

By the Committees on General Government Appropriations,
Environmental Protection and Representatives Jones, Suarez and
Sobel

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. 161.111, F.S.; deleting obsolete
28 provisions relating to an erosion control
29 account; amending s. 161.161, F.S.; revising
30 provisions relating to the state's
31 comprehensive long-term beach management plan;

1 deleting project criteria; revising
2 requirements for approval of certain projects
3 by the Board of Trustees of the Internal
4 Improvement Trust Fund and certain expenditures
5 therefor; revising restrictions on certain
6 department projects where a local share is
7 required; revising department rulemaking
8 authority; providing an effective date.
9

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

11
12 Section 1. Present subsections (3), (8), and (10) of
13 section 161.021, Florida Statutes, are amended to read:

14 161.021 Definitions.--In construing these statutes,
15 where the context does not clearly indicate otherwise, the
16 word, phrase, or term:

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

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

21 (9)~~(10)~~ "Inlet sediment bypassing" includes any
22 transfer of sediment from an inlet or beach to another stretch
23 of beach for the purpose of nourishment ~~renourishment~~ and
24 beach erosion control.

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

27 161.041 Permits required.--

28 (4) The department may, as a condition to the granting
29 of a permit under this section, require mitigation, financial,
30 or other assurances acceptable to the department as may be
31 necessary to assure performance of conditions of a permit or

1 enter into contractual agreements to best assure compliance
2 with any permit conditions. Biological and environmental
3 monitoring conditions included in the permit shall be based
4 upon clearly defined scientific principles.The department may
5 also require notice of the permit conditions required and the
6 contractual agreements entered into pursuant to the provisions
7 of this subsection to be filed in the public records of the
8 county in which the permitted activity is located.

9 Section 3. Section 161.042, Florida Statutes, is
10 amended to read:

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

27 Section 4. Paragraph (d) of subsection (6) of section
28 161.053, Florida Statutes, is amended to read:

29 161.053 Coastal construction and excavation;
30 regulation on county basis.--

31 (6)

1 (d) In determining the land areas which will be below
2 the seasonal high-water line within 30 years after the permit
3 application date, the department shall consider the impact on
4 the erosion rates of an existing beach nourishment
5 ~~renourishment~~ or restoration project or of a beach nourishment
6 ~~renourishment~~ or restoration project for which all funding
7 arrangements have been made and all permits have been issued
8 at the time the application is submitted. The department
9 shall consider each year there is sand seaward of the erosion
10 control line that no erosion took place that year. However,
11 the seaward extent of the beach nourishment ~~renourishment~~ or
12 restoration project beyond the erosion control line shall not
13 be considered in determining the applicable erosion rates.
14 Nothing in this subsection shall prohibit the department from
15 requiring structures to meet criteria established in
16 subsection (1), subsection (2), or subsection (5) or to be
17 further landward than required by this subsection based on the
18 criteria established in subsection (1), subsection (2), or
19 subsection (5).

20 Section 5. Section 161.082, Florida Statutes, is
21 amended to read:

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

30 Section 6. Section 161.088, Florida Statutes, is
31 amended to read:

1 161.088 Declaration of public policy respecting beach
2 erosion control and beach restoration and nourishment
3 ~~renourishment~~ projects.--Because beach erosion is a serious
4 menace to the economy and general welfare of the people of
5 this state and has advanced to emergency proportions, it is
6 hereby declared to be a necessary governmental responsibility
7 to properly manage and protect Florida beaches fronting on the
8 Atlantic Ocean, Gulf of Mexico, and Straits of Florida from
9 erosion and that the Legislature make provision for beach
10 restoration and nourishment ~~renourishment~~ projects, including
11 inlet management projects that cost-effectively provide beach
12 quality material for adjacent critically eroded beaches. The
13 Legislature declares that such beach restoration and
14 nourishment ~~renourishment~~ projects, as approved pursuant to s.
15 161.161, are in the public interest; must be in an area
16 designated as critically eroded shoreline, or benefit an
17 adjacent critically eroded shoreline; must have a clearly
18 identifiable beach management benefit consistent with the
19 state's beach management plan; and must be designed to reduce
20 potential upland damage or mitigate adverse impacts caused by
21 improved, modified, or altered inlets, coastal armoring, or
22 existing upland development. Given the extent of the problem
23 of critically eroded ~~eroding~~ beaches, it is also declared that
24 beach restoration and nourishment ~~renourishment~~ projects shall
25 be funded in a manner that encourages all cost-saving
26 strategies, fosters regional coordination of projects,
27 improves the performance of projects, and provides long-term
28 solutions. The Legislature further declares that nothing
29 herein is intended to reduce or amend the beach protection
30 programs otherwise established in this chapter or to result in
31 local governments altering the coastal management elements of

1 their local government comprehensive plans pursuant to chapter
2 163.

