

By the Committee on Environmental Protection and
Representatives Jones and Suarez

1 A bill to be entitled
2 An act relating to beach management; amending
3 s. 161.021, F.S.; revising definitions;
4 amending s. 161.041, F.S.; revising provisions
5 relating to permit conditions; amending s.
6 161.042, F.S.; providing authority of the
7 Department of Environmental Protection relating
8 to beach nourishment for certain coastal
9 construction and excavation; amending ss.
10 161.053, 161.082, and 161.141, F.S.; conforming
11 terminology; amending s. 161.088, F.S.;
12 revising declaration of public policy relating
13 to beach erosion control, restoration, and
14 nourishment; amending s. 161.091, F.S.;
15 providing legislative intent with respect to
16 disbursements from the Ecosystem Management and
17 Restoration Trust Fund; modifying requirements
18 of the department's multiyear repair and
19 maintenance strategy; amending s. 161.101,
20 F.S.; authorizing the department to enter into
21 certain cooperative agreements for inlet
22 project management and cost-sharing; revising
23 requirements and criteria for state funding of
24 projects and studies relating to beach
25 management and erosion control; providing
26 rulemaking authority of the department;
27 amending s. 161.161, F.S.; revising provisions
28 relating to the state's comprehensive long-term
29 beach management plan; deleting project
30 criteria and requirements for approval of
31 certain projects by the Board of Trustees of

1 the Internal Improvement Trust Fund; revising
2 department rulemaking authority; providing an
3 effective date.

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

6
7 Section 1. Present subsections (3), (8), and (10) of
8 section 161.021, Florida Statutes, are amended to read:

9 161.021 Definitions.--In construing these statutes,
10 where the context does not clearly indicate otherwise, the
11 word, phrase, or term:

12 (3) "Beach nourishment ~~renourishment~~" means the
13 maintenance of a restored beach by the replacement of sand.

14 ~~(8) "Division" means the Division of Beaches and~~
15 ~~Shores of the Department of Environmental Protection.~~

16 (9)~~(10)~~ "Inlet sediment bypassing" includes any
17 transfer of sediment from an inlet or beach to another stretch
18 of beach for the purpose of nourishment ~~renourishment~~ and
19 beach erosion control.

20 Section 2. Subsection (4) of section 161.041, Florida
21 Statutes, is amended to read:

22 161.041 Permits required.--

23 (4) The department may, as a condition to the granting
24 of a permit under this section, require mitigation, financial,
25 or other assurances acceptable to the department as may be
26 necessary to assure performance of conditions of a permit or
27 enter into contractual agreements to best assure compliance
28 with any permit conditions. Biological and environmental
29 monitoring conditions included in the permit shall be based
30 upon clearly defined scientific principles.The department may
31 also require notice of the permit conditions required and the

1 contractual agreements entered into pursuant to the provisions
2 of this subsection to be filed in the public records of the
3 county in which the permitted activity is located.

4 Section 3. Section 161.042, Florida Statutes, is
5 amended to read:

6 161.042 Coastal construction and excavation in barrier
7 beach inlets.--The department is authorized to direct any
8 person, or any public body or agency, responsible for the
9 excavation of sandy sediment as a result of any activity
10 conducted to maintain navigable depths within or immediately
11 adjacent to any coastal barrier beach inlet within sovereignty
12 lands, after the department considers any limitations under
13 chapters 253 and 403 on the deposition of spoil material from
14 the excavation, and upon issuance of water quality
15 certification by the department, to use such sediment for
16 beach nourishment as prescribed by the department division.
17 For any construction or excavation within or immediately
18 contiguous to any coastal barrier beach inlet which has been
19 permitted pursuant to s. 161.041, the department may require
20 the permittee to supply beach profiles and conduct
21 hydrographic monitoring of the impacted area.

22 Section 4. Paragraph (d) of subsection (6) of section
23 161.053, Florida Statutes, is amended to read:

24 161.053 Coastal construction and excavation;
25 regulation on county basis.--

26 (6)

27 (d) In determining the land areas which will be below
28 the seasonal high-water line within 30 years after the permit
29 application date, the department shall consider the impact on
30 the erosion rates of an existing beach nourishment
31 ~~renourishment~~ or restoration project or of a beach nourishment

1 ~~renourishment~~ or restoration project for which all funding
2 arrangements have been made and all permits have been issued
3 at the time the application is submitted. The department
4 shall consider each year there is sand seaward of the erosion
5 control line that no erosion took place that year. However,
6 the seaward extent of the beach nourishment ~~renourishment~~ or
7 restoration project beyond the erosion control line shall not
8 be considered in determining the applicable erosion rates.
9 Nothing in this subsection shall prohibit the department from
10 requiring structures to meet criteria established in
11 subsection (1), subsection (2), or subsection (5) or to be
12 further landward than required by this subsection based on the
13 criteria established in subsection (1), subsection (2), or
14 subsection (5).

