 exists in counties and municipalities of the state a severe
27 shortage of housing affordable to residents of low or moderate
28 income, including the elderly; that the existence of such
29 condition affects the health, safety, and welfare of the
30 residents of such counties and municipalities and retards
31 their growth and economic and social development; and that the

1 elimination or improvement of such condition is a proper
2 matter of state policy and state concern and is for a valid
3 and desirable public purpose.

4 Section 7. Subsections (8), (9), and (10) of section
5 163.340, Florida Statutes, are amended to read:

6 163.340 Definitions.--The following terms, wherever
7 used or referred to in this part, have the following meanings:

8 (8) "Blighted area" means either:

9 (a) An area in which there are a substantial number of
10 slum, deteriorated, or deteriorating structures and conditions
11 that lead to economic distress or ~~which~~ endanger life or
12 property by fire or other causes or one or more of the
13 following factors that ~~which~~ substantially impairs or arrests
14 the sound growth of a county or municipality and is a menace
15 to the public health, safety, morals, or welfare in its
16 present condition and use:

17 1. Predominance of defective or inadequate street
18 layout;

19 2. Faulty lot layout in relation to size, adequacy,
20 accessibility, or usefulness;

21 3. Unsanitary or unsafe conditions;

22 4. Deterioration of site or other improvements;

23 5. Inadequate and outdated building density patterns;

24 6.5- Tax or special assessment delinquency exceeding
25 the fair value of the land; ~~and~~

26 7. Inadequate transportation and parking facilities;
27 and

28 8.6- Diversity of ownership or defective or unusual
29 conditions of title which prevent the free alienability of
30 land within the deteriorated or hazardous area; or
31

1 (b) An area in which there exists faulty or inadequate
2 street layout; inadequate parking facilities; or roadways,
3 bridges, or public transportation facilities incapable of
4 handling the volume of traffic flow into or through the area,
5 either at present or following proposed construction.

6
7 However, for purposes of qualifying for the tax credits
8 authorized in chapter 220, "blighted area" means an area
9 described in paragraph (a).

10 (9) "Community redevelopment" or "redevelopment" means
11 undertakings, activities, or projects of a county,
12 municipality, or community redevelopment agency in a community
13 redevelopment area for the elimination and prevention of the
14 development or spread of slums and blight or for the provision
15 of affordable housing, whether for rent or for sale, to
16 residents of low or moderate income, including the elderly,
17 and may include slum clearance and redevelopment in a
18 community redevelopment area or rehabilitation and
19 revitalization of coastal resort and tourist areas that are
20 deteriorating and economically distressed, or rehabilitation
21 or conservation in a community redevelopment area, or any
22 combination or part thereof, in accordance with a community
23 redevelopment plan and may include the preparation of such a
24 plan.

25 (10) "Community redevelopment area" means a slum area,
26 a blighted area, or an area in which there is a shortage of
27 housing that is affordable to residents of low or moderate
28 income, including the elderly, or a coastal and tourist area
29 that is deteriorating and economically distressed due to
30 outdated building density patterns, inadequate transportation
31 and parking facilities, faulty lot layout or inadequate street

1 layout, or a combination thereof which the governing body
2 designates as appropriate for community redevelopment.

3 Section 8. Subsection (6) of section 163.360, Florida
4 Statutes, is amended to read:

5 163.360 Community redevelopment plans.--

6 (6) Following such hearing, the governing body may
7 approve the community redevelopment and the plan therefor if
8 it finds that:

9 (a) A feasible method exists for the location of
10 families who will be displaced from the community
11 redevelopment area in decent, safe, and sanitary dwelling
12 accommodations within their means and without undue hardship
13 to such families;

14 (b) The community redevelopment plan conforms to the
15 general plan of the county or municipality as a whole;

16 (c) The community redevelopment plan gives due
17 consideration to the provision of adequate park and
18 recreational areas and facilities that may be desirable for
19 neighborhood improvement, with special consideration for the
20 health, safety, and welfare of children residing in the
21 general vicinity of the site covered by the plans; ~~and~~

22 (d) The community redevelopment plan will afford
23 maximum opportunity, consistent with the sound needs of the
24 county or municipality as a whole, for the rehabilitation or
25 redevelopment of the community redevelopment area by private
26 enterprise; ~~and-~~

27 (e) The community redevelopment plan and resulting
28 revitalization and redevelopment for a coastal tourist area
29 that is deteriorating and economically distressed will reduce
30 or maintain evacuation time, as appropriate, and ensure
31 protection for property against exposure to natural disasters.