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

6 161.091 Beach management; funding; repair and
7 maintenance strategy.--

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

19 (2) The department shall develop a multiyear repair
20 and maintenance strategy that:

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

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

26 Section 8. Section 161.101, Florida Statutes, is
27 amended to read:

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

31

1 (1) The Legislature recognizes that beach erosion is a
2 statewide problem that does not confine its effects to local
3 governmental jurisdictions and that beach erosion can be
4 adequately addressed most efficiently by a state-initiated
5 program of beach restoration and beach nourishment
6 ~~renourishment~~. However, since local beach communities derive
7 the primary benefits from the presence of adequate beaches, a
8 program of beach restoration and beach nourishment
9 ~~renourishment~~ should not be accomplished without a commitment
10 of local funds to combat the problem of beach erosion.
11 Accordingly, the Legislature declares that the state, through
12 the department, shall determine those beaches which are
13 critically eroded ~~eroding~~ and in need of restoration and
14 nourishment ~~renourishment~~ and may authorize appropriations to
15 pay up to 75 percent of the actual costs for restoring and
16 nourishing ~~renourishing~~ a critically eroded beach. The local
17 government in which the beach is located shall be responsible
18 for the balance of such costs.

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

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

1 (4) The department, for itself or on behalf of any and
2 all duly established beach and shore preservation districts
3 and local governments within the state, may enter into
4 cooperative agreements and otherwise cooperate with, and meet
5 the requirements and conditions (including, but not limited
6 to, execution of indemnification agreements) of, federal,
7 state, and other local governments and political entities, or
8 any agencies or representatives thereof, for the purpose of
9 improving, furthering, and expediting the beach management
10 program.

11 (5) The department is authorized, for and on behalf of
12 the state, to accept such federal moneys for beach erosion
13 control as are available and to sign all necessary agreements
14 therefor and to do and perform all necessary acts in
15 connection therewith to effectuate the intent and purposes of
16 this act.

17 (6) The department is authorized to make application
18 for federal participation in the cost of any beach and shore
19 preservation project under any Acts of Congress and all
20 amendments thereto.

21 (7) The department is authorized to implement regional
22 components of the beach management plan pursuant to ss.
23 161.091 and 161.161 and, where appropriate, to enter into
24 agreements with the Federal Government, inlet districts, port
25 authorities, intercoastal waterway districts, and local
26 governments to cost-share and coordinate such activity.

27 (8) The department is authorized to sponsor or
28 cosponsor demonstration projects of new or innovative
29 technologies which have the potential to reduce project costs,
30 conserve beach quality sand, extend the life of beach
31

1 nourishment projects, and improve inlet sand bypassing
2 pursuant to s. 161.091.
3 (9)(a) Because improved, modified, or altered inlets
4 are a significant cause of beach erosion, it is the
5 Legislature's intent to manage the erosive impacts of inlets
6 under the state's beach management program. Accordingly, it is
7 the further intent of the Legislature for the state to
8 cost-share those components of inlet projects that minimize
9 the erosive effects of the inlet or cost-effectively provide
10 for the placement of beach quality material on adjacent eroded
11 beaches.

12 (b) The department is authorized to enter into
13 cooperative agreements with local governments, including
14 cities, counties, and special districts, for inlet management
15 activities and to cost-share those components of inlet
16 projects that minimize the erosive effects of the inlet or
17 cost-effectively provide for the placement of beach quality
18 material on adjacent eroded beaches.

19 (10)(9) The department is authorized to pay up to 100
20 percent of the ~~construction and maintenance~~ costs of approved
21 beach erosion control projects ~~authorized for construction~~
22 ~~pursuant to subsection (16)~~ when construction and maintenance
23 are on lands of which the state is the upland riparian owner.

