

By the Committees on Ways and Means; 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

301-2217-98

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; providing an
3 appropriation; amending s. 163.335, F.S.;
4 providing legislative intent for the scope of
5 activities included in community redevelopment;
6 amending s. 163.340, F.S.; redefining the terms
7 "blighted area," "community redevelopment," and
8 "community redevelopment area"; amending s.
9 163.360, F.S.; requiring additional findings
10 before approval of certain community
11 redevelopment plans; creating s. 163.336, F.S.;
12 providing 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.

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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;

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- 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. (1) There are hereby appropriated to the
16 Department of Environmental Protection, six positions and
17 \$449,918 for fiscal year 1998-1999 from the Ecosystems
18 Management and Restoration Trust Fund from revenues provided
19 by this act pursuant to section 201.15(8), Florida Statutes.
20 These positions and funding are provided to assist local
21 project sponsors, and shall be used to facilitate and promote
22 enhanced beach erosion control project administration. Such
23 staffing resources shall be directed toward more efficient
24 contract development and oversight, promoting cost-sharing
25 strategies and regional coordination or projects among local
26 governments, providing assistance to local governments to
27 ensure timely permit review, and improving billing review and
28 disbursement processes.

29 (2) Upon implementation of the Governor's Building
30 Codes Study Commission recommendations pertaining to coastal
31 construction, and the adoption of those recommendations by

1 local governments, the department shall delegate the coastal
2 construction building codes review pursuant to section
3 161.053, Florida Statutes, to those local governments.
4 Current department positions supporting the coastal
5 construction building codes review shall be directed to
6 support implementation of the subject beach management plan.

7 Section 7. Section 163.335, Florida Statutes, is
8 amended to read:

9 163.335 Findings and declarations of necessity.--

10 (1) It is hereby found and declared that there exist
11 in counties and municipalities of the state slum and blighted
12 areas which constitute a serious and growing menace, injurious
13 to the public health, safety, morals, and welfare of the
14 residents of the state; that the existence of such areas
15 contributes substantially and increasingly to the spread of
16 disease and crime, constitutes an economic and social
17 liability imposing onerous burdens which decrease the tax base
18 and reduce tax revenues, substantially impairs or arrests
19 sound growth, retards the provision of housing accommodations,
20 aggravates traffic problems, and substantially hampers the
21 elimination of traffic hazards and the improvement of traffic
22 facilities; and that the prevention and elimination of slums
23 and blight is a matter of state policy and state concern in
24 order that the state and its counties and municipalities shall
25 not continue to be endangered by areas which are focal centers
26 of disease, promote juvenile delinquency, and consume an
27 excessive proportion of its revenues because of the extra
28 services required for police, fire, accident, hospitalization,
29 and other forms of public protection, services, and
30 facilities.

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

15 (3) It is further found and declared that the powers
16 conferred by this part are for public uses and purposes for
17 which public money may be expended and the power of eminent
18 domain and police power exercised, and the necessity in the
19 public interest for the provisions herein enacted is hereby
20 declared as a matter of legislative determination.

21 (4) It is further found that coastal resort and
22 tourist areas or portions thereof which are deteriorating and
23 economically distressed due to building density patterns,
24 inadequate transportation and parking facilities, faulty lot
25 layout, or inadequate street layout, could, through the means
26 provided in this part, be revitalized and redeveloped in a
27 manner that will vastly improve the economic and social
28 conditions of the community.

29 (5)~~(4)~~ It is further found and declared that the
30 preservation or enhancement of the tax base from which a
31 taxing authority realizes tax revenues is essential to its

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

18 (6)~~(5)~~ It is further found and declared that there
19 exists in counties and municipalities of the state a severe
20 shortage of housing affordable to residents of low or moderate
21 income, including the elderly; that the existence of such
22 condition affects the health, safety, and welfare of the
23 residents of such counties and municipalities and retards
24 their growth and economic and social development; and that the
25 elimination or improvement of such condition is a proper
26 matter of state policy and state concern and is for a valid
27 and desirable public purpose.

28 Section 8. Subsections (8), (9), and (10) of section
29 163.340, Florida Statutes, are amended to read:

30 163.340 Definitions.--The following terms, wherever
31 used or referred to in this part, have the following meanings:

1 (8) "Blighted area" means either:
2 (a) An area in which there are a substantial number of
3 slum, deteriorated, or deteriorating structures and conditions
4 that lead to economic distress or ~~which~~ endanger life or
5 property by fire or other causes or one or more of the
6 following factors that ~~which~~ substantially impairs or arrests
7 the sound growth of a county or municipality and is a menace
8 to the public health, safety, morals, or welfare in its
9 present condition and use:
10 1. Predominance of defective or inadequate street
11 layout;
12 2. Faulty lot layout in relation to size, adequacy,
13 accessibility, or usefulness;
14 3. Unsanitary or unsafe conditions;
15 4. Deterioration of site or other improvements;
16 5. Inadequate and outdated building density patterns;
17 ~~6.5.~~ Tax or special assessment delinquency exceeding
18 the fair value of the land; ~~and~~
19 7. Inadequate transportation and parking facilities;
20 and
21 ~~8.6.~~ Diversity of ownership or defective or unusual
22 conditions of title which prevent the free alienability of
23 land within the deteriorated or hazardous area; or
24 (b) An area in which there exists faulty or inadequate
25 street layout; inadequate parking facilities; or roadways,
26 bridges, or public transportation facilities incapable of
27 handling the volume of traffic flow into or through the area,
28 either at present or following proposed construction.
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1 However, for purposes of qualifying for the tax credits
2 authorized in chapter 220, "blighted area" means an area
3 described in paragraph (a).

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

19 (10) "Community redevelopment area" means a slum area,
20 a blighted area, or an area in which there is a shortage of
21 housing that is affordable to residents of low or moderate
22 income, including the elderly, or a coastal and tourist area
23 that is deteriorating and economically distressed due to
24 outdated building density patterns, inadequate transportation
25 and parking facilities, faulty lot layout or inadequate street
26 layout, or a combination thereof which the governing body
27 designates as appropriate for community redevelopment.

28 Section 9. Subsection (6) of section 163.360, Florida
29 Statutes, is amended to read:

30 163.360 Community redevelopment plans.--
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1 (6) Following such hearing, the governing body may
2 approve the community redevelopment and the plan therefor if
3 it finds that:

4 (a) A feasible method exists for the location of
5 families who will be displaced from the community
6 redevelopment area in decent, safe, and sanitary dwelling
7 accommodations within their means and without undue hardship
8 to such families;

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

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

17 (d) The community redevelopment plan will afford
18 maximum opportunity, consistent with the sound needs of the
19 county or municipality as a whole, for the rehabilitation or
20 redevelopment of the community redevelopment area by private
21 enterprise; ~~and~~

22 (e) The community redevelopment plan and resulting
23 revitalization and redevelopment for a coastal tourist area
24 that is deteriorating and economically distressed will reduce
25 or maintain evacuation time, as appropriate, and ensure
26 protection for property against exposure to natural disasters.

27 Section 10. Section 163.336, Florida Statutes, is
28 created to read:

29 163.336 Coastal resort area redevelopment pilot
30 project.--

31 (1) LEGISLATIVE INTENT.--

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

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

16 (2) PILOT PROJECT ADMINISTRATION.--

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

19 1. The coastal building zone as defined in s. 161.54;
20 and

21 2. A community redevelopment area, enterprise zone,
22 brownfield area, empowerment zone, or other such economically
23 deprived areas as designated by the county or municipality
24 with jurisdiction over the area.

25 (b) Local governments are encouraged to use the full
26 range of economic and tax incentives available to facilitate
27 and promote redevelopment and revitalization within the pilot
28 project areas.

29 (c) The Office of the Governor, Department of
30 Environmental Protection, and the Department of Community
31 Affairs are directed to provide technical assistance to

1 expedite permitting for redevelopment projects and
2 construction activities within the pilot project areas
3 consistent with the principles, processes, and timeframes
4 provided in s. 403.973.

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

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

26 2. The criteria for review under s. 161.053 are
27 applicable within the pilot project area, except that the
28 structures within the pilot project area shall not be subject
29 to specific shore parallel coverage requirements and are
30 allowed to exceed the 50-percent impervious surface
31 requirement. In no case shall stormwater discharge be allowed

1 onto, or seaward of, the frontal dune. Structures are also not
2 bound by the restrictions on excavation unless the
3 construction will adversely affect the integrity of the
4 existing seawall or rigid coastal armoring structure or
5 stability of the existing beach and dune system. It is
6 specifically contemplated that underground structures,
7 including garages, will be permitted. All beach-compatible
8 material excavated under this subparagraph must be maintained
9 on site seaward of the coastal construction control line.

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

23 a. The top must be at or above the still-water level,
24 including setup, for the design storm of 30-year return storm
25 plus the breaking wave calculated at its highest achievable
26 level based on the maximum eroded beach profile and highest
27 surge level combination, and must be high enough to preclude
28 runup overtopping;

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

1 c. The armoring must have sufficient continuity or
2 return walls to prevent flooding under the design storm of
3 30-year return storm from impacting the proposed construction.

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

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

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

24 (3) PILOT PROJECT EXPIRATION.--The authorization for
25 the pilot project and the provisions of this section expire
26 December 31, 2002. The Legislature shall review these
27 requirements before their scheduled expiration.

28 Section 11. This act shall take effect July 1, 1998.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 882

This committee substitute for CS/SB 882 provides an appropriation of \$449,918 and six positions to the Department of Environmental Protection for FY 1998-99 from the Ecosystems Management and Restoration Trust Fund.