

By Senator Bronson

18-1145-00

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 declarations 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.; revising requirements and criteria for
21 state funding of projects and studies relating
22 to beach management and erosion control;
23 providing rulemaking authority of the
24 department; amending s. 161.161, F.S.; revising
25 provisions relating to the state's
26 comprehensive long-term beach management plan;
27 deleting project criteria and requirements for
28 the approval of certain projects by the Board
29 of Trustees of the Internal Improvement Trust
30 Fund; revising department rulemaking authority;
31 providing an effective date.

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

2

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

5 161.021 Definitions.--In construing these statutes,
6 where the context does not clearly indicate otherwise, the
7 word, phrase, or term:

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

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

12 (9)~~(10)~~ "Inlet sediment bypassing" includes any
13 transfer of sediment from an inlet or beach to another stretch
14 of beach for the purpose of nourishment ~~renourishment~~ and
15 beach erosion control.

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

18 161.041 Permits required.--

19 (4) The department may, as a condition to the granting
20 of a permit under this section, require mitigation, financial,
21 or other assurances acceptable to the department as may be
22 necessary to assure performance of conditions of a permit or
23 enter into contractual agreements to best assure compliance
24 with any permit conditions. Biological and environmental
25 monitoring conditions included in the permit must be based
26 upon clearly defined scientific principles.The department may
27 also require notice of the permit conditions required and the
28 contractual agreements entered into pursuant to the provisions
29 of this subsection to be filed in the public records of the
30 county in which the permitted activity is located.

31

1 Section 3. Section 161.042, Florida Statutes, is
2 amended to read:

3 161.042 Coastal construction and excavation in barrier
4 beach inlets.--The department is authorized to direct any
5 person, or any public body or agency, responsible for the
6 excavation of sandy sediment as a result of any activity
7 conducted to maintain navigable depths within or immediately
8 adjacent to any coastal barrier beach inlet within sovereignty
9 lands, after the department considers any limitations under
10 chapters 253 and 403 on the deposition of spoil material from
11 the excavation, and upon issuance of water quality
12 certification by the department, to use such sediment for
13 beach nourishment as prescribed by the department division.
14 For any construction or excavation within or immediately
15 contiguous to any coastal barrier beach inlet which has been
16 permitted pursuant to s. 161.041, the department may require
17 the permittee to supply beach profiles and conduct
18 hydrographic monitoring of the impacted area.

19 Section 4. Paragraph (d) of subsection (6) of section
20 161.053, Florida Statutes, is amended to read:

21 161.053 Coastal construction and excavation;
22 regulation on county basis.--

23 (6)

24 (d) In determining the land areas which will be below
25 the seasonal high-water line within 30 years after the permit
26 application date, the department shall consider the impact on
27 the erosion rates of an existing beach nourishment
28 ~~renourishment~~ or restoration project or of a beach nourishment
29 ~~renourishment~~ or restoration project for which all funding
30 arrangements have been made and all permits have been issued
31 at the time the application is submitted. The department

1 shall consider each year there is sand seaward of the erosion
2 control line that no erosion took place that year. However,
3 the seaward extent of the beach nourishment ~~renourishment~~ or
4 restoration project beyond the erosion control line shall not
5 be considered in determining the applicable erosion rates.
6 Nothing in this subsection shall prohibit the department from
7 requiring structures to meet criteria established in
8 subsection (1), subsection (2), or subsection (5) or to be
9 further landward than required by this subsection based on the
10 criteria established in subsection (1), subsection (2), or
11 subsection (5).

12 Section 5. Section 161.082, Florida Statutes, is
13 amended to read:

14 161.082 Review of innovative technologies for beach
15 nourishment ~~renourishment~~.--The department is directed to
16 periodically review innovative technologies for beach
17 nourishment ~~renourishment~~ and, on a limited basis, authorize,
18 through the permitting process, experimental projects that are
19 alternatives to traditional dredge and fill projects to
20 determine the most effective and less costly techniques for
21 beach nourishment ~~renourishment~~.