24 (11)(10) With regard to a project approved in
25 accordance with s. 161.161, the department is authorized to
26 pay from legislative appropriations specifically provided for
27 these purposes an amount up to 75 percent of the ~~actual~~ costs
28 of contractual services ~~the approved project~~, including, but
29 not limited to, the costs for:

30
31

- 1 (a) Feasibility and related planning studies.~~Project~~
2 ~~design engineering and construction supervision and~~
3 ~~inspection.~~
4 (b) Design.~~Biological monitoring.~~
5 (c) Construction.~~Inlet sand transfer projects.~~
6 (d) Monitoring. The state shall cost-share in all
7 biological and physical monitoring requirements which are
8 based upon scientifically based criteria.~~Dune revegetation~~
9 ~~and stabilization.~~
10 (e) ~~Restoration, renourishment, or feeder beach~~
11 ~~project costs.~~
12 (f) ~~Construction easements, rights-of-way, public~~
13 ~~access easements, and vehicle parking spaces.~~
14 (g) ~~Obtaining required permits.~~
15 (h) ~~Establishing erosion control lines.~~
16 (i) ~~Enhancement of marine turtle propagation.~~ and
17 (j) ~~Sand source studies.~~
18 (12) A project, in order to receive state funds, shall
19 provide for adequate public access, protect natural resources,
20 and provide protection for endangered and threatened species.
21 (13) The department shall not fund projects that
22 provide only recreational benefits. All funded activities must
23 have an identifiable beach erosion control or beach
24 preservation benefit directed toward maintaining or enhancing
25 sand in the system. Activities ineligible for cost-sharing
26 include, but are not limited to:
27 (a) Recreational structures such as piers, decks, and
28 boardwalks.
29 (b) Park activities and facilities except for erosion
30 control.
31 (c) Aesthetic vegetation.

- 1 (d) Water quality components of stormwater management
2 systems.
- 3 (e) Experimental or demonstration projects unless
4 favorably peer reviewed or scientifically documented.
- 5 (f) Hard structures unless designed for erosion
6 control or to enhance beach nourishment project longevity or
7 bypassing performance.
- 8 (g) Operations and maintenance, with the exception of
9 nourishment.
- 10 (h) Maintenance and repair of over-walks.
- 11 (i) Navigation construction, operation, and
12 maintenance activities, except those elements whose purpose is
13 to place or keep sand on adjacent beaches.
- 14 (14)~~(11)~~ The intent of the Legislature in preserving
15 and protecting Florida's sandy beaches pursuant to this act is
16 to direct beach erosion control appropriations to the state's
17 most severely eroded ~~eroding~~ beaches, and to prevent further
18 adverse impact caused by improved, modified, or altered
19 ~~navigation~~ inlets, coastal armoring, or existing upland
20 development. In establishing annual project funding
21 priorities, the department shall seek formal input from local
22 coastal governments, beach and general government interest
23 groups, and university experts. Criteria to be considered by
24 the department in determining annual funding priorities shall
25 include:
- 26 (a) The severity of erosion conditions, the threat to
27 existing upland development, and recreational and/or economic
28 benefits.
- 29 (b) The availability of federal matching dollars.
- 30 (c) The extent of local government sponsor financial
31 and administrative commitment to the project, including a

1 long-term financial plan with a designated funding source or
2 sources for initial construction and periodic maintenance.

3 (d) Previous state commitment and involvement in the
4 project.

5 (e) The anticipated physical performance of the
6 proposed project, including the frequency of periodic planned
7 nourishment ~~renourishment~~.

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

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

13 (h) ~~Proposed beach nourishment~~ Projects that provide
14 enhanced habitat within or adjacent to designated refuges of
15 nesting sea turtles.

16 (i) The extent to which local or regional sponsors of
17 beach erosion control projects agree to coordinate the
18 planning, design, and construction of their projects to take
19 advantage of identifiable cost savings.

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

22
23 In the event that more than one project qualifies equally
24 under the provisions of this subsection, the department shall
25 assign funding priority to those projects that are ready to
26 proceed.

27 ~~(15)(12)~~ Until the unmet demand for repairing
28 Florida's damaged beaches and dunes is satisfied, it is the
29 further intent of the Legislature to cost-share such projects
30 equally between the state and local sponsors.

31

1 (16)~~(13)~~ In order to encourage regional approaches
2 that provide cost savings, and notwithstanding subsection(15)
3 ~~(12)~~, actual cost savings that can be documented as resulting
4 from geographic coordination and sequencing of two or more
5 discrete erosion control projects shall proportionally reduce
6 each local sponsor's cost share as long as the state financial
7 participation does not exceed 75 percent ~~as provided by~~
8 ~~subsection (10)~~.

9 (17)~~(14)~~ The selection of a project engineer
10 acceptable to the department by local government as project
11 sponsor shall be on the basis of competitive negotiation as
12 provided in chapter 287. The project sponsor shall assume full
13 responsibility for all project costs in excess of the state
14 cost limitation.