15 Section 5. Section 161.082, Florida Statutes, is
16 amended to read:

17 161.082 Review of innovative technologies for beach
18 nourishment ~~renourishment~~.--The department is directed to
19 periodically review innovative technologies for beach
20 nourishment ~~renourishment~~ and, on a limited basis, authorize,
21 through the permitting process, experimental projects that are
22 alternatives to traditional dredge and fill projects to
23 determine the most effective and less costly techniques for
24 beach nourishment ~~renourishment~~.

25 Section 6. Section 161.088, Florida Statutes, is
26 amended to read:

27 161.088 Declaration of public policy respecting beach
28 erosion control and beach restoration and nourishment
29 ~~renourishment~~ projects.--Because beach erosion is a serious
30 menace to the economy and general welfare of the people of
31 this state and has advanced to emergency proportions, it is

1 hereby declared to be a necessary governmental responsibility
2 to properly manage and protect Florida beaches fronting on the
3 Atlantic Ocean, Gulf of Mexico, and Straits of Florida from
4 erosion and that the Legislature make provision for beach
5 restoration and nourishment ~~renourishment~~ projects, including
6 inlet management projects that cost-effectively provide beach
7 quality material for adjacent critically eroded beaches. The
8 Legislature declares that such beach restoration and
9 nourishment ~~renourishment~~ projects, as approved pursuant to s.
10 161.161, are in the public interest; must be in an area
11 designated as critically eroded shoreline, or benefit an
12 adjacent critically eroded shoreline; must have a clearly
13 identifiable beach management benefit consistent with the
14 state's beach management plan; and must be designed to reduce
15 potential upland damage or mitigate adverse impacts caused by
16 improved, modified, or altered inlets, coastal armoring, or
17 existing upland development. Given the extent of the problem
18 of critically eroded ~~eroding~~ beaches, it is also declared that
19 beach restoration and nourishment ~~renourishment~~ projects shall
20 be funded in a manner that encourages all cost-saving
21 strategies, fosters regional coordination of projects,
22 improves the performance of projects, and provides long-term
23 solutions. The Legislature further declares that nothing
24 herein is intended to reduce or amend the beach protection
25 programs otherwise established in this chapter or to result in
26 local governments altering the coastal management elements of
27 their local government comprehensive plans pursuant to chapter
28 163.

29 Section 7. Subsection (1) and paragraphs (d) and (e)
30 of subsection (2) of section 161.091, Florida Statutes, are
31 amended to read:

1 161.091 Beach management; funding; repair and
2 maintenance strategy.--

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

14 (2) The department shall develop a multiyear repair
15 and maintenance strategy that:

16 (d) Extends the life of beach nourishment projects and
17 reduces the frequency of nourishment ~~renourishment~~; and

18 (e) Promotes inlet sand bypassing to replicate the
19 natural flow of sand interrupted by improved, modified, or
20 altered inlets and ports.

21 Section 8. Section 161.101, Florida Statutes, is
22 amended to read:

23 161.101 State and local participation in authorized
24 projects and studies relating to beach management and erosion
25 control.--

26 (1) The Legislature recognizes that beach erosion is a
27 statewide problem that does not confine its effects to local
28 governmental jurisdictions and that beach erosion can be
29 adequately addressed most efficiently by a state-initiated
30 program of beach restoration and beach nourishment
31 ~~renourishment~~. However, since local beach communities derive

1 the primary benefits from the presence of adequate beaches, a
2 program of beach restoration and beach nourishment
3 ~~renourishment~~ should not be accomplished without a commitment
4 of local funds to combat the problem of beach erosion.
5 Accordingly, the Legislature declares that the state, through
6 the department, shall determine those beaches which are
7 critically eroded ~~eroding~~ and in need of restoration and
8 nourishment ~~renourishment~~ and may authorize appropriations to
9 pay up to 75 percent of the actual costs for restoring and
10 nourishing ~~renourishing~~ a critically eroded beach. The local
11 government in which the beach is located shall be responsible
12 for the balance of such costs.

