

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: Environmental Preservation Committee

BILL: CS/SB 1842

INTRODUCER: Committee on Environmental Preservation and 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>Kiger</u>	<u>Kiger</u>	<u>EP</u>	Fav/CS
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 committee substitute would allow sand excavated for certain structures as part of a Coastal Resort Area Redevelopment Pilot Project to be placed back on adjacent properties provided a permittee has undertaken every effort to retain the sand on site and has prepared a plan for beach and dune nourishment for the adjacent area. The committee substitute extends the authorization for the pilot project by 8 years until December 31, 2014 and requires that an independent analysis of the economic and environmental impacts of the pilot project be completed by February 1, 2008.

This committee substitute 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 those structures which 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 encourage the DEP to favorably review requests for the placement of sand, excavated for certain structures as part of the Coastal Resort Area Redevelopment Pilot Project, on adjacent properties. Applicants seeking this authority would have to demonstrate that every effort has been taken to retain the sand on site for beach renourishment efforts and that a comprehensive plan for beach and dune nourishment has been prepared for the adjacent properties.

The pilot project deadline is also extended from 2006 to 2014. In addition to this extension the DEP in conjunction with the local governments are directed to have an independent analysis done on the economic value and environmental impacts of the pilot project. This analysis is to be submitted to the Legislature by February 1, 2008.

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

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.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

The committee substitute would allow developers of structures under the pilot project additional options as to the placement of sand which may increase their ability to develop a specific site.

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.
