

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.

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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 restoration studies  
54 and dune restoration projects contained in the plan shall  
55 require a local match of 10 percent to enhance or expand such  
56 projects.

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

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

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

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

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

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

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