

By the Committee on Natural Resources and Senator Bronson

312-1861-00

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.; 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 provisions
28 relating to a nonexistent 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 department
2 rulemaking authority; providing an effective
3 date.

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

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

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

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

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

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

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

22 161.041 Permits required.--

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

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

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

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

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

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

26 (6)

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

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

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

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

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

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

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

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

31

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

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

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

16 (a) Encourages regional approaches to ensure the
17 geographic coordination and sequencing of prioritized
18 projects;

19 (b) Reduces equipment mobilization and demobilization
20 costs;

21 (c) Maximizes the infusion of beach-quality sand into
22 the system;

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

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

28 Section 8. Section 161.101, Florida Statutes, is
29 amended to read:

30
31

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 municipalities, counties, and special districts for inlet
17 management activities and to cost-share those components of
18 inlet projects that minimize the erosive effects of the inlet
19 or 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 that are based
8 upon scientifically based criteria.~~Dune revegetation and~~
9 ~~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, must
19 provide for adequate public access, protect natural resources,
20 and provide protection for endangered and threatened species.
21 (13) The department may not fund projects that provide
22 only recreational benefits. All funded activities must have an
23 identifiable beach erosion control or beach preservation
24 benefit directed toward maintaining or enhancing sand in the
25 system. Activities ineligible for cost-sharing include:
26 (a) Recreational structures, such as piers, decks, and
27 boardwalks.
28 (b) Park activities and facilities, except for erosion
29 control.
30 (c) Aesthetic vegetation.
31

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

26 (15)~~(12)~~ Until the unmet demand for repairing
27 Florida's damaged beaches and dunes is satisfied, it is the
28 further intent of the Legislature to cost-share such projects
29 equally between the state and local sponsors.

30 (16)~~(13)~~ In order to encourage regional approaches
31 that provide cost savings, and notwithstanding subsection(15)

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

7 (17)~~(14)~~ The selection of a project engineer
8 acceptable to the department by local government as project
9 sponsor shall be on the basis of competitive negotiation as
10 provided in chapter 287. The project sponsor shall assume full
11 responsibility for all project costs in excess of the state
12 cost limitation.

13 (18)~~(15)~~ A local government desiring to initiate and
14 pay the entire cost of designing, constructing, and
15 maintaining an erosion control project prior to the state's
16 initiating such construction may be reimbursed from state
17 funds on the basis of the procedures set forth in s. 161.161,
18 provided the project is approved by the department before
19 initiation of construction and based on legislative
20 appropriations and whether it furthers the provisions of s.
21 161.161. Such local interests shall, as project sponsor, be
22 responsible for obtaining federal reimbursement in the case of
23 federal-aid projects.

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

1 (19)~~(17)~~ Twenty-five percent of any funds appropriated
2 for implementation of this section shall be held by the
3 department until the last quarter of the fiscal year for which
4 the appropriation is made. This amount shall be used to meet
5 emergencies prescribed in s. 161.111 ~~subsection (16)~~. If no
6 such emergencies occur, then these funds may be released in
7 the last quarter of the fiscal year in which the appropriation
8 is made for projects.

9 (20)~~(18)~~ The department shall maintain a current
10 project listing and may, in its discretion and dependent upon
11 the availability of local resources and changes in the
12 criteria listed in subsection (13)~~s. 161.161~~, revise the
13 project listing.

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

16 Section 9. Section 161.141, Florida Statutes, is
17 amended to read:

18 161.141 Property rights of state and private upland
19 owners in beach restoration project areas.--The Legislature
20 declares that it is the public policy of the state to cause to
21 be fixed and determined, pursuant to beach restoration, beach
22 nourishment ~~renourishment~~, and erosion control projects, the
23 boundary line between sovereignty lands of the state bordering
24 on the Atlantic Ocean, the Gulf of Mexico, or the Straits of
25 Florida, and the bays, lagoons, and other tidal reaches
26 thereof, and the upland properties adjacent thereto; except
27 that such boundary line shall not be fixed for beach
28 restoration projects that result from inlet or navigation
29 channel maintenance dredging projects unless such projects
30 involve the construction of authorized beach restoration
31 projects. However, prior to construction of such a beach