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

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

26 (4) The department, for itself or on behalf of any and
27 all duly established beach and shore preservation districts
28 and local governments within the state, may enter into
29 cooperative agreements and otherwise cooperate with, and meet
30 the requirements and conditions (including, but not limited
31 to, execution of indemnification agreements) of, federal,

1 state, and other local governments and political entities, or
2 any agencies or representatives thereof, for the purpose of
3 improving, furthering, and expediting the beach management
4 program.

5 (5) The department is authorized, for and on behalf of
6 the state, to accept such federal moneys for beach erosion
7 control as are available and to sign all necessary agreements
8 therefor and to do and perform all necessary acts in
9 connection therewith to effectuate the intent and purposes of
10 this act.

11 (6) The department is authorized to make application
12 for federal participation in the cost of any beach and shore
13 preservation project under any Acts of Congress and all
14 amendments thereto.

15 (7) The department is authorized to implement regional
16 components of the beach management plan pursuant to ss.
17 161.091 and 161.161 and, where appropriate, to enter into
18 agreements with the Federal Government, inlet districts, port
19 authorities, intercoastal waterway districts, and local
20 governments to cost-share and coordinate such activity.

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

27 (9)(a) Because improved, modified, or altered inlets
28 are a significant cause of beach erosion, it is the
29 Legislature's intent to manage the erosive impacts of inlets
30 under the state's beach management program. Accordingly, it is
31 the further intent of the Legislature for the state to

1 cost-share those components of inlet projects that minimize
2 the erosive effects of the inlet or cost-effectively provide
3 for the placement of beach quality material on adjacent eroded
4 beaches.

5 (b) The department is authorized to enter into
6 cooperative agreements with local governments, including
7 cities, counties, and special districts, for inlet management
8 activities and to cost-share those components of inlet
9 projects that minimize the erosive effects of the inlet or
10 cost-effectively provide for the placement of beach quality
11 material on adjacent eroded beaches.

12 (10)(9) The department is authorized to pay up to 100
13 percent of the ~~construction and maintenance~~ costs of approved
14 beach erosion control projects ~~authorized for construction~~
15 ~~pursuant to subsection (16)~~ when construction and maintenance
16 are on lands of which the state is the upland riparian owner.

17 (11)(10) With regard to a project approved in
18 accordance with s. 161.161, the department is authorized to
19 pay from legislative appropriations specifically provided for
20 these purposes an amount up to 75 percent of the ~~actual~~ costs
21 of contractual services ~~the approved project~~, including, but
22 not limited to, the costs for:

23 (a) Feasibility and related planning studies. ~~Project~~
24 ~~design engineering and construction supervision and~~
25 ~~inspection.~~

26 (b) Design. ~~Biological monitoring.~~

27 (c) Construction. ~~Inlet sand transfer projects.~~

28 (d) Monitoring. The state shall cost-share in all
29 biological and physical monitoring requirements which are
30 based upon scientifically based criteria. ~~Dune revegetation~~
31 and stabilization.

- 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 (12) A project, in order to receive state funds, shall
10 provide for adequate public access, protect natural resources,
11 and provide protection for endangered and threatened species.
- 12 (13) The department shall not fund projects that
13 provide only recreational benefits. All funded activities must
14 have an identifiable beach erosion control or beach
15 preservation benefit directed toward maintaining or enhancing
16 sand in the system. Activities ineligible for cost-sharing
17 include, but are not limited to:
- 18 (a) Recreational structures such as piers, decks, and
19 boardwalks.
- 20 (b) Park activities and facilities except for erosion
21 control.
- 22 (c) Aesthetic vegetation.
- 23 (d) Water quality components of stormwater management
24 systems.
- 25 (e) Experimental or demonstration projects unless
26 favorably peer reviewed or scientifically documented.
- 27 (f) Hard structures unless designed for erosion
28 control or to enhance beach nourishment project longevity or
29 bypassing performance.
- 30 (g) Operations and maintenance, with the exception of
31 nourishment.