1 Section 9. Section 163.336, Florida Statutes, is
2 created to read:

3 163.336 Coastal resort area redevelopment pilot
4 project.--

5 (1) LEGISLATIVE INTENT.--

6 (a) The Legislature recognizes that some coastal
7 resort and tourist areas are deteriorating and declining as
8 recreation and tourist centers. It is appropriate to undertake
9 a pilot project to determine the feasibility of encouraging
10 redevelopment of economically distressed coastal properties to
11 allow full utilization of existing urban infrastructure such
12 as roads and utility lines. Such activities can have a
13 beneficial impact on local and state economies and provide job
14 opportunities and revitalization of urban areas.

15 (b) The Department of Environmental Protection shall
16 administer a pilot project for redevelopment of economically
17 distressed coastal resort and tourist areas. Such a pilot
18 project shall be administered in the coastal areas of
19 Florida's Atlantic Coast between the St. Johns River entrance
20 and Ponce de Leon Inlet.

21 (2) PILOT PROJECT ADMINISTRATION.--

22 (a) To be eligible to participate in this pilot
23 project, all or a portion of the area must be within:

24 1. The coastal building zone as defined in s. 161.54;
25 and

26 2. A community redevelopment area, enterprise zone,
27 brownfield area, empowerment zone, or other such economically
28 deprived areas as designated by the county or municipality
29 with jurisdiction over the area.

30 (b) Local governments are encouraged to use the full
31 range of economic and tax incentives available to facilitate

1 and promote redevelopment and revitalization within the pilot
2 project areas.

3 (c) The Office of the Governor, Department of
4 Environmental Protection, and the Department of Community
5 Affairs are directed to provide technical assistance to
6 expedite permitting for redevelopment projects and
7 construction activities within the pilot project areas
8 consistent with the principles, processes, and timeframes
9 provided in s. 403.973.

10 (d) The Department of Environmental Protection shall
11 exempt construction activities within the pilot project area
12 in locations seaward of a coastal construction control line
13 and landward of existing armoring from certain siting and
14 design criteria pursuant to s. 161.053. However, such
15 exemption shall not be deemed to exempt property within the
16 pilot project area from applicable local land development
17 regulations, including but not limited to, set back, side lot
18 line, and lot coverage requirements. Such exemption shall
19 apply to construction and redevelopment of structures
20 involving the coverage, excavation, and impervious surface
21 criteria of s. 161.053, and related adopted rules, as follows:

22 1. This review by the department of applications for
23 permits for coastal construction within the pilot project area
24 must apply to construction and redevelopment of structures
25 subject to the coverage, excavation, and impervious surface
26 criteria of s. 161.053, and related adopted rules. It is the
27 intent of these provisions that the pilot project area be
28 enabled to redevelop in a manner which meets the economic
29 needs of the area while preserving public safety and existing
30 resources, including natural resources.

31

1 2. The criteria for review under s. 161.053 are
2 applicable within the pilot project area, except that the
3 structures within the pilot project area shall not be subject
4 to specific shore parallel coverage requirements and are
5 allowed to exceed the 50-percent impervious surface
6 requirement. In no case shall stormwater discharge be allowed
7 onto, or seaward of, the frontal dune. Structures are also not
8 bound by the restrictions on excavation unless the
9 construction will adversely affect the integrity of the
10 existing seawall or rigid coastal armoring structure or
11 stability of the existing beach and dune system. It is
12 specifically contemplated that underground structures,
13 including garages, will be permitted. All beach-compatible
14 material excavated under this subparagraph must be maintained
15 on site seaward of the coastal construction control line.

