

By the Committee on Environmental Preservation; and Senator King

592-2133-06

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A bill to be entitled  
An act relating to the coastal resort area  
redevelopment pilot project; amending s.  
163.336, F.S.; revising the requirements for  
the placement of beach-compatible material that  
is excavated during the pilot project;  
extending the expiration date of the pilot  
project; requiring a report; providing an  
effective date.

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

Section 1. Subsections (2) and (3) of section 163.336,  
Florida Statutes, are amended to read:

163.336 Coastal resort area redevelopment pilot  
project.--

(2) PILOT PROJECT ADMINISTRATION.--

(a) To be eligible to participate in this pilot  
project, all or a portion of the area must be within:

1. The coastal building zone as defined in s. 161.54;

and

2. A community redevelopment area, enterprise zone,  
brownfield area, empowerment zone, or other such economically  
deprived areas as designated by the county or municipality  
with jurisdiction over the area.

(b) Local governments are encouraged to use the full  
range of economic and tax incentives available to facilitate  
and promote redevelopment and revitalization within the pilot  
project areas.

(c) The Office of the Governor, Department of  
Environmental Protection, and the Department of Community

1 Affairs are directed to provide technical assistance to  
2 expedite permitting for redevelopment projects and  
3 construction activities within the pilot project areas  
4 consistent with the principles, processes, and timeframes  
5 provided in s. 403.973.

6 (d) The Department of Environmental Protection shall  
7 exempt construction activities within the pilot project area  
8 in locations seaward of a coastal construction control line  
9 and landward of existing armoring from certain siting and  
10 design criteria pursuant to s. 161.053. However, such  
11 exemption shall not be deemed to exempt property within the  
12 pilot project area from applicable local land development  
13 regulations, including but not limited to, setback, side lot  
14 line, and lot coverage requirements. Such exemption shall  
15 apply to construction and redevelopment of structures  
16 involving the coverage, excavation, and impervious surface  
17 criteria of s. 161.053, and related adopted rules, as follows:

18 1. This review by the department of applications for  
19 permits for coastal construction within the pilot project area  
20 must apply to construction and redevelopment of structures  
21 subject to the coverage, excavation, and impervious surface  
22 criteria of s. 161.053, and related adopted rules. It is the  
23 intent of these provisions that the pilot project area be  
24 enabled to redevelop in a manner which meets the economic  
25 needs of the area while preserving public safety and existing  
26 resources, including natural resources.

27 2. The criteria for review under s. 161.053 are  
28 applicable within the pilot project area, except that the  
29 structures within the pilot project area shall not be subject  
30 to specific shore parallel coverage requirements and are  
31 allowed to exceed the 50 percent impervious surface

1 requirement. In no case shall stormwater discharge be allowed  
2 onto, or seaward of, the frontal dune. Structures are also not  
3 bound by the restrictions on excavation unless the  
4 construction will adversely affect the integrity of the  
5 existing seawall or rigid coastal armoring structure or  
6 stability of the existing beach and dune system. It is  
7 specifically contemplated that underground structures,  
8 including garages, will be permitted. However, during the  
9 permit-review process, pursuant to s. 161.053, the department  
10 may favorably consider authorized sand placement on adjacent  
11 properties if the permittee has demonstrated every reasonable  
12 effort to effectively use all beach-quality material on site  
13 to enhance the beach and dune system, and has prepared a  
14 comprehensive plan for beach and dune nourishment for the  
15 adjoining area. All beach-compatible material excavated under  
16 this subparagraph must be maintained on site seaward of the  
17 coastal construction control line.

18         3. The review criteria in subparagraph 2. will apply  
19 to all construction within the pilot project area lying  
20 seaward of the coastal construction control line and landward  
21 of an existing viable seawall or rigid coastal armoring  
22 structure, if such construction is fronted by a seawall or  
23 rigid coastal armoring structure extending at least 1,000 feet  
24 without any interruptions other than beach access points. For  
25 purposes of this section, a viable seawall or rigid coastal  
26 armoring structure is a structure that has not deteriorated,  
27 dilapidated, or been damaged to such a degree that it no  
28 longer provides adequate protection to the upland property  
29 when considering the following criteria, including, but not  
30 limited to:

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1           a. The top must be at or above the still water level,  
2 including setup, for the design storm of 30-year return storm  
3 plus the breaking wave calculated at its highest achievable  
4 level based on the maximum eroded beach profile and highest  
5 surge level combination, and must be high enough to preclude  
6 runup overtopping;

7           b. The armoring must be stable under the design storm  
8 of 30-year return storm, including maximum localized scour,  
9 with adequate penetration; and

10           c. The armoring must have sufficient continuity or  
11 return walls to prevent flooding under the design storm of  
12 30-year return storm from impacting the proposed construction.

13           4. Where there exists a continuous line of rigid  
14 coastal armoring structure on either side of unarmored  
15 property and the adjacent line of rigid coastal armoring  
16 structures are having an adverse effect on or threaten the  
17 unarmored property, and the gap does not exceed 100 feet, the  
18 department may grant the necessary permits under s. 161.085 to  
19 close the gap.

20           5. Structures approved pursuant to this section shall  
21 not cause flooding of or result in adverse impacts to existing  
22 upland structures or properties and shall comply with all  
23 other requirements of s. 161.053 and its implementing rules.

24           6. Where there exists a continuous line of viable  
25 rigid coastal armoring structure on either side of a nonviable  
26 rigid coastal armoring structure, the department shall grant  
27 the necessary permits under s. 161.085 to replace such  
28 nonviable rigid coastal armoring structure with a viable rigid  
29 coastal armoring structure as defined in this section. This  
30 shall not apply to rigid coastal armoring structures  
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1 constructed after May 1, 1998, unless such structures have  
2 been permitted pursuant to s. 161.085(2).

3 (3) PILOT PROJECT EXPIRATION.--The authorization for  
4 the pilot project and the provisions of this section expire  
5 December 31, ~~2014~~ 2006. The department and affected local  
6 governments shall provide for an independent analysis of the  
7 economic value and environmental impact of the pilot project  
8 and provide a report to the Legislature on or before February  
9 1, 2008. The Legislature shall review these requirements  
10 ~~before their scheduled expiration.~~

11 Section 2. This act shall take effect July 1, 2006.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 Senate Bill 1842

16 The committee substitute authorizes the Department of  
17 Environmental Protection to approve the placement of sand  
18 excavated during the pilot project on adjacent properties  
19 provided certain conditions are met. In addition, the  
20 committee substitute extends the deadline for completion of  
21 the pilot project and directs that an analysis be undertaken  
22 of its economic and environmental impacts.  
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