

Bill No. CS for SB 2216

Barcode 733682

CHAMBER ACTION

Senate

House

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The Committee on Regulated Industries (King) recommended the following **amendment to amendment** (060974):

Senate Amendment (with title amendment)

On page 21, between lines 14 and 15,

insert:

Section 5. 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

Bill No. CS for SB 2216

Barcode 733682

1 range of economic and tax incentives available to facilitate
2 and promote redevelopment and revitalization within the pilot
3 project areas.

4 (c) The Office of the Governor, Department of
5 Environmental Protection, and the Department of Community
6 Affairs are directed to provide technical assistance to
7 expedite permitting for redevelopment projects and
8 construction activities within the pilot project areas
9 consistent with the principles, processes, and timeframes
10 provided in s. 403.973.

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

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

Bill No. CS for SB 2216

Barcode 733682

1 2. The criteria for review under s. 161.053 are
2 applicable within the pilot project area, except that the
3 structures within the pilot project area shall not be subject
4 to specific shore parallel coverage requirements and are
5 allowed to exceed the 50 percent impervious surface
6 requirement. In no case shall stormwater discharge be allowed
7 onto, or seaward of, the frontal dune. Structures are also not
8 bound by the restrictions on excavation unless the
9 construction will adversely affect the integrity of the
10 existing seawall or rigid coastal armoring structure or
11 stability of the existing beach and dune system. It is
12 specifically contemplated that underground structures,
13 including garages, will be permitted. All beach-compatible
14 material excavated under this subparagraph must be maintained
15 on site seaward of the coastal construction control line.
16 However, during the permit-review process, pursuant to s.
17 161.053, the department may favorably consider authorized sand
18 placement on adjacent properties if the permittee has
19 demonstrated every reasonable effort to effectively use all
20 beach-quality material on site to enhance the beach and dune
21 system, and has prepared a comprehensive plan for beach and
22 dune nourishment for the adjoining area.

23 3. The review criteria in subparagraph 2. will apply
24 to all construction within the pilot project area lying
25 seaward of the coastal construction control line and landward
26 of an existing viable seawall or rigid coastal armoring
27 structure, if such construction is fronted by a seawall or
28 rigid coastal armoring structure extending at least 1,000 feet
29 without any interruptions other than beach access points. For
30 purposes of this section, a viable seawall or rigid coastal
31 armoring structure is a structure that has not deteriorated,

Bill No. CS for SB 2216

Barcode 733682

1 dilapidated, or been damaged to such a degree that it no
2 longer provides adequate protection to the upland property
3 when considering the following criteria, including, but not
4 limited to:

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

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

14 c. The armoring must have sufficient continuity or
15 return walls to prevent flooding under the design storm of
16 30-year return storm from impacting the proposed construction.

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

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

28 6. Where there exists a continuous line of viable
29 rigid coastal armoring structure on either side of a nonviable
30 rigid coastal armoring structure, the department shall grant
31 the necessary permits under s. 161.085 to replace such

Bill No. CS for SB 2216

Barcode 733682

1 nonviable rigid coastal armoring structure with a viable rigid
 2 coastal armoring structure as defined in this section. This
 3 shall not apply to rigid coastal armoring structures
 4 constructed after May 1, 1998, unless such structures have
 5 been permitted pursuant to s. 161.085(2).

6 (3) PILOT PROJECT EXPIRATION.--The authorization for
 7 the pilot project and the provisions of this section expire
 8 December 31, 2014 ~~2006~~. The department and affected local
 9 governments shall provide for an independent analysis of the
 10 economic value and environmental impact of the pilot project
 11 and provide a report to the Legislature on or before February
 12 1, 2008. ~~The Legislature shall review these requirements~~
 13 ~~before their scheduled expiration.~~

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15 (Redesignate subsequent sections.)

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18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 22, line 31, following the semicolon

21
22 insert:

23 amending s. 163.336, F.S.; revising the
 24 requirements for the placement of
 25 beach-compatible material that is excavated
 26 during the coastal resort area redevelopment
 27 pilot project; extending the expiration date of
 28 the pilot project; requiring a report;

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