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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/28/2009 04:22 PM

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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Delete line 131

and insert:

Section 1. Subsection (5) is added to section 161.041,  
Florida Statutes, to read:

161.041 Permits required.—

(5) The reopening or maintaining of any coastal barrier  
beach inlet, to promote commercial and recreational uses of  
coastal waters and their resources, constitutes a valid public  
purpose of a government entity and shall be presumed to be in  
the public interest. The department shall permit the reopening



380482

13 or maintenance of inlets under s. 161.055, upon a demonstration  
14 by the government entity of its financial ability and commitment  
15 to mitigate impacts to the coastal systems and natural  
16 resources, consistent with chapter 161 and part IV of chapter  
17 373, and fund a long-term sand management program designed to  
18 mitigate impacts on adjacent sandy beaches, consistent with the  
19 policy declared in s. 161.142. For the purposes of this section  
20 the term "reopening" means the creation of an inlet on a coastal  
21 barrier island or between two coastal barrier islands, upon a  
22 demonstration that an inlet previously existed, but no longer  
23 exists, on or between such coastal barrier islands. A reopening  
24 is not limited to inlet re-creation within the same location or  
25 with the same configuration as the preexisting inlet.

26 Section 2. Paragraphs (a) and (c) of subsection (5) of

27  
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 2

31 and insert:

32 An act relating to environmental protection; amending s.  
33 161.041, F.S.; requiring the Department of Environmental  
34 Protection to permit the reopening or maintenance of inlets on  
35 coastal barrier islands; defining the term "reopening;"  
36 declaring that the reopening or maintaining of a coastal barrier  
37 beach inlet, to promote commercial and recreational uses of  
38 coastal waters and their resources, constitutes a valid public  
39 purpose; amending