15 (18)~~(15)~~ A local government desiring to initiate and
16 pay the entire cost of designing, constructing, and
17 maintaining an erosion control project prior to the state's
18 initiating such construction may be reimbursed from state
19 funds on the basis of the procedures set forth in s. 161.161,
20 provided the project is approved by the department before
21 initiation of construction and based on legislative
22 appropriations and whether it furthers the provisions of s.
23 161.161. Such local interests shall, as project sponsor, be
24 responsible for obtaining federal reimbursement in the case of
25 federal-aid projects.

26 ~~(16) The department may expend funds from the~~
27 ~~Ecosystem Management and Restoration Trust Fund to alleviate~~
28 ~~emergency conditions, upon a declaration, after a hearing, by~~
29 ~~the Governor and Cabinet that a shoreline emergency of state~~
30 ~~concern exists. Any expenditures made for this purpose shall~~
31 ~~be pursuant to legislative appropriations or from amendments~~

1 ~~to original approved operating budgets authorized pursuant to~~
2 ~~s. 216.181.~~

3 (19)~~(17)~~ Twenty-five percent of any funds appropriated
4 for implementation of this section shall be held by the
5 department until the last quarter of the fiscal year for which
6 the appropriation is made. This amount shall be used to meet
7 emergencies prescribed in s. 161.111 ~~subsection (16)~~. If no
8 such emergencies occur, then these funds may be released in
9 the last quarter of the fiscal year in which the appropriation
10 is made for projects.

11 (20)~~(18)~~ The department shall maintain a current
12 project listing and may, in its discretion and dependent upon
13 the availability of local resources and changes in the
14 criteria listed in subsection (14)~~s. 161.161~~, revise the
15 project listing.

16 (21) The department may adopt rules to implement this
17 section.

18 Section 9. Section 161.111, Florida Statutes, is
19 amended to read:

20 161.111 Shore erosion emergency.--If a shore erosion
21 emergency is declared by the Governor, the state, acting
22 through the department, may spend whatever state funds are
23 available to alleviate shore erosion, ~~including such funds~~
24 ~~specifically set aside for such purposes in the erosion~~
25 ~~control account.~~

26 Section 10. Section 161.141, Florida Statutes, is
27 amended to read:

28 161.141 Property rights of state and private upland
29 owners in beach restoration project areas.--The Legislature
30 declares that it is the public policy of the state to cause to
31 be fixed and determined, pursuant to beach restoration, beach

1 nourishment ~~renourishment~~, and erosion control projects, the
2 boundary line between sovereignty lands of the state bordering
3 on the Atlantic Ocean, the Gulf of Mexico, or the Straits of
4 Florida, and the bays, lagoons, and other tidal reaches
5 thereof, and the upland properties adjacent thereto; except
6 that such boundary line shall not be fixed for beach
7 restoration projects that result from inlet or navigation
8 channel maintenance dredging projects unless such projects
9 involve the construction of authorized beach restoration
10 projects. However, prior to construction of such a beach
11 restoration project, the board of trustees must establish the
12 line of mean high water for the area to be restored; and any
13 additions to the upland property landward of the established
14 line of mean high water which result from the restoration
15 project remain the property of the upland owner subject to all
16 governmental regulations and are not to be used to justify
17 increased density or the relocation of the coastal
18 construction control line as may be in effect for such upland
19 property. The resulting additions to upland property are also
20 subject to a public easement for traditional uses of the sandy
21 beach consistent with uses that would have been allowed prior
22 to the need for the restoration project. It is further
23 declared that there is no intention on the part of the state
24 to extend its claims to lands not already held by it or to
25 deprive any upland or submerged land owner of the legitimate
26 and constitutional use and enjoyment of his or her property.
27 If an authorized beach restoration, beach nourishment
28 ~~renourishment~~, and erosion control project cannot reasonably
29 be accomplished without the taking of private property, the
30 taking must be made by the requesting authority by eminent
31 domain proceedings.

1 Section 11. Section 161.161, Florida Statutes, is
2 amended to read:

3 161.161 Procedure for approval of projects.--

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

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

11 (b) Evaluate each improved, modified, or altered
12 ~~coastal beach~~ inlet and determine whether the inlet is a
13 significant cause of beach erosion. With respect to each inlet
14 determined to be a significant cause of beach erosion, the
15 plan shall ~~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 nourishment ~~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 nourishment ~~renourishment~~ projects, including, but not
28 limited to:

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

31 2. Beach profile.

