

1 as the final line of defense against the attack of storms,
2 waves, and currents, and

3 WHEREAS, critical erosion of the state's beaches and
4 damage to the dune system have advanced to emergency
5 proportions and must be stabilized in order to protect against
6 irreparable harm and prevent further loss of natural resources
7 and damage to property, and

8 WHEREAS, such erosion causes a significant threat to
9 the economy, is a detriment to the state's vital tourism
10 industry and beach-related employment, and reduces coastal
11 property values and beach access, and

12 WHEREAS, any such structure affecting the beach-dune
13 system should use the most environmentally benign methods
14 possible in order to preserve the natural qualities of the
15 marine environment and should be used in conjunction with
16 approved beach nourishment projects, NOW, THEREFORE,

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

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20 Section 1. Subsection (2) of section 161.021, Florida
21 Statutes, is amended, present subsections (8), (9), and (10)
22 of that section are redesignated as subsections (10), (11),
23 and (12), respectively, and new subsections (8) and (9) are
24 added to that section, to read:

25 161.021 Definitions.--In construing these statutes,
26 where the context does not clearly indicate otherwise, the
27 word, phrase, or term:

28 (2) "Beach and shore preservation," "erosion control,
29 beach preservation and hurricane protection," "beach erosion
30 control" and "erosion control" includes, but is not limited
31 to, erosion control, hurricane protection, coastal flood

1 control, dune restoration, the use of dune stabilization or
2 restoration structures, shoreline and offshore rehabilitation,
3 and regulation of work and activities likely to affect the
4 physical condition of the beach or shore.

5 (8) "Dune restoration" means the placement of native
6 or beach-compatible sand, either alone or together with a dune
7 stabilization or restoration structure, in order to stabilize,
8 protect, or restore a dune to a natural appearance and
9 functioning condition and provide storm protection for upland
10 properties.

11 (9) "Dune stabilization or restoration structure"
12 means a sloping subsurface core covered with native or
13 beach-compatible sand and native vegetation designed to
14 stabilize, protect, or restore the dune to a natural
15 appearance and functioning condition, and includes a
16 sand-filled geosynthetic container or other soft protection
17 system.

18 Section 2. Section 161.084, Florida Statutes, is
19 created to read:

20 161.084 Dune stabilization or restoration
21 structures.--

22 (1) The department shall examine, study, and issue
23 permits for the installation of dune stabilization or
24 restoration structures as an alternative method for dealing
25 with coastal erosion and to avoid the permanent loss of dunes
26 or beaches, the scouring or erosion of adjacent property, and
27 loss of habitat for nesting marine turtles.

28 (2) The department may issue permits for the use of
29 dune stabilization or restoration structures for the purpose
30 of preventing erosion or restoring the beach-dune system
31 following critical erosion.

1 (3) If a storm event occurs which causes critical
2 erosion to the beach-dune system and a permit has not been
3 issued pursuant to subsection (2), the department, political
4 subdivision, or municipality may install or authorize the
5 installation of dune stabilization or restoration structures
6 as an emergency response measure in order to stabilize,
7 protect, or restore the beach-dune system, so long as the dune
8 stabilization or restoration structure:

9 (a) Is installed in a segment that is designated by
10 the department as critically eroded, is vulnerable to becoming
11 critically eroded due to a 25-year-interval storm, or is
12 located between critically eroded segments of the beach-dune
13 system and inclusion is necessary for design purposes or
14 continuity of management of the beach-dune system.

15 (b) Is installed in a subsurface site and covered with
16 3 feet of native or beach-compatible sand and native
17 dune-stabilizing vegetation.

18 (c) Is sited as far landward as practicable in order
19 to minimize excavation of the beach and frontal dune, impacts
20 to existing native coastal vegetation, and impacts to adjacent
21 properties that continue to provide adequate protection for
22 the dune and upland structures, if any.

23 (d) Promotes scenery that is compatible with
24 recreation and tourism.

25 (e) Provides a gently sloping angle having a seaward
26 surface that is no steeper than 3 feet horizontal to 1 foot
27 vertical.

28 (f) Does not materially impede access by the public or
29 marine life.

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1 (g) Provides toe scour protection to prevent the
2 structure and the beach-dune system from being undermined by
3 further erosion.

4 (h) Is designed to facilitate easy removal if it
5 ceases to function due to irreparable damage and causes
6 significant adverse impact.

7 (i) Is designed to minimize significant adverse impact
8 to marine turtles and turtle hatchlings, consistent with s.
9 370.12.

10 (4) In order to encourage landowner participation in
11 the long-term stabilization, restoration, and protection of
12 the beach-dune system through a predictable and flexible
13 permitting process, the department and other permitting
14 agencies shall issue permits for subsurface dune stabilization
15 or restoration structures if the proposed activity
16 substantially complies with the requirements set forth in
17 paragraphs (3)(a)-(i).

18 (5) A permitting agency shall notify the department if
19 it installs or authorizes the installation of any dune
20 stabilization or restoration structures within its
21 jurisdiction. The department may delegate its permitting,
22 supervisory, and regulatory authority to authorize a political
23 subdivision or municipality to permit, supervise, and regulate
24 such dune stabilization or restoration structure pursuant to
25 s. 161.053.

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

29 (7) The department shall use clearly defined
30 scientific principles as the basis for including any
31 biological or environmental monitoring conditions in the

1 permit requirements, denying any permit application, or
2 accepting any engineering evidence provided by a coastal
3 engineer.

4 (8) The department shall adopt rules to administer
5 this section.

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

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10 SENATE SUMMARY

11 Redefines terms relating to coastal erosion to include
12 the use of dune stabilization or restoration structures
13 within activities intended to preserve and rehabilitate
14 the beach or shore. Defines the terms "dune restoration"
15 and "dune stabilization or restoration structure."
16 Requires the Department of Environmental Protection to
17 examine and issue permits for the installation of dune
18 stabilization or restoration structures. Provides for the
19 department, a political subdivision, or a municipality to
20 install a dune stabilization or restoration structure
21 without a permit following a storm event that causes
22 critical erosion. Provides requirements for such
23 installation. Authorizes the department to delegate its
24 regulatory authority to a political subdivision or
25 municipality with respect to a dune stabilization or
26 restoration structure. Authorizes the department to
27 require certain engineering certifications. Provides
28 standards for permitting requirements. Requires the
29 department to adopt rules.
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