

By Senator Clary

41-499H-05

See HB 13A

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

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

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3 Section 1. The Legislature finds that Florida's beach
4 and dune systems were adversely affected by Hurricanes
5 Charley, Frances, Ivan, and Jeanne and Tropical Storm Bonnie
6 which struck the state during 2004. The Legislature further
7 finds that in order to begin the recovery of these systems,
8 the Department of Environmental Protection developed the 2004
9 Hurricane Recovery Plan for Florida's Beach and Dune System,
10 hereinafter referred to as "the plan," dated November 30,
11 2004, for the repair and restoration of the state's beaches
12 and dunes.

13 Section 2. The Department of Environmental Protection
14 shall provide a report to the Legislature no later than
15 February 11, 2005, describing the progress made to date on the
16 plan's activities and beach and dune repair and restoration
17 projects. The report must include the dollars spent,
18 percentage of the project's completion, and funding impacts on
19 the 2005-2006 fiscal year budget. The report must be submitted
20 to the Executive Office of the Governor, the President of the
21 Senate, and the Speaker of the House of Representatives.

22 Section 3. (1) For the 2004-2005 fiscal year only,
23 \$64.6 million from the General Revenue Fund and \$3.8 million
24 from the Land Acquisition Trust Fund are appropriated in fixed
25 capital outlay for the purpose of implementing the plan's
26 activities and beach and dune repair and restoration projects.

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

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1 (a) The local match requirement shall not apply to any
2 county, or municipality within such county, with a per capita
3 personal income level below the state's per capita personal
4 income level, as published by the United States Department of
5 Commerce. In addition, the Executive Office of the Governor
6 may approve a waiver, subject to the requirement for
7 legislative notice and review under section 216.177, Florida
8 Statutes, of all or a portion of the required local match for
9 any local government. The Executive Office of the Governor
10 must determine that such a match requirement cannot be
11 provided or that doing so would impose a documented hardship
12 on the local government.

13 (b) The Department of Environmental Protection shall
14 not release the final 25 percent of state funds to be provided
15 to any local government for beach and dune restoration studies
16 until that local government has met local match requirements
17 pursuant to this section.

18 (3) Notwithstanding the provisions of section 216.177,
19 Florida Statutes, requiring a 14-day notice for interim budget
20 actions, and pursuant to section 216.351, Florida Statutes,
21 the Executive Office of the Governor shall provide notice of
22 the allocation of the lump-sum appropriations authorized by
23 this act into traditional appropriation categories to the
24 chair and vice chair of the Legislative Budget Commission at
25 least 3 working days prior to the effective date of such
26 allocation.

27 Section 4. The Department of Environmental Protection
28 is authorized to redistribute the funds appropriated in this
29 act among activities and projects, as necessary, to
30 efficiently and effectively implement the plan and to leverage
31 federal and local matching funds. Funds from these

1 appropriations must be used to implement the plan until
2 completed or until the funds have been exhausted. The
3 department shall provide a written description and
4 justification 5 days prior to any redistribution of project
5 funds within the plan to the Executive Office of the Governor,
6 the President of the Senate, and the Speaker of the House of
7 Representatives.

8 Section 5. The Department of Environmental Protection
9 is directed to take the necessary steps to ensure the timely
10 implementation and completion of beach and dune repair and
11 restoration projects included within the 2004 Hurricane
12 Recovery Plan for Florida's Beach and Dune System. These steps
13 shall include, but not be limited to, the issuance of
14 applicable emergency permits and rule waivers consistent with
15 current executive authority.

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

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