

By Senator Wright

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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 to
18 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

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30 access unless a comparable alternative accessway is provided.

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

38 (3) "Beach nourishment" means the maintenance of a restored
39 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,

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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 wave
66 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, political
71 subdivisions of the state, and municipalities to preplan for
72 emergency response for the protection of private structures and
73 public infrastructure, the department, pursuant to s. 161.041 or
74 s. 161.053, may issue permits for the present or future
75 installation of rigid coastal armoring structures or other
76 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 coastal
80 armoring ~~may be issued~~ if it determines ~~is determined~~ that
81 private structures or public infrastructure is vulnerable to
82 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

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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
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.