

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 1842

INTRODUCER: Senator King

SUBJECT: Coastal Resort Area Redevelopment Pilot Project

DATE: March 9, 2006

REVISED: 03/14/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Herrin</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u></u>	<u></u>	<u>EP</u>	<u></u>
3.	<u></u>	<u></u>	<u>GA</u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

I. Summary:

The bill would allow beach-compatible material excavated for certain structures as part of a Coastal Resort Area Redevelopment Pilot Project to be placed back on an adjoining beach or another beach within the vicinity of the pilot project if the material meets certain criteria. It also extends the authorization for this pilot project by 10 years until December 31, 2016.

This bill substantially amends section 163.336 of the Florida Statutes.

II. Present Situation:

In 1998, the Legislature directed the Department of Environmental Protection (DEP) to administer a pilot project for redeveloping economically distressed coastal resort and tourist areas. This Coastal Resort Area Redevelopment Pilot Project is limited to the coastal areas of Florida's Atlantic coast between the St. Johns River entrance and the Ponce de Leon Inlet. For a particular area to be eligible, all or part of the area must be within the coastal building zone as defined by s. 161.54, F.S., and an economically deprived area as designated by a local government with jurisdiction over the area. Local governments are encouraged to use the full range of available economic and tax incentives within the areas of the pilot project.

Construction activities seaward of a coastal construction control line (CCCL) and landward of existing armoring within the area of the pilot project are exempted from certain coastal construction permitting criteria pursuant to s. 161.053, F.S., provided that the construction is fronted by 1,000 feet of continuous, viable seawall or rigid coastal armoring structure. All applicable local land development regulations continue to apply to such construction.

The DEP is authorized to grant the necessary permits to close any gap that does not exceed 100 feet in an existing line of rigid coastal armoring structure. Such structures must not cause flooding of or result in adverse impacts to existing upland structures or properties. In addition, permits are granted where there exists a continuous line of viable rigid coastal armoring structure on either side of a non-viable rigid coastal armoring structure. However, such permitting does not apply to rigid coastal armoring structures constructed after May 1, 1998, unless permitted pursuant to s. 161.085(2), F.S.

Construction projects continue to be reviewed under s. 161.053, F.S., except that structures are not subject to specific shore parallel coverage requirements (e.g., a building located on a 100-foot wide lot being able to exceed 60 feet in width) and are allowed to exceed the 50-percent impervious surface requirement.¹ Stormwater discharges onto, or seaward, of the frontal dune are specifically prohibited. Structures approved under s.163.336, F.S., shall not cause flooding or result in adverse impacts to existing upland structures or properties.

Structures are not bound by restrictions on excavation if the construction does not adversely impact the existing armoring structure or the existing beach and dune system. The act specifically contemplates that underground structures, including garages, will be permitted. All beach compatible material that is excavated must be maintained on the site seaward of the CCCL.

The authorization for this pilot project was set to expire on December 31, 2002. In 2002, the Legislature extended the pilot project expiration date to December 2006.

III. Effect of Proposed Changes:

Section 1 amends s. 163.336, F.S., to allow beach-compatible material excavated for certain structures as part of the Coastal Resort Area Redevelopment Pilot Project to be placed back on an adjoining beach or another beach within the vicinity pilot project. Before being placed back on a beach, the material must be sifted to remove foreign substances. Also, the sand must be compatible with the sand in the area where the material is placed. It deletes the requirement that beach-compatible material from certain excavations be maintained on-site seaward of the CCCL.

In addition, the authorization for this pilot project is extended by 10 years until December 31, 2016.

Section 2 provides the act shall take effect July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹ The term "impervious surface" refers to the total surface coverage on a lot that does not allow water to pass through to the ground below, including any structures as well as other impervious surface coverings such as parking lots.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill would allow developments involving excavation that are permitted in the pilot project areas to utilize the beach-compatible material on an adjoining beach or one within the vicinity of the project if the material meets certain criteria.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