22 Section 6. Section 161.088, Florida Statutes, is
23 amended to read:

24 161.088 Declaration of public policy respecting beach
25 erosion control and beach restoration and nourishment
26 ~~renourishment~~ projects.--Because beach erosion is a serious
27 menace to the economy and general welfare of the people of
28 this state and has advanced to emergency proportions, it is
29 hereby declared to be a necessary governmental responsibility
30 to properly manage and protect Florida beaches fronting on the
31 Atlantic Ocean, Gulf of Mexico, and Straits of Florida from

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

24 Section 7. Subsections (1) and (2) of section 161.091,
25 Florida Statutes, are amended to read:

26 161.091 Beach management; funding; repair and
27 maintenance strategy.--

28 (1) Subject to such appropriations as the Legislature
29 may make therefor from time to time, disbursements from the
30 Ecosystem Management and Restoration Trust Fund may be made by
31 the department in order to carry out the proper state

1 responsibilities in a comprehensive, long-range, statewide
2 beach management plan for erosion control; beach preservation,
3 restoration, and nourishment ~~renourishment~~; and storm and
4 hurricane protection. Legislative intent in appropriating such
5 funds is for the implementation of those projects that
6 contribute most significantly to addressing the state's beach
7 erosion problems.

8 (2) The department shall develop a multiyear repair
9 and maintenance strategy that:

10 (a) Encourages regional approaches to ensure the
11 geographic coordination and sequencing of prioritized
12 projects;

13 (b) Reduces equipment mobilization and demobilization
14 costs;

15 (c) Maximizes the infusion of beach-quality sand into
16 the system;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (9) The department is authorized to pay up to 100
29 percent of the ~~construction and maintenance~~ costs of approved
30 beach erosion control projects ~~authorized for construction~~
31

1 ~~pursuant to subsection (16)~~ when construction and maintenance
2 are on lands of which the state is the upland riparian owner.

3 (10) With regard to a project approved in accordance
4 with s. 161.161, the department is authorized to pay from
5 legislative appropriations specifically provided for these
6 purposes an amount up to 75 percent of the ~~actual~~ costs of
7 contractual services ~~the approved project~~, including, but not
8 limited to, the costs for:

9 (a) Feasibility and related planning studies. ~~Project~~
10 ~~design engineering and construction supervision and~~
11 ~~inspection;~~

12 (b) Design. ~~Biological monitoring;~~

13 (c) Construction. ~~Inlet sand transfer projects;~~

14 (d) Monitoring. The state shall cost-share in all
15 biological and physical monitoring requirements that are based
16 upon scientifically based criteria. ~~Dune revegetation and~~
17 ~~stabilization;~~

18 (e) ~~Restoration, renourishment, or feeder beach~~
19 ~~project costs;~~

20 (f) ~~Construction easements, rights-of-way, public~~
21 ~~access easements, and vehicle parking spaces;~~

22 (g) ~~Obtaining required permits;~~

23 (h) ~~Establishing erosion control lines;~~

24 (i) ~~Enhancement of marine turtle propagation; and~~

25 (j) ~~Sand source studies.~~

26 (11) A project, in order to receive state funds, must
27 provide for adequate public access, protect natural resources,
28 and provide protection for endangered and threatened species.

29 (12) The department may not fund projects that provide
30 only recreational benefits. All funded activities must have an
31 identifiable beach erosion control or beach preservation

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

1 the department in determining annual funding priorities shall
2 include:

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

6 (b) The availability of federal matching dollars.

7 (c) The extent of local government sponsor financial
8 and administrative commitment to the project, including a
9 long-term financial plan with a designated funding source or
10 sources for initial construction and periodic maintenance.

11 (d) Previous state commitment and involvement in the
12 project.

13 (e) The anticipated physical performance of the
14 proposed project, including the frequency of periodic planned
15 nourishment ~~renourishment~~.

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

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

21 (h) ~~Proposed beach nourishment~~ Projects that provide
22 enhanced habitat within or adjacent to designated refuges of
23 nesting sea turtles.

24 (i) The extent to which local or regional sponsors of
25 beach erosion control projects agree to coordinate the
26 planning, design, and construction of their projects to take
27 advantage of identifiable cost savings.

28
29 If more than one project qualifies equally under this
30 subsection, the department shall assign funding priority to
31 those projects that are ready to proceed.

1 (14)~~(12)~~ Until the unmet demand for repairing
2 Florida's damaged beaches and dunes is satisfied, it is the
3 further intent of the Legislature to cost-share such projects
4 equally between the state and local sponsors.

