

1 A bill to be entitled

2 An act relating to the restoration of hurricane-damaged
3 beaches and dunes; providing legislative findings with
4 respect to hurricane damage to the state's beach and dune
5 systems; requiring the Department of Environmental
6 Protection to provide a report on the repair and
7 restoration of the state's beaches and dunes to the
8 Governor and Legislature; providing appropriations;
9 requiring a local match for certain appropriations;
10 limiting the local match to counties and municipalities
11 with a certain per capita personal income level;
12 authorizing the Executive Office of the Governor to
13 approve a waiver under certain conditions; restricting
14 full release of funds until certain local match
15 requirements are met; requiring that the Executive Office
16 of the Governor provide prior notice to the Legislative
17 Budget Commission of allocations from lump-sum
18 appropriations to appropriation categories; authorizing
19 the department to redistribute funds among activities and
20 projects; requiring that the department provide prior
21 notice of and justification for such redistribution to the
22 Governor and Legislature; directing the department to take
23 the necessary steps to ensure the timely implementation
24 and completion of certain beach repair and restoration
25 projects; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. The Legislature finds that Florida's beach and
30 dune systems were adversely affected by Hurricanes Charley,
31 Frances, Ivan, and Jeanne and Tropical Storm Bonnie which struck
32 the state during 2004. The Legislature further finds that in
33 order to begin the recovery of these systems, the Department of
34 Environmental Protection developed the 2004 Hurricane Recovery
35 Plan for Florida's Beach and Dune System, hereinafter referred
36 to as "the plan," dated November 30, 2004, for the repair and
37 restoration of the state's beaches and dunes.

38 Section 2. The Department of Environmental Protection
39 shall provide a report to the Legislature no later than February
40 11, 2005, describing the progress made to date on the plan's
41 activities and beach and dune repair and restoration projects.
42 The report must include the dollars spent, percentage of the
43 project's completion, and funding impacts on the 2005-2006
44 fiscal year budget. The report must be submitted to the
45 Executive Office of the Governor, the President of the Senate,
46 and the Speaker of the House of Representatives.

47 Section 3. (1) For the 2004-2005 fiscal year only, \$64.6
48 million from the General Revenue Fund and \$3.8 million from the
49 Land Acquisition Trust Fund are appropriated in fixed capital
50 outlay for the purpose of implementing the plan's activities and
51 beach and dune repair and restoration projects.

52 (2) Of the \$64.6 million appropriated from the General
53 Revenue Fund, the \$53.8 million for beach and dune restoration
54 studies shall require a local match of 10 percent for
55 enhancement and expansion of projects contained in the plan.

56 (a) The local match requirement shall not apply to any
57 county, or municipality within such county, with a per capita
58 personal income level below the state's per capita personal
59 income level, as published by the United States Department of
60 Commerce. In addition, the Executive Office of the Governor may
61 approve a waiver, subject to the requirement for legislative
62 notice and review under s. 216.177, Florida Statutes, of all or
63 a portion of the required local match for any local government.
64 The Executive Office of the Governor must determine that such a
65 match requirement cannot be provided or that doing so would
66 impose a documented hardship on the local government.

67 (b) The Department of Environmental Protection shall not
68 release the final 25 percent of state funds to be provided to
69 any local government for beach and dune restoration studies
70 until that local government has met local match requirements
71 pursuant to this section.

72 (3) Notwithstanding the provisions of s. 216.177, Florida
73 Statutes, requiring a 14-day notice for interim budget actions,
74 and pursuant to s. 216.351, Florida Statutes, the Executive
75 Office of the Governor shall provide notice of the allocation of
76 the lump-sum appropriations authorized by this act into
77 traditional appropriations categories to the chair and vice
78 chair of the Legislative Budget Commission at least 3 working
79 days prior to the effective date of such allocation.

80 Section 4. The Department of Environmental Protection is
81 authorized to redistribute the funds appropriated in this act
82 among activities and projects, as necessary, to efficiently and
83 effectively implement the plan and to leverage federal and local

84 matching funds. Funds from these appropriations must be used to
85 implement the plan until completed or until the funds have been
86 exhausted. The department shall provide a written description
87 and justification 5 days prior to any redistribution of project
88 funds within the plan to the Executive Office of the Governor,
89 the President of the Senate, and the Speaker of the House of
90 Representatives.

91 Section 5. The Department of Environmental Protection is
92 directed to take the necessary steps to ensure the timely
93 implementation and completion of beach and dune repair and
94 restoration projects included within the 2004 Hurricane Recovery
95 Plan for Florida's Beach and Dune System. These steps shall
96 include, but not be limited to, the issuance of applicable
97 emergency permits and rule waivers consistent with current
98 executive authority.

99 Section 6. This act shall take effect upon becoming a law.