16 3. The review criteria in subparagraph 2. will apply
17 to all construction within the pilot project area lying
18 seaward of the coastal construction control line and landward
19 of an existing viable seawall or rigid coastal armoring
20 structure, if such construction is fronted by a seawall or
21 rigid coastal armoring structure extending at least 1,000 feet
22 without any interruptions other than beach access points. For
23 purposes of this section, a viable seawall or rigid coastal
24 armoring structure is a structure that has not deteriorated,
25 dilapidated, or been damaged to such a degree that it no
26 longer provides adequate protection to the upland property
27 when considering the following criteria, including, but not
28 limited to:

29 a. The top must be at or above the still-water level,
30 including setup, for the design storm of 30-year return storm
31 plus the breaking wave calculated at its highest achievable

1 level based on the maximum eroded beach profile and highest
2 surge level combination, and must be high enough to preclude
3 runup overtopping;

4 b. The armoring must be stable under the design storm
5 of 30-year return storm including maximum localized scour,
6 with adequate penetration; and

7 c. The armoring must have sufficient continuity or
8 return walls to prevent flooding under the design storm of
9 30-year return storm from impacting the proposed construction.

10 4. Where there exists a continuous line of rigid
11 coastal armoring structure on either side of unarmored
12 property and the adjacent line of rigid coastal armoring
13 structures are having an adverse effect on or threaten the
14 unarmored property, and the gap does not exceed 100 feet, the
15 department may grant the necessary permits under s. 161.085 to
16 close the gap.

17 5. Structures approved pursuant to this section shall
18 not cause flooding of or result in adverse impacts to existing
19 upland structures or properties and shall comply with all
20 other requirements of s. 161.053 and its implementing rules.

21 6. Where there exists a continuous line of viable
22 rigid coastal armoring structure on either side of a nonviable
23 rigid coastal armoring structure, the department shall grant
24 the necessary permits under s. 161.085 to replace such
25 nonviable rigid coastal armoring structure with a viable rigid
26 coastal armoring structure as defined in this section. This
27 shall not apply to rigid coastal armoring structures
28 constructed after May 1, 1998, unless such structures have
29 been permitted pursuant to s. 161.085(2).

30 (3) PILOT PROJECT EXPIRATION.--The authorization for
31 the pilot project and the provisions of this section expire

1 December 31, 2002. The Legislature shall review these
2 requirements before their scheduled expiration.

3 Section 10. This act shall take effect July 1, 1998.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 882

4 The committee substitute deletes the whereas clauses and
5 amends s. 161.088, F.S., to provide a legislative declaration
6 that beach restoration and renourishment projects, as approved
7 pursuant to s. 161.161, F.S., are in the public interest.
8 Given the extent of the problem of critically eroding beaches,
9 the legislature also declares that beach restoration and
10 renourishment projects shall be funded in a manner that
11 encourages all cost-saving strategies, fosters regional
12 coordination of projects, improves the performance of
13 projects, and provides long-term solutions.

14 Section 161.101, F.S., is amended to authorize the Department
15 of Environmental Protection (DEP) to implement regional
16 components of the beach management plan pursuant to ss.
17 161.091, F.S., and 161.161, F.S., and, where appropriate, to
18 enter into agreements with the Federal Government, inlet
19 districts, port authorities, intercoastal waterway districts,
20 and local governments to cost-share and coordinate such
21 activity.

22 The DEP is also authorized to sponsor or cosponsor
23 demonstration projects of new or innovative technologies which
24 have the potential to reduce project costs, conserve beach
25 quality sand, extend the life of beach nourishment projects,
26 and improve inlet sand bypassing pursuant to s. 161.091, F.S.

