

1  
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. This act shall be known as the "Dennis L.  
13 Jones Beach Management Act."

14 Section 2. Present subsections (3), (8), and (10) of  
15 section 161.021, Florida Statutes, are amended to read:

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

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

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

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

27 Section 3. Subsection (4) of section 161.041, Florida  
28 Statutes, is amended to read:

29 161.041 Permits required.--

30 (4) The department may, as a condition to the granting  
31 of a permit under this section, require mitigation, financial,

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

11 Section 4. Section 161.042, Florida Statutes, is  
12 amended to read:

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

29 Section 5. Paragraph (d) of subsection (6) of section  
30 161.053, Florida Statutes, is amended to read:

31

1           161.053 Coastal construction and excavation;  
2 regulation on county basis.--  
3           (6)  
4           (d) In determining the land areas which will be below  
5 the seasonal high-water line within 30 years after the permit  
6 application date, the department shall consider the impact on  
7 the erosion rates of an existing beach nourishment  
8 ~~renourishment~~ or restoration project or of a beach nourishment  
9 ~~renourishment~~ or restoration project for which all funding  
10 arrangements have been made and all permits have been issued  
11 at the time the application is submitted. The department  
12 shall consider each year there is sand seaward of the erosion  
13 control line that no erosion took place that year. However,  
14 the seaward extent of the beach nourishment ~~renourishment~~ or  
15 restoration project beyond the erosion control line shall not  
16 be considered in determining the applicable erosion rates.  
17 Nothing in this subsection shall prohibit the department from  
18 requiring structures to meet criteria established in  
19 subsection (1), subsection (2), or subsection (5) or to be  
20 further landward than required by this subsection based on the  
21 criteria established in subsection (1), subsection (2), or  
22 subsection (5).

23           Section 6. Section 161.082, Florida Statutes, is  
24 amended to read:

25           161.082 Review of innovative technologies for beach  
26 nourishment ~~renourishment~~.--The department is directed to  
27 periodically review innovative technologies for beach  
28 nourishment ~~renourishment~~ and, on a limited basis, authorize,  
29 through the permitting process, experimental projects that are  
30 alternatives to traditional dredge and fill projects to  
31

1 determine the most effective and less costly techniques for  
2 beach nourishment ~~renourishment~~.

3 Section 7. 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 nourishment  
7 ~~renourishment~~ projects.--Because beach erosion is a serious  
8 menace to the economy and general welfare of the people of  
9 this state and has advanced to emergency proportions, it is  
10 hereby declared to be a necessary governmental responsibility  
11 to properly manage and protect Florida beaches fronting on the  
12 Atlantic Ocean, Gulf of Mexico, and Straits of Florida from  
13 erosion and that the Legislature make provision for beach  
14 restoration and nourishment ~~renourishment~~ projects, including  
15 inlet management projects that cost-effectively provide beach  
16 quality material for adjacent critically eroded beaches. The  
17 Legislature declares that such beach restoration and  
18 nourishment ~~renourishment~~ projects, as approved pursuant to s.  
19 161.161, are in the public interest; must be in an area  
20 designated as critically eroded shoreline, or benefit an  
21 adjacent critically eroded shoreline; must have a clearly  
22 identifiable beach management benefit consistent with the  
23 state's beach management plan; and must be designed to reduce  
24 potential upland damage or mitigate adverse impacts caused by  
25 improved, modified, or altered inlets, coastal armoring, or  
26 existing upland development. Given the extent of the problem  
27 of critically eroded ~~eroding~~ beaches, it is also declared that  
28 beach restoration and nourishment ~~renourishment~~ projects shall  
29 be funded in a manner that encourages all cost-saving  
30 strategies, fosters regional coordination of projects,  
31 improves the performance of projects, and provides long-term

1 solutions. The Legislature further declares that nothing  
2 herein is intended to reduce or amend the beach protection  
3 programs otherwise established in this chapter or to result in  
4 local governments altering the coastal management elements of  
5 their local government comprehensive plans pursuant to chapter  
6 163.

7 Section 8. Subsection (1) and paragraphs (d) and (e)  
8 of subsection (2) of section 161.091, Florida Statutes, are  
9 amended to read:

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

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

23 (2) The department shall develop a multiyear repair  
24 and maintenance strategy that:

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

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

30 Section 9. Section 161.101, Florida Statutes, is  
31 amended to read:

1           161.101 State and local participation in authorized  
2 projects and studies relating to beach management and erosion  
3 control.--

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

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

28           (3) Whenever a beach erosion control project has been  
29 authorized by Congress for federal financial participation in  
30 accordance with any Act of Congress relating to beach erosion  
31 control in which nonfederal participation is required, it

1 shall be the policy of the state to assist with an equitable  
2 share of such funds to the extent that funds are available, as  
3 determined by the department.

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

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

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

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

30 (8) The department is authorized to sponsor or  
31 cosponsor demonstration projects of new or innovative



1 technologies which have the potential to reduce project costs,  
2 conserve beach quality sand, extend the life of beach  
3 nourishment projects, and improve inlet sand bypassing  
4 pursuant to s. 161.091.

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

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

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

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

- 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 10. 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 11. 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 12. 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 13. This act shall take effect July 1, 2000.  
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