

By Senators Clary, Campbell, Argenziano and Haridopolos

4-579A-05

1                                   A bill to be entitled

2           An act relating to coastal erosion; amending s.

3           161.021, F.S.; redefining various terms to

4           include the use of dune stabilization or

5           restoration structures within activities

6           intended to preserve and rehabilitate the beach

7           or shore; defining the terms "dune restoration"

8           and "dune stabilization or restoration

9           structure"; creating s. 161.084, F.S.;

10          requiring the Department of Environmental

11          Protection to examine and issue permits for the

12          installation of dune stabilization or

13          restoration structures; providing for the

14          department, a political subdivision, or a

15          municipality to install a dune stabilization or

16          restoration structure without a permit

17          following a storm event that causes critical

18          erosion; providing requirements for such

19          installation; requiring that the department be

20          notified of such installation; authorizing the

21          department to delegate its regulatory authority

22          to a political subdivision or municipality with

23          respect to a dune stabilization or restoration

24          structure; authorizing the department to

25          require certain engineering certifications;

26          providing standards for permitting

27          requirements; requiring the department to adopt

28          rules; providing an effective date.

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30           WHEREAS, coastal barrier dunes are among the most

31   valuable natural resources of this state because dunes serve

1 as the final line of defense against the attack of storms,  
2 waves, and currents, and

3 WHEREAS, critical erosion of the state's beaches and  
4 damage to the dune system have advanced to emergency  
5 proportions and must be stabilized in order to protect against  
6 irreparable harm and prevent further loss of natural resources  
7 and damage to property, and

8 WHEREAS, such erosion causes a significant threat to  
9 the economy, is a detriment to the state's vital tourism  
10 industry and beach-related employment, and reduces coastal  
11 property values and beach access, and

12 WHEREAS, any such structure affecting the beach-dune  
13 system should use the most environmentally benign methods  
14 possible in order to preserve the natural qualities of the  
15 marine environment and should be used in conjunction with  
16 approved beach nourishment projects, NOW, THEREFORE,

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

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20 Section 1. Subsection (2) of section 161.021, Florida  
21 Statutes, is amended, present subsections (8), (9), and (10)  
22 of that section are redesignated as subsections (10), (11),  
23 and (12), respectively, and new subsections (8) and (9) are  
24 added to that section, to read:

25 161.021 Definitions.--In construing these statutes,  
26 where the context does not clearly indicate otherwise, the  
27 word, phrase, or term:

28 (2) "Beach and shore preservation," "erosion control,  
29 beach preservation and hurricane protection," "beach erosion  
30 control" and "erosion control" includes, but is not limited  
31 to, erosion control, hurricane protection, coastal flood

1 control, dune restoration, the use of dune stabilization or  
2 restoration structures, shoreline and offshore rehabilitation,  
3 and regulation of work and activities likely to affect the  
4 physical condition of the beach or shore.

5 (8) "Dune restoration" means the placement of native  
6 or beach-compatible sand, either alone or together with a dune  
7 stabilization or restoration structure, in order to stabilize,  
8 protect, or restore a dune to a natural appearance and  
9 functioning condition and provide storm protection for upland  
10 properties.

11 (9) "Dune stabilization or restoration structure"  
12 means a sloping subsurface core covered with native or  
13 beach-compatible sand and native vegetation designed to  
14 stabilize, protect, or restore the dune to a natural  
15 appearance and functioning condition, including a sand-filled  
16 geosynthetic container or other soft protection system.

17 Section 2. Section 161.084, Florida Statutes, is  
18 created to read:

19 161.084 Dune stabilization or restoration  
20 structures.--

21 (1) The department shall examine, study, and issue  
22 permits for the installation of dune stabilization or  
23 restoration structures as an alternative method for dealing  
24 with coastal erosion and to avoid the permanent loss of dunes  
25 or beaches, the scouring or erosion of adjacent property, and  
26 loss of habitat for nesting marine turtles.

27 (2) The department may issue permits for the use of  
28 dune stabilization or restoration structures for the purpose  
29 of preventing erosion or restoring the beach-dune system  
30 following critical erosion.

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1           (3) If a storm event occurs which causes critical  
2 erosion to the beach-dune system and a permit has not been  
3 issued pursuant to subsection (2), the department, political  
4 subdivision, or municipality may install or authorize the  
5 installation of dune stabilization or restoration structures  
6 as an emergency response measure in order to stabilize,  
7 protect, or restore the beach-dune system, so long as the dune  
8 stabilization or restoration structure:

9           (a) Is installed in a segment that is designated by  
10 the department as critically eroded, is vulnerable to becoming  
11 critically eroded due to a 25-year-interval storm, or is  
12 located between critically eroded segments of the beach-dune  
13 system and inclusion is necessary for design purposes or  
14 continuity of management of the beach-dune system.

15           (b) Is installed in a subsurface site and covered with  
16 3 feet of native or beach-compatible sand and native  
17 dune-stabilizing vegetation.

18           (c) Is sited as far landward as practicable in order  
19 to minimize excavation of the beach and frontal dune, impacts  
20 to existing native coastal vegetation, and impacts to adjacent  
21 properties that continue to provide adequate protection for  
22 the dune and upland structures, if any.

23           (d) Promotes scenery that is compatible with  
24 recreation and tourism.

25           (e) Provides a gently sloping angle having a seaward  
26 surface that is no steeper than 3 feet horizontal to 1 foot  
27 vertical.

28           (f) Does not materially impede access by the public or  
29 marine life.

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1           (g) Provides toe scour protection to prevent the  
2 structure and the beach-dune system from being undermined by  
3 further erosion.

4           (h) Is designed to facilitate easy removal if it  
5 ceases to function due to irreparable damage and causes  
6 significant adverse impact.

7           (i) Is designed to minimize significant adverse impact  
8 to marine turtles and turtle hatchlings, consistent with s.  
9 370.12.

10           (4) In order to encourage landowner participation in  
11 the long-term stabilization, restoration, and protection of  
12 the beach-dune system through a predictable and flexible  
13 permitting process, the department and other permitting  
14 agencies shall issue permits for subsurface dune stabilization  
15 or restoration structures if the proposed activity  
16 substantially complies with the requirements set forth in  
17 paragraphs (3)(a)-(i).

18           (5) A permitting agency shall notify the department if  
19 it installs or authorizes the installation of any dune  
20 stabilization or restoration structures within its  
21 jurisdiction. The department may delegate its permitting,  
22 supervisory, and regulatory authority to authorize a political  
23 subdivision or municipality to permit, supervise, and regulate  
24 such dune stabilization or restoration structure pursuant to  
25 s. 161.053.

26           (6) The department may require any engineering  
27 certifications that are necessary in order to ensure the  
28 adequacy of the design and construction of permitted projects.

29           (7) The department shall use clearly defined  
30 scientific principles as the basis for including any  
31 biological or environmental monitoring conditions in the

1 permit requirements, denying any permit application, or  
2 accepting any engineering evidence provided by a coastal  
3 engineer.

4 (8) The department shall adopt rules to administer  
5 this section.

6 Section 3. This act shall take effect upon becoming a  
7 law.

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10 SENATE SUMMARY

11 Requires the Department of Environmental Protection to  
12 issue permits for installing dune stabilization or  
13 restoration structures. Provides for such structures to  
14 be installed without a permit following a storm event  
15 that causes critical erosion. Requires that the  
16 department be notified following such installation.  
17 Requires that the department adopt rules.

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