1 (h) Maintenance and repair of over-walks.
2 (i) Navigation construction, operation, and
3 maintenance activities, except those elements whose purpose is
4 to place or keep sand on adjacent beaches.
5 ~~(14)(11)~~ The intent of the Legislature in preserving
6 and protecting Florida's sandy beaches pursuant to this act is
7 to direct beach erosion control appropriations to the state's
8 most severely eroded ~~eroding~~ beaches, and to prevent further
9 adverse impact caused by improved, modified, or altered
10 ~~navigation~~ inlets, coastal armoring, or existing upland
11 development. In establishing annual project funding
12 priorities, the department shall seek formal input from local
13 coastal governments, beach and general government interest
14 groups, and university experts. Criteria to be considered by
15 the department in determining annual funding priorities shall
16 include:
17 (a) The severity of erosion conditions, the threat to
18 existing upland development, and recreational and/or economic
19 benefits.
20 (b) The availability of federal matching dollars.
21 (c) The extent of local government sponsor financial
22 and administrative commitment to the project, including a
23 long-term financial plan with a designated funding source or
24 sources for initial construction and periodic maintenance.
25 (d) Previous state commitment and involvement in the
26 project.
27 (e) The anticipated physical performance of the
28 proposed project, including the frequency of periodic planned
29 nourishment ~~renourishment~~.
30
31

1 (f) The extent to which the proposed project mitigates
2 the adverse impact of improved, modified, or altered
3 ~~navigation~~ inlets on adjacent beaches.

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

6 (h) ~~Proposed beach nourishment~~ Projects that provide
7 enhanced habitat within or adjacent to designated refuges of
8 nesting sea turtles.

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

13 (j) The degree to which the project addresses the
14 state's most significant beach erosion problems.

15
16 In the event that more than one project qualifies equally
17 under the provisions of this subsection, the department shall
18 assign funding priority to those projects that are ready to
19 proceed.

20 ~~(15)(12)~~ Until the unmet demand for repairing
21 Florida's damaged beaches and dunes is satisfied, it is the
22 further intent of the Legislature to cost-share such projects
23 equally between the state and local sponsors.

24 ~~(16)(13)~~ In order to encourage regional approaches
25 that provide cost savings, and notwithstanding subsection ~~(15)~~
26 ~~(12)~~, actual cost savings that can be documented as resulting
27 from geographic coordination and sequencing of two or more
28 discrete erosion control projects shall proportionally reduce
29 each local sponsor's cost share as long as the state financial
30 participation does not exceed 75 percent ~~as provided by~~
31 ~~subsection (10).~~

1 (17)~~(14)~~ The selection of a project engineer
2 acceptable to the department by local government as project
3 sponsor shall be on the basis of competitive negotiation as
4 provided in chapter 287. The project sponsor shall assume full
5 responsibility for all project costs in excess of the state
6 cost limitation.

7 (18)~~(15)~~ A local government desiring to initiate and
8 pay the entire cost of designing, constructing, and
9 maintaining an erosion control project prior to the state's
10 initiating such construction may be reimbursed from state
11 funds on the basis of the procedures set forth in s. 161.161,
12 provided the project is approved by the department before
13 initiation of construction and based on legislative
14 appropriations and whether it furthers the provisions of s.
15 161.161. Such local interests shall, as project sponsor, be
16 responsible for obtaining federal reimbursement in the case of
17 federal-aid projects.

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

26 (19)~~(17)~~ Twenty-five percent of any funds appropriated
27 for implementation of this section shall be held by the
28 department until the last quarter of the fiscal year for which
29 the appropriation is made. This amount shall be used to meet
30 emergencies prescribed in s. 161.111 ~~subsection (16)~~. If no
31 such emergencies occur, then these funds may be released in

1 the last quarter of the fiscal year in which the appropriation
2 is made for projects.

3 (20)~~(18)~~ The department shall maintain a current
4 project listing and may, in its discretion and dependent upon
5 the availability of local resources and changes in the
6 criteria listed in subsection (14)~~s. 161.161~~, revise the
7 project listing.

8 (21) The department may adopt rules to implement this
9 section.