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 nourishment ~~renourishment~~,
24 armoring, relocation and abandonment, dune and vegetation
25 restoration, 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 nourishment ~~renourishment~~ projects, arranged in order of
3 priority, and the funding levels needed for such projects.

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

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

29 ~~(a) The estimated demand user occasions that would be~~
30 ~~served by increased beach area:~~

31

- 1 ~~(b) The extent of existing and threatened damage to~~
2 ~~property from beach erosion;~~
- 3 ~~(c) The prospect for long-term success of the~~
4 ~~restoration or renourishment project, as measured by the~~
5 ~~anticipated amount and frequency of future renourishment;~~
- 6 ~~(d) The location of the beach relative to the~~
7 ~~statewide effort to control the erosion of the beaches;~~
- 8 ~~(e) The total anticipated costs of the project,~~
9 ~~including the costs for restoration and for periodic~~
10 ~~renourishment;~~
- 11 ~~(f) The proximity of an adequate source of~~
12 ~~beach-compatible sand;~~
- 13 ~~(g) The quality of the sand proposed to be used;~~
- 14 ~~(h) The degree of public access to the beach,~~
15 ~~including adequate vehicle parking or consolidated public~~
16 ~~access points, taking into account existing access points and~~
17 ~~local public access needs;~~
- 18 ~~(i) The extent of public support for the project;~~
- 19 ~~(j) The anticipated impact of the project on natural~~
20 ~~resources, including, but not limited to, impacts on coral,~~
21 ~~worm and rock reefs, submerged and emergent vegetation,~~
22 ~~fishing resources, and turtle nesting;~~
- 23 ~~(k) The extent to which the local governments in the~~
24 ~~area of the project have enacted ordinances or other~~
25 ~~regulations to protect sea turtles from the adverse effects of~~
26 ~~beachfront lighting.~~
- 27
- 28 ~~The extent to which the foregoing criteria are addressed in a~~
29 ~~net positive manner shall result in a greater priority being~~
30 ~~assigned to those projects. In addition to consideration of~~
31 ~~criteria listed in this subsection, a project, in order to~~

1 ~~receive state funds, must provide for public access in~~
2 ~~substantial compliance with paragraph (h) and must provide for~~
3 ~~protection for those historically established habitats~~
4 ~~identified in paragraph (j) and for endangered and threatened~~
5 ~~species.~~

6 (2)~~(3)~~ Upon approval of the beach management plan by
7 ~~the department~~, the secretary shall present to the President
8 of the Senate, the Speaker of the House of Representatives,
9 and 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(14)~~(11)~~.

15 (3)~~(4)~~ Once a project is determined to be undertaken,
16 a survey of all or part of the shoreline within the
17 jurisdiction of the local government in which the beach is
18 located shall be conducted in order to establish the area of
19 beach to be protected by the project and locate an erosion
20 control line. No provision of ss. 161.141-161.211 shall be
21 construed as preventing a local government from participating
22 in the funding of erosion control projects or surveys
23 undertaken in accordance with the provisions of ss.
24 161.141-161.211. In lieu of conducting a survey, the board of
25 trustees may accept and approve a survey as initiated,
26 conducted, and submitted by the appropriate local government
27 if said survey is made in conformity with the appropriate
28 principles set forth in ss. 161.141-161.211.

29 (4)~~(5)~~ Upon completion of the survey depicting the
30 area of the beach erosion control project and the proposed
31 location of the erosion control line, the board of trustees

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

22 (5)~~(6)~~ The board of trustees shall approve or
23 disapprove the erosion control line for a beach restoration ~~or~~
24 ~~beach renourishment project as it affects sovereignty lands.~~
25 ~~If approval is granted, the secretary shall authorize the~~
26 ~~expenditure from legislative appropriations specifically~~
27 ~~provided for these purposes of the amount necessary to pay for~~
28 ~~up to 75 percent of the costs of the project, and the board of~~
29 ~~trustees shall establish the location of the erosion control~~
30 ~~line.~~ In locating said line, the board of trustees shall be
31 guided ~~generally~~ by the existing line of mean high water,

1 bearing in mind the requirements of proper engineering in the
2 beach restoration ~~erosion control~~ project, the extent to which
3 erosion or avulsion has occurred, and the need to protect
4 existing ownership of as much upland as is reasonably
5 possible.

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

11 (7)~~(8)~~ The department may ~~shall~~ adopt rules to
12 administer this section ~~for reviewing and determining projects~~
13 ~~eligible for state funds.~~

14 Section 12. This act shall take effect July 1, 2000.
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