

By Representative Jones

1 A bill to be entitled
2 An act relating to beach management; amending
3 s. 161.091, F.S.; providing legislative intent
4 regarding funding for beach management;
5 amending s. 161.101, F.S.; requiring projects
6 funded from legislative appropriations to have
7 a beach erosion control or beach preservation
8 benefit; specifying activities ineligible for
9 certain cost-sharing funding; providing a
10 funding priority; amending s. 161.161, F.S.;
11 correcting a cross reference; providing an
12 effective date.
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14 WHEREAS, Florida's number one tourist attraction is its
15 beaches, which generate over \$20 billion annually for the
16 state's economy, and
17 WHEREAS, the health of Florida's beaches is clearly in
18 jeopardy, with well over one-third of our sandy beaches in a
19 state of critical erosion, and
20 WHEREAS, the Legislature over the past few years has
21 begun systematically addressing the problem of beach erosion,
22 providing in 1998 a dedicated funding source for state
23 cost-sharing in erosion control projects, and
24 WHEREAS, the Legislature wants to ensure that the
25 availability of increased state funding results in a long-term
26 strategy which successfully targets Florida's eroding beaches
27 in the most cost-effective manner, and
28 WHEREAS, the Legislature has required that workshops be
29 held with concerned interests and federal, state, and local
30 government representatives, and that a report with
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1 recommendations be provided for consideration prior to the
2 2000 Regular Legislative Session, NOW THEREFORE,

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

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6 Section 1. Subsection (1) of section 161.091, Florida
7 Statutes, is amended to read:

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9 161.091 Beach management; funding; repair and
10 maintenance strategy.--

11 (1) Subject to such appropriations as the Legislature
12 may make therefor from time to time, disbursements from the
13 Ecosystem Management and Restoration Trust Fund may be made by
14 the department in order to carry out the proper state
15 responsibilities in a comprehensive, long-range, statewide
16 beach management plan for erosion control; beach preservation,
17 restoration, and renourishment; and storm and hurricane
18 protection. Legislative intent in appropriating such funds is
19 for implementation of those projects that contribute most
20 significantly to addressing the state's beach erosion
21 problems.

22 Section 2. Subsections (11) through (18) of section
23 161.101, Florida Statutes, are renumbered as subsection (12)
24 through (19), respectively, present subsection (12) is
25 amended, and a new subsection (11) is added to said section,
26 to read:

27 161.101 State and local participation in authorized
28 projects and studies relating to beach management and erosion
29 control.--

30 (11) The department shall not fund projects or
31 activities from legislative appropriations which are designed
to be used for recreational or other purposes exclusively. All

1 funded projects or activities must have an identifiable beach
2 erosion control or beach preservation benefit directed toward
3 maintaining or enhancing sand in the system. Activities
4 ineligible for cost-sharing include, but are not limited to:
5 (a) Recreational structures, such as piers, decks, and
6 boardwalks.
7 (b) Park activities and facilities, except for erosion
8 control facilities.
9 (c) Aesthetic vegetation.
10 (d) Traditional local government
11 treatment-related-only components of stormwater discharge
12 systems.
13 (e) Experimental or demonstration projects, unless
14 such projects are favorably peer-reviewed or scientifically
15 documented.
16 (f) Hard structures, unless such structures are
17 designed for erosion control or to enhance beach nourishment
18 project longevity or inlet sand bypassing performance.
19 (g) Operations and maintenance, with the exception of
20 beach nourishment.
21 (h) Maintenance and repair of overwalks.
22 (i) Navigation construction, operation, and
23 maintenance activities, except those elements the purpose of
24 which is to place or keep sand on adjacent beaches.
25 (12)(11) The intent of the Legislature in preserving
26 and protecting Florida's sandy beaches pursuant to this act is
27 to direct beach erosion control appropriations to the state's
28 most severely eroding beaches, and to prevent further adverse
29 impact caused by improved, modified, or altered navigation
30 inlets, coastal armoring, or existing upland development. In
31 establishing annual project funding priorities, the department

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

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

8 **(b)** The magnitude or significance of a project,
9 measured as the degree of contribution to addressing the
10 state's beach erosion problems.

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

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

17 ~~(e)~~~~(d)~~ Previous state commitment and involvement in
18 the project.

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

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

25 ~~(h)~~~~(g)~~ Innovative, cost-effective, and environmentally
26 sensitive applications to reduce erosion.

27 ~~(i)~~~~(h)~~ Proposed beach nourishment projects that
28 provide enhanced habitat within or adjacent to designated
29 refuges of nesting sea turtles.

30 ~~(j)~~~~(i)~~ The extent to which local or regional sponsors
31 of beach erosion control projects agree to coordinate the

1 planning, design, and construction of their projects to take
2 advantage of identifiable cost savings.

3 Section 3. Subsection (3) of section 161.161, Florida
4 Statutes, is amended to read:

5 161.161 Procedure for approval of projects.--

6 (3) Upon approval of the beach management plan by the
7 department, the secretary shall present to the President of
8 the Senate, the Speaker of the House of Representatives, and
9 the chairs of the legislative appropriations committees
10 recommendations for funding of beach erosion control projects.
11 Such recommendations, compiled by region, shall be presented
12 to such members of the Legislature in the priority order
13 specified in the plan and established pursuant to criteria
14 contained in subsection (2) and s. 161.101(12)~~(11)~~.

15 Section 4. This act shall take effect July 1, 2000.

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18 HOUSE SUMMARY

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20 With respect to the state's beach management program,
21 provides priority in legislative intent, and in the
22 criteria for determining certain annual funding, to
23 address the state's beach erosion problems. Requires
24 projects or activities funded from legislative
25 appropriations to have a beach erosion control or beach
26 preservation benefit. Specifies activities ineligible for
27 certain cost-sharing funding.

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