27 This section also revises criteria to be considered by the DEP
28 in determining annual funding requirements to include:

- 29 - A long-term financial plan with a designated funding
30 source or sources for initial construction and periodic
31 maintenance, to demonstrate a local government's
32 commitment to a project.
- 33 - Proposed beach nourishment projects that provide enhanced
34 habitat within or adjacent to designated refuges of
35 nesting sea turtles.
- 36 - The extent to which local or regional sponsors of beach
37 erosion control projects agree to coordinate the
38 planning, design, and construction of their projects to
39 take advantage of identifiable cost savings.

40 This section provides that, in order to encourage regional
41 approaches that provide cost savings, actual cost savings that
42 can be documented as resulting from geographic coordination
43 and sequencing of two or more discrete erosion control
44 projects shall proportionally reduce each local sponsor's cost
45 share, as long as the state financial participation does not
46 exceed 75 percent of the actual costs of the project.

47 Section 161.161., F.S., is amended to replace references to
48 district level planning with regional planning requirements
49 and to require the DEP Secretary, upon approval of the
50 department's beach management plan, to present prioritized
51 funding recommendations for beach erosion control projects to

1 the President of the Senate, the Speaker of the House of
2 Representatives, and the chairs of the legislative
3 appropriations committees.

4 This section also deletes obsolete provisions.

5 Section 163.335., F.S., is amended to provide a finding that
6 coastal resort and tourist areas or portions thereof which are
7 deteriorating and economically distressed due to building
8 density patterns, inadequate transportation and parking
9 facilities, faulty lot layout, or inadequate street layout,
10 could, through the means provided in part III of ch. 163,
11 F.S., be revitalized and redeveloped in a manner that will
12 vastly improve the economic and social conditions of the
13 community.

14 Section 163.340, F.S., is amended to revise the following
15 definitions:

- 16 - "Blighted area" is redefined to include economic distress
17 as a consequence of the presence of slum, deteriorated,
18 or deteriorating structures and conditions as well as to
19 include inadequate and outdated building density patterns
20 and inadequate transportation and parking facilities as
21 factors leading to blight.
- 22 - "Community redevelopment" or "redevelopment" is redefined
23 to include rehabilitation and revitalization of coastal
24 resort and tourist areas that are deteriorating and
25 economically distressed as appropriate subjects of
26 redevelopment.
- 27 - "Community redevelopment area" is redefined to include a
28 coastal and tourist area that is deteriorating and
29 economically distressed due to outdated building density
30 patterns, inadequate transportation and parking
31 facilities, faulty lot layout, or inadequate street
32 layout.

33 Section 163.360, F.S., is amended to provide that the
34 community redevelopment plan and resulting revitalization and
35 redevelopment for a coastal tourist area that is deteriorating
36 and economically distressed will reduce or maintain evacuation
37 time and ensure protection for property against exposure to
38 natural disasters.

39 Section 163.336, F.S., is created to provide a finding that
40 some coastal resort and tourist areas are deteriorating and
41 declining as recreation and tourist centers, that it is
42 appropriate to undertake a pilot project to determine the
43 feasibility of encouraging redevelopment of economically
44 distressed coastal properties to allow full utilization of
45 existing urban infrastructure such as roads and utility lines,
46 and that such activities can have a beneficial impact on local
47 and state economies and provide job opportunities and
48 revitalization of urban areas.

49 The DEP is directed to administer a pilot project for
50 redevelopment of economically distressed coastal resort and
51 tourist areas. The pilot project is to be administered in the
52 coastal areas of Florida's Atlantic Coast between the St.
53 Johns River entrance and Ponce de Leon Inlet. In order to

1 participate in the project, all or a portion of the area must
2 be in the coastal building zone defined in s. 161.54, F.S.,
3 and must be designated a community redevelopment area,
4 enterprise zone, brownfield area, empowerment zone, or other
5 economically deprived area by the county or municipality
6 having jurisdiction over the area. This section encourages
7 local governments to use the full range of economic and tax
8 incentives available to facilitate and promote redevelopment
9 and revitalization within the pilot project areas.

6 The Office of the Governor, the DEP, and the Department of
7 Community Affairs (DCA) must provide technical assistance to
8 expedite permitting for redevelopment projects and
9 construction activities within the pilot project area,
10 consistent with the principles, processes, and time frames
11 provided in s. 403.973, F.S.