5 (15)~~(13)~~ In order to encourage regional approaches
6 that provide cost savings, and notwithstanding subsection(14)
7 ~~(12)~~, actual cost savings that can be documented as resulting
8 from geographic coordination and sequencing of two or more
9 discrete erosion control projects shall proportionally reduce
10 each local sponsor's cost share as long as the state financial
11 participation does not exceed 75 percent ~~as provided by~~
12 ~~subsection (10)~~.

13 (16)~~(14)~~ The selection of a project engineer
14 acceptable to the department by local government as project
15 sponsor shall be on the basis of competitive negotiation as
16 provided in chapter 287. The project sponsor shall assume full
17 responsibility for all project costs in excess of the state
18 cost limitation.

19 (17)~~(15)~~ A local government desiring to initiate and
20 pay the entire cost of designing, constructing, and
21 maintaining an erosion control project prior to the state's
22 initiating such construction may be reimbursed from state
23 funds on the basis of the procedures set forth in s. 161.161,
24 provided the project is approved by the department before
25 initiation of construction and based on legislative
26 appropriations and whether it furthers the provisions of s.
27 161.161. Such local interests shall, as project sponsor, be
28 responsible for obtaining federal reimbursement in the case of
29 federal-aid projects.

30 ~~(16) The department may expend funds from the~~
31 ~~Ecosystem Management and Restoration Trust Fund to alleviate~~

1 ~~emergency conditions, upon a declaration, after a hearing, by~~
2 ~~the Governor and Cabinet that a shoreline emergency of state~~
3 ~~concern exists. Any expenditures made for this purpose shall~~
4 ~~be pursuant to legislative appropriations or from amendments~~
5 ~~to original approved operating budgets authorized pursuant to~~
6 ~~s. 216.181.~~

7 (18)~~(17)~~ Twenty-five percent of any funds appropriated
8 for implementation of this section shall be held by the
9 department until the last quarter of the fiscal year for which
10 the appropriation is made. This amount shall be used to meet
11 emergencies prescribed in s. 161.111 ~~subsection (16)~~. If no
12 such emergencies occur, then these funds may be released in
13 the last quarter of the fiscal year in which the appropriation
14 is made for projects.

15 (19)~~(18)~~ The department shall maintain a current
16 project listing and may, in its discretion and dependent upon
17 the availability of local resources and changes in the
18 criteria listed in subsection (13)~~s. 161.161~~, revise the
19 project listing.

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

22 Section 9. Section 161.141, Florida Statutes, is
23 amended to read:

24 161.141 Property rights of state and private upland
25 owners in beach restoration project areas.--The Legislature
26 declares that it is the public policy of the state to cause to
27 be fixed and determined, pursuant to beach restoration, beach
28 nourishment ~~renourishment~~, and erosion control projects, the
29 boundary line between sovereignty lands of the state bordering
30 on the Atlantic Ocean, the Gulf of Mexico, or the Straits of
31 Florida, and the bays, lagoons, and other tidal reaches

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

28 Section 10. Section 161.161, Florida Statutes, is
29 amended to read:

30 161.161 Procedure for approval of projects.--
31

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

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

8 (b) Evaluate each improved, modified, or altered
9 ~~coastal beach~~ inlet and determine whether the inlet is a
10 significant cause of beach erosion. With respect to each inlet
11 determined to be a significant cause of beach erosion, the
12 plan shall ~~must~~ include:

13 1. The extent to which such inlet causes beach erosion
14 and recommendations to mitigate the erosive impact of the
15 inlet, including, but not limited to, recommendations
16 regarding inlet sediment bypassing; modifications to channel
17 dredging, jetty design, and disposal of spoil material;
18 establishment of feeder beaches; and beach restoration and
19 beach nourishment ~~renourishment~~; and

20 2. Cost estimates necessary to take inlet corrective
21 measures and recommendations regarding cost sharing among the
22 beneficiaries of such inlet.

23 (c) ~~Specify~~ Design criteria for beach restoration and
24 beach nourishment ~~renourishment~~ projects, including, but not
25 limited to:

26 1. Dune elevation and width and revegetation and
27 stabilization requirements; and

28 2. Beach profile.

29 (d) Evaluate the establishment of feeder beaches as an
30 alternative to direct beach restoration and recommend the
31

1 location of such feeder beaches and the source of
2 beach-compatible sand.

