

CHAMBER ACTION

1 The Fiscal Council recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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24 projects; requiring that the department provide prior
25 notice of and justification for such redistribution to the
26 Governor and Legislature; directing the department to take
27 the necessary steps to ensure the timely implementation
28 and completion of certain beach repair and restoration
29 projects; providing an effective date.

30

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

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

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

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

56 (2) Of the \$64.6 million appropriated from the General
57 Revenue Fund, the \$53.8 million for beach restoration studies
58 and dune restoration projects contained in the plan shall
59 require a local match of 10 percent to enhance or expand such
60 projects.

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

72 (b) The Department of Environmental Protection shall not
73 release the final 25 percent of state funds to be provided to
74 any local government for beach restoration studies and dune
75 restoration projects until that local government has met local
76 match requirements pursuant to this section.

77 (3) Notwithstanding the provisions of s. 216.177, Florida
78 Statutes, requiring a 14-day notice for interim budget actions,

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79 and pursuant to s. 216.351, Florida Statutes, the Executive
80 Office of the Governor shall provide notice of the allocation of
81 the lump-sum appropriations authorized by this act into
82 traditional appropriations categories to the chair and vice
83 chair of the Legislative Budget Commission at least 3 working
84 days prior to the effective date of such allocation.

85 Section 4. The Department of Environmental Protection is
86 authorized to redistribute the funds appropriated in this act
87 among activities and projects, as necessary, to efficiently and
88 effectively implement the plan and to leverage federal and local
89 matching funds. Funds from these appropriations must be used to
90 implement the plan until completed or until the funds have been
91 exhausted. The department shall provide a written description
92 and justification 5 days prior to any redistribution of project
93 funds within the plan to the Executive Office of the Governor,
94 the President of the Senate, and the Speaker of the House of
95 Representatives.

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

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