10 Section 9. Section 161.141, Florida Statutes, is
11 amended to read:

12 161.141 Property rights of state and private upland
13 owners in beach restoration project areas.--The Legislature
14 declares that it is the public policy of the state to cause to
15 be fixed and determined, pursuant to beach restoration, beach
16 nourishment ~~renourishment~~, and erosion control projects, the
17 boundary line between sovereignty lands of the state bordering
18 on the Atlantic Ocean, the Gulf of Mexico, or the Straits of
19 Florida, and the bays, lagoons, and other tidal reaches
20 thereof, and the upland properties adjacent thereto; except
21 that such boundary line shall not be fixed for beach
22 restoration projects that result from inlet or navigation
23 channel maintenance dredging projects unless such projects
24 involve the construction of authorized beach restoration
25 projects. However, prior to construction of such a beach
26 restoration project, the board of trustees must establish the
27 line of mean high water for the area to be restored; and any
28 additions to the upland property landward of the established
29 line of mean high water which result from the restoration
30 project remain the property of the upland owner subject to all
31 governmental regulations and are not to be used to justify

1 increased density or the relocation of the coastal
2 construction control line as may be in effect for such upland
3 property. The resulting additions to upland property are also
4 subject to a public easement for traditional uses of the sandy
5 beach consistent with uses that would have been allowed prior
6 to the need for the restoration project. It is further
7 declared that there is no intention on the part of the state
8 to extend its claims to lands not already held by it or to
9 deprive any upland or submerged land owner of the legitimate
10 and constitutional use and enjoyment of his or her property.
11 If an authorized beach restoration, beach nourishment
12 ~~renourishment~~, and erosion control project cannot reasonably
13 be accomplished without the taking of private property, the
14 taking must be made by the requesting authority by eminent
15 domain proceedings.

16 Section 10. Section 161.161, Florida Statutes, is
17 amended to read:

18 161.161 Procedure for approval of projects.--

19 (1) The department ~~division~~ shall develop and maintain
20 a comprehensive long-term management plan for the restoration
21 and maintenance of the state's critically eroded ~~eroding~~
22 beaches fronting the Atlantic Ocean, Gulf of Mexico, and
23 Straits of Florida. The beach management plan shall:

24 (a) Address long-term solutions to the problem of
25 critically eroded ~~eroding~~ beaches in this state.

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

31

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

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

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

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

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

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

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

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

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

13 ~~(a) The estimated demand user occasions that would be~~
14 ~~served by increased beach area;~~

15 ~~(b) The extent of existing and threatened damage to~~
16 ~~property from beach erosion;~~

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

20 ~~(d) The location of the beach relative to the~~
21 ~~statewide effort to control the erosion of the beaches;~~

22 ~~(e) The total anticipated costs of the project,~~
23 ~~including the costs for restoration and for periodic~~
24 ~~renourishment;~~

25 ~~(f) The proximity of an adequate source of~~
26 ~~beach-compatible sand;~~

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

28 ~~(h) The degree of public access to the beach,~~
29 ~~including adequate vehicle parking or consolidated public~~
30 ~~access points, taking into account existing access points and~~
31 ~~local public access needs;~~

1 ~~(i) The extent of public support for the project;~~
2 ~~(j) The anticipated impact of the project on natural~~
3 ~~resources, including, but not limited to, impacts on coral,~~
4 ~~worm and rock reefs, submerged and emergent vegetation,~~
5 ~~fishing resources, and turtle nesting;~~
6 ~~(k) The extent to which the local governments in the~~
7 ~~area of the project have enacted ordinances or other~~
8 ~~regulations to protect sea turtles from the adverse effects of~~
9 ~~beachfront lighting.~~

10

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

20

21 ~~(2)(3)~~ Upon approval of the beach management plan by
22 the department, the secretary shall present to the President
23 of the Senate, the Speaker of the House of Representatives,
24 and the chairs of the legislative appropriations committees
25 recommendations for funding of beach erosion control projects.
26 Such recommendations, ~~compiled by region,~~ shall be presented
27 to such members of the Legislature in the priority order
28 specified in the plan and established pursuant to criteria
29 contained in ~~subsection (2) and s. 161.101(14)(11).~~

29

30 ~~(3)(4)~~ Once a project is determined to be undertaken,
31 a survey of all or part of the shoreline within the
jurisdiction of the local government in which the beach is

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

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

1 views concerning necessity for the project and the precise
2 location of the proposed erosion control line. Such notice
3 shall be in addition to any notice requirement in chapter 120.

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

18 (5)(7) In no event shall the department undertake a
19 beach restoration or beach nourishment ~~renourishment~~ project
20 pursuant to chapter 86-138, Laws of Florida, where a local
21 share is required without the approval of the local government
22 or governments responsible for that local share.

23 (6)(8) The department may ~~shall~~ adopt rules for
24 implementing this section ~~reviewing and determining projects~~
25 ~~eligible for state funds.~~

26 Section 11. This act shall take effect July 1, 2000.
27
28
29
30
31