

By Senator Hutson

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1                   A bill to be entitled  
2           An act relating to beach management and erosion  
3           control; amending s. 161.101, F.S.; revising criteria  
4           to be considered by the Department of Environmental  
5           Protection in determining and assigning annual funding  
6           priorities for beach management and erosion control  
7           projects; requiring such criteria to be considered in  
8           a specified order; providing an effective date.  
9

10 Be It Enacted by the Legislature of the State of Florida:  
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12           Section 1. Subsection (14) of section 161.101, Florida  
13           Statutes, is amended to read:

14           161.101 State and local participation in authorized  
15           projects and studies relating to beach management and erosion  
16           control.—

17           (14) The intent of the Legislature in preserving and  
18           protecting Florida's sandy beaches pursuant to this section ~~aet~~  
19           is to direct beach erosion control appropriations to the state's  
20           most severely eroded beaches, and to prevent further adverse  
21           impact caused by improved, modified, or altered inlets, coastal  
22           armoring, or existing upland development. In establishing annual  
23           project funding priorities, the department shall seek formal  
24           input from local coastal governments, beach and general  
25           government interest groups, and university experts. Criteria to  
26           be considered by the department in determining annual funding  
27           priorities shall include items of primary consideration pursuant  
28           to paragraphs (a)-(f), items of secondary consideration pursuant  
29           to paragraphs (g)-(i), and items for additional consideration  
30           pursuant to paragraphs (j) and (k):

31           (a) The tourism-related ~~severity of erosion conditions, the~~  
32           ~~threat to existing upland development, and recreational and/or~~

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33 economic benefits of the project. Using data for the county in  
34 which the project is located, the return on investment shall be  
35 considered as a ratio of tourism-related tax revenues for the  
36 most recent year to the amount of state funding requested for  
37 the project and a ratio of the tourism-related tax revenues as a  
38 percentage of all county tax revenues.

39 (b) The recreational benefits of the project determined by  
40 calculating the percentage of linear footage of property zoned  
41 for recreational or open space or commercial or public lodging  
42 establishments within the project area.

43 (c) ~~(b)~~ The availability of federal matching dollars for the  
44 project, considering federal authorization, the federal cost  
45 share percentage, and the status of the funding award.

46 (d) The storm damage reduction benefits of the project,  
47 considering:

48 1. Current conditions, including any recent storm damage  
49 impacts, as a percentage of volume of sand lost since the most  
50 recent nourishment event or most recent survey. If the project  
51 has not been restored, the historical background erosion rate  
52 will be used; and

53 2. Potential threat to existing upland development,  
54 including public and private structures and infrastructure,  
55 based on the percentage of vulnerable shoreline within the  
56 project boundaries.

57 ~~(c) The extent of local government sponsor financial and~~  
58 ~~administrative commitment to the project, including a long-term~~  
59 ~~financial plan with a designated funding source or sources for~~  
60 ~~initial construction and periodic maintenance.~~

61 (e) ~~(d)~~ The previous state commitment and involvement in the

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62 project, considering previously funded phases, project  
63 eligibility, and previous partial appropriations for the  
64 project.

65 (f) The cost effectiveness of the project based on the cost  
66 per volume per mile per year of proposed beach fill placement  
67 and recognition of projects with proposed structural or design  
68 components to extend the nourishment interval; proposed  
69 innovative technologies designed to reduce project costs or  
70 proposed regional sediment management strategies; and  
71 coordination to reduce project costs.

72 ~~(e) The anticipated physical performance of the proposed~~  
73 ~~project, including the frequency of periodic planned~~  
74 ~~nourishment.~~

75 ~~(g)~~~~(f)~~ The extent to which the proposed project mitigates  
76 the adverse impact of improved, modified, or altered inlets on  
77 adjacent beaches.

78 (h) The readiness of the project to proceed, considering  
79 construction phase, status of required permits, easement  
80 acquisition, availability of local funding sources, and  
81 establishment of an erosion control line. If the department  
82 identifies specific and documented concerns that the project  
83 will not proceed, the department may choose not to include the  
84 project in the annual funding priorities submitted to the  
85 Legislature.

86 (i) The extent to which the project addresses the state's  
87 most significant beach erosion problems as a function of project  
88 length.

89 (j) The increased prioritization of projects that have been  
90 on the department's ranked list for successive years without

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91 success in securing state funding for project implementation.

92 (k) The environmental habitat enhancement of the project,  
93 recognizing state or federal critical habitat areas for  
94 threatened or endangered species which in the near term may be  
95 subject to erosion that threatens the availability or quality of  
96 habitat for such species. Turtle-friendly designs, proposed  
97 incorporation of best management practices and adaptive  
98 management strategies to protect resources, and innovative  
99 technologies designed to benefit critical habitat preservation  
100 may also be considered.

101 ~~(g) Innovative, cost-effective, and environmentally~~  
102 ~~sensitive applications to reduce erosion.~~

103 ~~(h) Projects that provide enhanced habitat within or~~  
104 ~~adjacent to designated refuges of nesting sea turtles.~~

105 ~~(i) The extent to which local or regional sponsors of beach~~  
106 ~~erosion control projects agree to coordinate the planning,~~  
107 ~~design, and construction of their projects to take advantage of~~  
108 ~~identifiable cost savings.~~

109 ~~(j) The degree to which the project addresses the state's~~  
110 ~~most significant beach erosion problems.~~

111  
112 If ~~In the event that~~ more than one project qualifies equally  
113 ~~under the provisions of~~ this subsection, the department shall  
114 assign funding priority to those projects that are most ready to  
115 proceed.

116 Section 2. This act shall take effect July 1, 2016.