

ENROLLED
 HB 1311

2011 Legislature

1 A bill to be entitled
 2 An act relating to Walton County; providing that certain
 3 rigid coastal armoring structures constructed during a
 4 specified time may remain without the need to obtain a
 5 Department of Environmental Protection permit; providing
 6 conditions applicable to such structures; providing
 7 definitions; providing an effective date.

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

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 11 Section 1. Within Walton County, rigid coastal armoring
 12 structures, including sand-filled geotextile containers and
 13 similar structures, constructed between July 10, 2005, and April
 14 30, 2006, are deemed permanent structures and may remain without
 15 the need to obtain a Department of Environmental Protection
 16 permit under sections 161.053 and 161.085(3), Florida Statutes,
 17 subject to the following:

18 (1) Within 60 days after the effective date of this act,
 19 the Department of Environmental Protection, in coordination with
 20 Walton County, shall develop an informational list of the rigid
 21 coastal armoring structures, including sand-filled geotextile
 22 containers and similar structures, constructed between July 10,
 23 2005, and April 30, 2006, that meet the requirements of this
 24 section. Such list shall describe, to the extent practicable and
 25 based on available information, the type of armoring structure
 26 and the location of the armoring structure in relation to the
 27 nearest Department of Environmental Protection "R" monument and
 28 the Walton County Coastal Construction Control Line.

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29 (2) This section may not be construed as authorization to
30 place or locate any rigid coastal armoring structure on property
31 not under the ownership or control of the individual or entity
32 constructing the structure, unless the property owner consents
33 in writing to the placement or location of such structure.

34 (3) A property owner may complete construction on an
35 existing temporary structure without obtaining a permit from the
36 department if the construction began between July 10, 2005, and
37 April 30, 2006, but was not completed; if the construction
38 occurs on or landward of the armoring structure on the property
39 owner's property; and if the work is completed within 1 year
40 after the effective date of this act. Examples of such work
41 include the addition of tie-backs, walers, and bulkhead caps.
42 Work requiring sand placement or other activities that would
43 occur seaward of the existing coastal armoring structure will
44 require a permit from the department. A sand cover monitoring
45 and maintenance plan will be included in permit applications for
46 sand coverage over sand-filled geotextile containers or similar
47 structures. Applications submitted under this subsection are
48 exempt from the vulnerability requirements of section
49 161.085(2)(a), Florida Statutes, but must comply with all other
50 applicable statutory and rule requirements.

51 (4) Sand-filled geotextile containers or similar
52 structures constructed between July 10, 2005, and April 30,
53 2006, shall be continuously covered with 3 feet of beach-quality
54 sand and stabilized with native salt-tolerant vegetation. Within
55 90 days after the effective date of this act or at any time it
56 appears the structure does not meet the sand coverage and

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57 vegetation requirement, a property owner may submit a permit
 58 application for sand placement to cover those structures having
 59 less than 3 feet of sand. The department shall order the removal
 60 of sand-filled geotextile containers and similar structures that
 61 fail to meet the sand-cover and vegetation requirements of this
 62 subsection.

63 (5) (a) Substantially damaged armoring structures must be
 64 removed by the property owner within 90 days after such damage.
 65 However, the property owner may apply within 90 days after such
 66 damage for a permit for major reconstruction of the damaged
 67 armoring structure, in accordance with applicable rules and law.
 68 If an application for a major reconstruction permit is denied by
 69 the department, the armoring structure must be removed within 90
 70 days after final denial of the permit application. Such
 71 applications shall comply with all applicable statutory and rule
 72 requirements.

73 (b) For the purposes of this section, the term:

74 1. "Substantial damage" means that the cost of repair
 75 would exceed 50 percent of the replacement costs of such
 76 structure.

77 2. "Major reconstruction" means the complete or partial
 78 replacement or rebuilding, to its original level of protection,
 79 of a significant portion of a structure that has failed or
 80 deteriorated.

81 (6) This section does not exempt a structure from the
 82 requirements of the Endangered Species Act, including any
 83 incidental take permits that are required by the Endangered
 84 Species Act. Participation in the Walton County Habitat

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85 Conservation Plan/Incidental Take Permit program may be an
86 appropriate method of addressing applicable requirements of the
87 Endangered Species Act.

88 (7) At the time or before a seller and purchaser execute a
89 contract for sale and purchase of any interest in real property
90 having coastal armoring authorized under this section, the
91 seller must provide to the potential purchaser notification of
92 the requirements of this section and a copy of the coastal
93 properties disclosure statement required in section 161.57,
94 Florida Statutes.

95 Section 2. This act shall take effect upon becoming a law.