

1 A bill to be entitled
2 An act relating to coastal erosion; amending s. 161.021,
3 F.S.; redefining various terms to include the use of dune
4 stabilization or restoration structures within activities
5 intended to preserve and rehabilitate the beach or shore;
6 defining the terms "dune restoration" and "dune
7 stabilization or restoration structure"; creating s.
8 161.084, F.S.; requiring the Department of Environmental
9 Protection to examine and issue permits for the
10 installation of dune stabilization or restoration
11 structures; providing for the department, a political
12 subdivision, or a municipality to install a dune
13 stabilization or restoration structure without a permit
14 following a storm event that causes critical erosion;
15 providing requirements for such installation; requiring
16 that the department be notified of such installation;
17 authorizing the department to delegate its regulatory
18 authority to a political subdivision or municipality with
19 respect to a dune stabilization or restoration structure;
20 authorizing the department to require certain engineering
21 certifications; providing standards for permitting
22 requirements; requiring the department to adopt rules;
23 providing an effective date.

24
25 WHEREAS, coastal barrier dunes are among the most valuable
26 natural resources of this state because dunes serve as the final
27 line of defense against the attack of storms, waves, and
28 currents, and

29 WHEREAS, critical erosion of the state's beaches and damage
 30 to the dune system have advanced to emergency proportions and
 31 must be stabilized in order to protect against irreparable harm
 32 and prevent further loss of natural resources and damage to
 33 property, and

34 WHEREAS, such erosion causes a significant threat to the
 35 economy, is a detriment to the state's vital tourism industry
 36 and beach-related employment, and reduces coastal property
 37 values and beach access, and

38 WHEREAS, any such structure affecting the beach-dune system
 39 should use the most environmentally benign methods possible in
 40 order to preserve the natural qualities of the marine
 41 environment and should be used in conjunction with approved
 42 beach nourishment projects, NOW, THEREFORE,

43

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

45

46 Section 1. Subsection (2) of section 161.021, Florida
 47 Statutes, is amended, present subsections (8), (9), and (10) of
 48 that section are redesignated as subsections (10), (11), and
 49 (12), respectively, and new subsections (8) and (9) are added to
 50 that section, to read:

51 161.021 Definitions.--In construing these statutes, where
 52 the context does not clearly indicate otherwise, the word,
 53 phrase, or term:

54 (2) "Beach and shore preservation," "erosion control,
 55 beach preservation and hurricane protection," "beach erosion
 56 control" and "erosion control" includes, but is not limited to,

57 erosion control, hurricane protection, coastal flood control,
 58 dune restoration, the use of dune stabilization or restoration
 59 structures, shoreline and offshore rehabilitation, and
 60 regulation of work and activities likely to affect the physical
 61 condition of the beach or shore.

62 (8) "Dune restoration" means the placement of native or
 63 beach-compatible sand, either alone or together with a dune
 64 stabilization or restoration structure, in order to stabilize,
 65 protect, or restore a dune to a natural appearance and
 66 functioning condition and provide storm protection for upland
 67 properties.

68 (9) "Dune stabilization or restoration structure" means a
 69 sloping subsurface core covered with native or beach-compatible
 70 sand and native vegetation designed to stabilize, protect, or
 71 restore the dune to a natural appearance and functioning
 72 condition, including a sand-filled geosynthetic container or
 73 other soft protection system.

74 Section 2. Section 161.084, Florida Statutes, is created
 75 to read:

76 161.084 Dune stabilization or restoration structures.--

77 (1) The department shall examine, study, and issue permits
 78 for the installation of dune stabilization or restoration
 79 structures as an alternative method for dealing with coastal
 80 erosion and to avoid the permanent loss of dunes or beaches, the
 81 scouring or erosion of adjacent property, and loss of habitat
 82 for nesting marine turtles.

83 (2) The department may issue permits for the use of dune
 84 stabilization or restoration structures for the purpose of

85 preventing erosion or restoring the beach-dune system following
 86 critical erosion.

87 (3) If a storm event occurs which causes critical erosion
 88 to the beach-dune system and a permit has not been issued
 89 pursuant to subsection (2), the department, political
 90 subdivision, or municipality may install or authorize the
 91 installation of dune stabilization or restoration structures as
 92 an emergency response measure in order to stabilize, protect, or
 93 restore the beach-dune system, so long as the dune stabilization
 94 or restoration structure:

95 (a) Is installed in a segment that is designated by the
 96 department as critically eroded, is vulnerable to becoming
 97 critically eroded due to a 25-year-interval storm, or is located
 98 between critically eroded segments of the beach-dune system and
 99 inclusion is necessary for design purposes or continuity of
 100 management of the beach-dune system.

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

104 (c) Is sited as far landward as practicable in order to
 105 minimize excavation of the beach and frontal dune, impacts to
 106 existing native coastal vegetation, and impacts to adjacent
 107 properties that continue to provide adequate protection for the
 108 dune and upland structures, if any.

109 (d) Promotes scenery that is compatible with recreation
 110 and tourism.

111 (e) Provides a gently sloping angle having a seaward
 112 surface that is no steeper than 3 feet horizontal to 1 foot

113 vertical.

114 (f) Does not materially impede access by the public or
 115 marine life.

116 (g) Provides toe scour protection to prevent the structure
 117 and the beach-dune system from being undermined by further
 118 erosion.

119 (h) Is designed to facilitate easy removal if it ceases to
 120 function due to irreparable damage and causes significant
 121 adverse impact.

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

124 (4) In order to encourage landowner participation in the
 125 long-term stabilization, restoration, and protection of the
 126 beach-dune system through a predictable and flexible permitting
 127 process, the department and other permitting agencies shall
 128 issue permits for subsurface dune stabilization or restoration
 129 structures if the proposed activity substantially complies with
 130 the requirements set forth in paragraphs (3)(a)-(i).

131 (5) A permitting agency shall notify the department if it
 132 installs or authorizes the installation of any dune
 133 stabilization or restoration structures within its jurisdiction.
 134 The department may delegate its permitting, supervisory, and
 135 regulatory authority to authorize a political subdivision or
 136 municipality to permit, supervise, and regulate such dune
 137 stabilization or restoration structure pursuant to s. 161.053.

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

HB 921

2005

141 (7) The department shall use clearly defined scientific
142 principles as the basis for including any biological or
143 environmental monitoring conditions in the permit requirements,
144 denying any permit application, or accepting any engineering
145 evidence provided by a coastal engineer.

146 (8) The department shall adopt rules to administer this
147 section.

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