

1                                   A bill to be entitled  
 2           An act relating to coastal construction and  
 3           preservation; amending s. 161.021, F.S.; defining the  
 4           terms "upland structure," "vulnerable," and "wave  
 5           runup" as those terms are used in the Dennis L. Jones  
 6           Beach and Shore Preservation Act; amending s. 161.085,  
 7           F.S.; requiring, rather than authorizing, the  
 8           Department of Environmental Protection to issue  
 9           permits for present installations of rigid coastal  
 10          armoring structures under certain circumstances;  
 11          providing that the department may only order permitted  
 12          public structures to be removed under certain  
 13          circumstances; providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

16  
 17          Section 1.   Section 161.021, Florida Statutes, is amended  
 18          to read:

19          161.021   Definitions.—As used in parts I and II, unless ~~in~~  
 20          ~~construing these statutes, where the context does not clearly~~  
 21          indicates indicate otherwise, the word, phrase, or term:

22                 (1)   "Access" or "public access" as used in ss. 161.041,  
 23          161.052, and 161.053 means the public's right to laterally  
 24          traverse the sandy beaches of this state where such access  
 25          exists on or after July 1, 1987, or where the public has

26 | established an accessway through private lands to lands seaward  
27 | of the mean high tide or water line by prescription,  
28 | prescriptive easement, or any other legal means, development or  
29 | construction may ~~shall~~ not interfere with such right of public  
30 | access unless a comparable alternative accessway is provided.

31 | (2) "Beach and shore preservation," "erosion control,  
32 | beach preservation and hurricane protection," "beach erosion  
33 | control" and "erosion control" includes, but is not limited to,  
34 | erosion control, hurricane protection, coastal flood control,  
35 | shoreline and offshore rehabilitation, and regulation of work  
36 | and activities likely to affect the physical condition of the  
37 | beach or shore.

38 | (3) "Beach nourishment" means the maintenance of a  
39 | restored beach by the replacement of sand.

40 | (4) "Beach restoration" means the placement of sand on an  
41 | eroded beach for the purposes of restoring it as a recreational  
42 | beach and providing storm protection for upland properties.

43 | (5) "Board of trustees" means the Board of Trustees of the  
44 | Internal Improvement Trust Fund.

45 | (6) "Coastal construction" includes any work or activity  
46 | which is likely to have a material physical effect on existing  
47 | coastal conditions or natural shore and inlet processes.

48 | (7) "Department" means the Department of Environmental  
49 | Protection.

50 | (8) "Emergency" means any unusual incident resulting from

51 | natural or unnatural causes which endangers the health, safety,  
 52 | or resources of the residents of the state, including damages or  
 53 | erosion to any shoreline resulting from a hurricane, storm, or  
 54 | other such violent disturbance.

55 | (9) "Inlet sediment bypassing" includes any transfer of  
 56 | sediment from an inlet or beach to another stretch of beach for  
 57 | the purpose of nourishment and beach erosion control.

58 | (10) "Local government" means a county, municipality,  
 59 | community development district, or independent special taxing  
 60 | district.

61 | (11) "Upland structure" means any dwelling and its  
 62 | appurtenances.

63 | (12) "Vulnerable" includes observed evidence of wave runup  
 64 | within 100 feet of an upland structure.

65 | (13) "Wave runup" means the maximum vertical extent of  
 66 | wave uprush on a beach or structure above the still water level.

67 | Section 2. Subsection (2) of section 161.085, Florida  
 68 | Statutes, is amended to read:

69 | 161.085 Rigid coastal armoring structures.—

70 | (2) In order to allow state and federal agencies,  
 71 | political subdivisions of the state, and municipalities to  
 72 | preplan for emergency response for the protection of private  
 73 | structures and public infrastructure, the department, pursuant  
 74 | to s. 161.041 or s. 161.053, may issue permits for the present  
 75 | or future installation of rigid coastal armoring structures or

76 other emergency response measures to protect private structures,  
77 public infrastructure, and private and public property. The  
78 department:

79 (a) Must issue permits for present installations of  
80 coastal armoring ~~may be issued~~ if it determines ~~is determined~~  
81 that private structures or public infrastructure is vulnerable  
82 to damage from frequent coastal storms or rising sea levels.

83 (b) May issue permits for future installations of coastal  
84 armoring structures, ~~may be issued~~ contingent upon the  
85 occurrence of specified changes to the coastal system which  
86 would leave upland structures vulnerable to damage from ~~frequent~~  
87 coastal storms. The department may assist agencies, political  
88 subdivisions of the state, or municipalities, at their request,  
89 in identifying areas within their jurisdictions which may  
90 require permits for future installations of rigid coastal  
91 armoring structures.

92 (c) Shall issue permits for present installations of  
93 coastal armoring ~~may be issued~~ where such installation is  
94 between and adjoins at both ends rigid coastal armoring  
95 structures, follows a continuous and uniform armoring structure  
96 construction line with existing coastal armoring structures, and  
97 is no more than 250 feet in length.

98  
99 Structures built pursuant to permits granted under this  
100 subsection may be ordered removed by the department only if such

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101 | structures are determined to be unnecessary or to interfere with  
102 | the installation of a beach restoration project.

103 |       Section 3. This act shall take effect July 1, 2021.