3 (e) Identify causes of shoreline erosion and change,
4 calculate erosion rates, and project long-term erosion for all
5 major beach and dune systems by surveys and profiles.

6 (f) Identify shoreline development and degree of
7 density and assess impacts of development and shoreline
8 protective structures on shoreline change and erosion.

9 (g) Identify short-term and long-term economic costs
10 and benefits of beaches, including recreational value to user
11 groups, tax base, revenues generated, and beach acquisition
12 and maintenance costs.

13 (h) Study dune and vegetation conditions.

14 (i) Identify beach areas used by marine turtles and
15 develop strategies for protection of the turtles and their
16 nests and nesting locations.

17 (j) Identify alternative management responses to
18 preserve undeveloped beach and dune systems, to restore
19 damaged beach and dune systems, and to prevent inappropriate
20 development and redevelopment on migrating beaches, and
21 consider beach restoration and nourishment ~~renourishment~~,
22 armoring, relocation and abandonment, dune and vegetation
23 restoration, and acquisition.

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

26 (l) Select and recommend appropriate management
27 measures for all of the state's sandy beaches in a beach
28 management program.

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

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

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

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

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

30
31

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

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

6 ~~(e) The total anticipated costs of the project,~~
7 ~~including the costs for restoration and for periodic~~
8 ~~renourishment;~~

9 ~~(f) The proximity of an adequate source of~~
10 ~~beach-compatible sand;~~

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

12 ~~(h) The degree of public access to the beach,~~
13 ~~including adequate vehicle parking or consolidated public~~
14 ~~access points, taking into account existing access points and~~
15 ~~local public access needs;~~

16 ~~(i) The extent of public support for the project;~~

17 ~~(j) The anticipated impact of the project on natural~~
18 ~~resources, including, but not limited to, impacts on coral,~~
19 ~~worm and rock reefs, submerged and emergent vegetation,~~
20 ~~fishing resources, and turtle nesting;~~

21 ~~(k) The extent to which the local governments in the~~
22 ~~area of the project have enacted ordinances or other~~
23 ~~regulations to protect sea turtles from the adverse effects of~~
24 ~~beachfront lighting.~~

25
26 ~~The extent to which the foregoing criteria are addressed in a~~
27 ~~net positive manner shall result in a greater priority being~~
28 ~~assigned to those projects. In addition to consideration of~~
29 ~~criteria listed in this subsection, a project, in order to~~
30 ~~receive state funds, must provide for public access in~~
31 ~~substantial compliance with paragraph (h) and must provide for~~

1 ~~protection for those historically established habitats~~
2 ~~identified in paragraph (j) and for endangered and threatened~~
3 ~~species.~~

4 (2)~~(3)~~ Upon approval of the beach management plan ~~by~~
5 ~~the department~~, the secretary shall present to the President
6 of the Senate, the Speaker of the House of Representatives,
7 and the chairs of the legislative appropriations committees
8 recommendations for funding of beach erosion control projects.
9 Such recommendations, ~~compiled by region~~, shall be presented
10 to such members of the Legislature in the priority order
11 specified in the plan and established pursuant to criteria
12 contained in ~~subsection (2) and~~ s. 161.101(13)~~(11)~~.

13 (3)~~(4)~~ Once a project is determined to be undertaken,
14 a survey of all or part of the shoreline within the
15 jurisdiction of the local government in which the beach is
16 located shall be conducted in order to establish the area of
17 beach to be protected by the project and locate an erosion
18 control line. No provision of ss. 161.141-161.211 shall be
19 construed as preventing a local government from participating
20 in the funding of erosion control projects or surveys
21 undertaken in accordance with the provisions of ss.
22 161.141-161.211. In lieu of conducting a survey, the board of
23 trustees may accept and approve a survey as initiated,
24 conducted, and submitted by the appropriate local government
25 if said survey is made in conformity with the appropriate
26 principles set forth in ss. 161.141-161.211.

27 (4)~~(5)~~ Upon completion of the survey depicting the
28 area of the beach erosion control project and the proposed
29 location of the erosion control line, the board of trustees
30 shall give notice of the survey and the date on which the
31 board of trustees will hold a public hearing for the purpose

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

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