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

22 Section 10. Section 161.111, Florida Statutes, is
23 amended to read:

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

30 Section 11. Section 161.161, Florida Statutes, is
31 amended to read:

1 161.161 Procedure for approval of projects.--
2 (1) The department ~~division~~ shall develop and maintain
3 a comprehensive long-term management plan for the restoration
4 and maintenance of the state's critically eroded ~~eroding~~
5 beaches fronting the Atlantic Ocean, Gulf of Mexico, and
6 Straits of Florida. The beach management plan shall:
7 (a) Address long-term solutions to the problem of
8 critically eroded ~~eroding~~ beaches in this state.
9 (b) Evaluate each improved, modified, or altered
10 ~~coastal beach~~ inlet and determine whether the inlet is a
11 significant cause of beach erosion. With respect to each inlet
12 determined to be a significant cause of beach erosion, the
13 plan shall ~~must~~ include:
14 1. The extent to which such inlet causes beach erosion
15 and recommendations to mitigate the erosive impact of the
16 inlet, including, but not limited to, recommendations
17 regarding inlet sediment bypassing; modifications to channel
18 dredging, jetty design, and disposal of spoil material;
19 establishment of feeder beaches; and beach restoration and
20 beach nourishment ~~renourishment~~; and
21 2. Cost estimates necessary to take inlet corrective
22 measures and recommendations regarding cost sharing among the
23 beneficiaries of such inlet.
24 (c) ~~Specify~~ Design criteria for beach restoration and
25 beach nourishment ~~renourishment~~ projects, including, but not
26 limited to:
27 1. Dune elevation and width and revegetation and
28 stabilization requirements; and
29 2. Beach profile.
30 (d) Evaluate the establishment of feeder beaches as an
31 alternative to direct beach restoration and recommend the

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

20 (5)(6) The board of trustees shall approve or
21 disapprove the erosion control line for a beach restoration ~~or~~
22 ~~beach renourishment project, as it affects sovereignty lands.~~
23 ~~If approval is granted, the secretary shall authorize the~~
24 ~~expenditure from legislative appropriations specifically~~
25 ~~provided for these purposes of the amount necessary to pay for~~
26 ~~up to 75 percent of the costs of the project, and the board of~~
27 ~~trustees shall establish the location of the erosion control~~
28 ~~line.~~In locating said line, the board of trustees shall be
29 guided ~~generally~~ by the existing line of mean high water,
30 bearing in mind the requirements of proper engineering in the
31 beach restoration ~~erosion control~~ project, the extent to which

1 erosion or avulsion has occurred, and the need to protect
2 existing ownership of as much upland as is reasonably
3 possible.

4 (6)~~(7)~~ In no event shall the department undertake a
5 beach restoration or beach nourishment ~~renourishment~~ project
6 ~~pursuant to chapter 86-138, Laws of Florida,~~ where a local
7 share is required without the approval of the local government
8 or governments responsible for that local share.

9 (7)~~(8)~~ The department may ~~shall~~ adopt rules to ~~for~~
10 administer this section ~~reviewing and determining projects~~
11 ~~eligible for state funds.~~

12 Section 12. This act shall take effect July 1, 2000.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2506

- 4 - Section 161.088, F.S., is amended to include inlet
5 management projects that cost-effectively provide beach
6 quality material for adjacent critically eroded beaches
7 along with beach restoration and nourishment projects as
8 necessary activities to be provided for by the
9 Legislature.
- 10 - Section 161.101, F.S., is amended to provide that
11 because improved, modified, or altered inlets are a
12 significant cause of beach erosion, it is the
13 Legislature's intent to manage the erosive impacts of
14 inlets under the state's beach management program.
15 Accordingly, it is the further intent of the legislature
16 for the state to cost-share those components of inlet
17 projects that minimize the erosive effects of the inlet
18 or cost-effectively provide for the placement of beach
19 quality material on adjacent eroded beaches.
- 20 In addition, the department is authorized to enter into
21 cooperative agreements with local governments, including
22 cities, counties, and special districts, for inlet
23 management activities and to cost-share those components
24 of inlet projects that minimize the erosive effects of
25 the inlet or cost-effectively provide for the placement
26 of beach quality material on adjacent eroded beaches.
- 27 Finally, the degree to which a project addresses the
28 state's most significant beach erosion problems is added
29 to the list of criteria to be considered in determining
30 funding priorities for projects.
- 31 - Section 161.111, F.S., is amended to delete a reference
to the non-existing erosion control account.
- Section 161.161, F.S., is amended to clarify how the
erosion control line is established by the Trustees and
delete obsolete and redundant provisions.