9 The DEP is directed to exempt construction activities within
10 the pilot project area in locations seaward of a coastal
11 construction control line (CCCL) and landward of existing
12 armoring from certain siting and design criteria pursuant to
13 s. 161.053, F.S. However, such an exemption may not exempt
14 property within the pilot project area from applicable local
15 land development regulations, including but not limited to,
16 set back, side lot line, and lot coverage requirements. The
17 exemption will also apply to construction and redevelopment of
18 structures involving the coverage, excavation, and impervious
19 surface criteria of s. 161.053, F.S., and related adopted
20 rules, as follows:

- 16 - The DEP's review of applications for permits for coastal
17 construction within the pilot project area must apply to
18 construction and redevelopment of structures subject to
19 the coverage, excavation, and impervious surface criteria
20 of s. 161.053, F.S., and related adopted rules. Intent
21 is provided that the pilot project area be enabled to
22 redevelop in a manner which meets the economic needs of
23 the area while preserving public safety and existing
24 resources, including natural resources.
- 21 - The criteria for review under s. 161.053, F.S., are
22 applicable within the pilot project area except that the
23 structures within the pilot project area will not be
24 subject to specific shore parallel coverage requirements
25 and may exceed the 50 percent impervious surface
26 requirement. In no case may stormwater discharges be
27 allowed onto, or seaward of, the frontal dune. Structures
28 are also not bound by the restrictions on excavation
29 unless the construction will adversely affect the
30 integrity of the existing seawall or rigid coastal
31 armoring structure or stability of the existing beach and
dune system. It is specifically contemplated that
underground structures, including garages, will be
permitted. All beach-compatible material excavated under
this authority must be maintained on site, seaward of the
CCCL.
- The review criteria set out above will apply to all
construction within the pilot project area lying seaward
of the CCCL and landward of an existing viable seawall or
rigid coastal armoring structure, if the construction is
fronted by a seawall or rigid coastal armoring structure

- 1 extending at least 1,000 feet without any interruptions
2 other than beach access points. For these purposes, a
3 viable seawall or rigid coastal armoring structure is a
4 structure that has not deteriorated, become dilapidated,
5 or been damaged to such a degree that it no longer
6 provides adequate protection to the upland property when
7 considering the following criteria, including, but not
8 limited to:
- 9 - The top must be at or above the still-water level,
10 including setup, for the design storm of 30-year
11 return storm plus the breaking wave calculated at
12 its highest achievable level based on the maximum
13 eroded beach profile and highest surge level
14 combination, and must be high enough to preclude
15 runup overtopping;
 - 16 - The armoring must be stable under the design storm
17 of 30-year return storm including maximum localized
18 scour, with adequate penetration; and
 - 19 - The armoring must have sufficient continuity or
20 return walls to prevent flooding under the design
21 storm of 30-year return storm from impacting the
22 proposed construction.

23 This section provides that where a continuous line of rigid
24 coastal armoring structure exists on either side of unarmored
25 property, and the adjacent lines of rigid coastal armoring
26 structures are having an adverse effect on or threaten the
27 unarmored property, and the gap does not exceed 100 feet, the
28 department may grant the necessary permits under s. 161.085,
29 F.S., to close the gap. This section further requires the
30 department to grant the necessary permits to replace gaps of
31 non-viable coastal armoring where there exists a continuous
line of viable rigid coastal armoring on either side of the
non-viable armoring; however this does not apply to rigid
coastal armoring structures constructed after May 1, 1998,
unless they have been permitted under s. 161.085(2), F.S.

Structures approved pursuant to this section must not cause
flooding of or result in adverse impacts to existing upland
structures or properties and must comply with all other
requirements of s. 161.053, F.S., and its implementing rules.

The authorization for the pilot project and the provisions of
s. 163.336, F.S., expire December 31, 2002. The Legislature
will review these requirements before their scheduled
expiration.

The act will take effect July 1, 1998.