

26 ecosystem represent some of the most fragile and endangered
27 natural upland communities in the state and nation.

28 (b) The beaches of the region are among the most important
29 nesting grounds for threatened and endangered sea turtles in the
30 Western Hemisphere and the beach running the length of the
31 southern barrier island of Brevard County is home to the largest
32 nesting aggregation of loggerhead sea turtles in the world and
33 the management decisions made in the region have global impacts
34 for the species.

35 (c) The Archie Carr National Wildlife Refuge is located
36 within the barrier island of Brevard County and is a significant
37 conservation area designated to protect habitat at the most
38 significant area for loggerhead sea turtle nesting in the world,
39 at the most significant area for green turtle nesting in North
40 America, and for a diverse array of plant and animal species.

41 (d) The Indian River Lagoon, designated as an Estuary of
42 National Significance by the United States Environmental
43 Protection Agency in 1990, borders the western shore of the
44 barrier island of Brevard County and the natural habitats of the
45 barrier island ecosystem protect the water quality and
46 productivity of the Indian River Lagoon.

47 (e) The salt water recreational fishery of the Indian
48 River Lagoon generates hundreds of millions of dollars per year
49 in local economic benefit.

50 (f) Density limitations and natural resource protection on

51 the barrier island of Brevard County has decreased public tax
52 burdens associated with the provisions of services, building and
53 maintenance of infrastructure for barrier island residential
54 developments, and public costs for rebuilding public and private
55 structures following severe erosion events.

56 (g) Protection of the primary dune system of the barrier
57 island of Brevard County provides the only protective buffer for
58 local development from storm surges associated with tropical
59 storms and hurricanes.

60 (h) The entirety of the barrier island of Brevard County
61 lies within a zone that is the first to be subject to mandatory
62 evacuation protocols due to the vulnerability of the barrier
63 island in hurricane events and the adverse impacts of such
64 vulnerability on evacuating safely.

65 (3) LEGISLATIVE INTENT.-It is the intent of the
66 Legislature to:

67 (a) Establish a land use management system that protects
68 the natural environment of the southern Brevard Barrier Island
69 Area.

70 (b) Establish a land use management system that promotes
71 orderly and balanced growth in accordance with the capacity of
72 existing public facilities and services.

73 (c) Protect and improve the Indian River Lagoon ecosystem,
74 including improving water quality of the Brevard Barrier Island
75 Area through federal, state, and local funding of water quality

76 improvement projects.

77 (d) Ensure that the population of the Brevard Barrier
 78 Island Area can be safely evacuated in the event of a hurricane.

79 (4) DESIGNATION.—The Brevard Barrier Island Area, as
 80 described in this subsection, is designated as an area of
 81 critical state concern. The Brevard Barrier Island Area is that
 82 portion of Brevard County formed by the southern boundary of the
 83 Town of Melbourne Beach, the Indian River as the western
 84 boundary, the Atlantic Ocean as the eastern boundary, extending
 85 south to the southern boundary of the Sebastian Inlet State
 86 Park. Specifically including the following township, ranges, and
 87 sections as designated by the Brevard Public Land Survey System:
 88 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-
 89 38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion
 90 only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01,
 91 30-39-06-08, 30-39-17-18, and 30-39-20.

92 (5) GUIDING PRINCIPLES FOR DEVELOPMENT.—State, regional,
 93 and local agencies and units of government in the Brevard
 94 Barrier Island Area shall coordinate their plans and conduct
 95 their programs and regulatory activities to be consistent with
 96 all of the following guiding principles for development within
 97 the area:

98 (a) Preventing the adverse impacts of development on
 99 resources critical to sea turtle habitat by prohibiting new
 100 shoreline hardening structures and enforcing existing state and

- 101 county coastal construction regulations.
- 102 (b) Prioritizing water quality restoration projects in the
103 Indian River Lagoon.
- 104 (c) Reducing nutrient contributions from septic tanks and
105 wastewater facilities, stormwater discharges, and agriculture
106 non-point sources into the Indian River Lagoon.
- 107 (d) Supporting innovative, nature-based solutions
108 including living shorelines, and freshwater and coastal wetland
109 restoration.
- 110 (e) Safeguarding against adverse economic, social,
111 environmental, and public health and safety impacts posed by
112 flooding and storm surge by protecting critical assets
113 identified in s. 380.093.
- 114 (f) Protecting shoreline and marine resources, including
115 mangroves, seagrass beds, wetlands, sea turtles, manatees, and
116 fish and wildlife, and related habitats.
- 117 (g) Protecting upland resources, including dune ridges,
118 beaches, wildlife, and related habitats.
- 119 (h) Limiting the adverse impacts of development on the
120 quality of water throughout the Brevard Barrier Island Area and
121 the Indian River Lagoon.
- 122 (i) Enhancing natural scenic resources to promote the
123 aesthetic benefits of the natural environment.
- 124 (j) Ensuring that development is compatible with the
125 unique characteristics of the Brevard Barrier Island Area.

126 (6) REMOVAL OF DESIGNATION. -

127 (a) The designation of the Brevard Barrier Island Area as
 128 an area of critical state concern under this section may be
 129 recommended for removal upon fulfilling the legislative intent
 130 under subsection (3) and completion of all the work program
 131 tasks specified in rules of the Administration Commission.

132 (b) Beginning November 30, 2030, the state land planning
 133 agency shall annually submit a written report to the
 134 Administration Commission describing the progress of the Brevard
 135 Barrier Island Area toward completing the work program tasks
 136 specified in the commission rules. The land planning agency
 137 shall recommend removing the Brevard Barrier Island Area from
 138 being designated as an area of critical state concern to the
 139 commission if it determines that:

140 1. Adequate restoration and renourishment programs are in
 141 place to preserve the beaches and dunes of the southern barrier
 142 island in Brevard County for nesting sea turtles;

143 2. Seagrass replanting in the Indian River Lagoon
 144 extending the length of the Brevard Barrier Island Protection
 145 Area is in a coverage volume that would establish recovery to
 146 scientifically defensible reference targets;

147 3. Nonpoint pollution sources into the Indian River Lagoon
 148 that contribute to total phosphorus, total nitrogen,
 149 chlorophyll-a, fecal coliform, and metals have been sufficiently
 150 reduced to meet water quality criteria standards resulting in

151 the removal of the Indian River Lagoon from the impaired waters
 152 list;

153 4. The green sea turtle (Chelonia mydas), loggerhead sea
 154 turtle (Caretta caretta), and leatherback sea turtle
 155 (Dermochelys coriacea) have been delisted from the Florida
 156 Endangered and Threatened Species rule and the Florida Marine
 157 Turtle Protection Act under s. 379.2431;

158 5. All local comprehensive plans and land development
 159 regulations and the administration of such plans and regulations
 160 are adequate to protect the Brevard Barrier Island Area, fulfill
 161 the legislative intent specified in subsection (2), and are
 162 consistent with and further the principles guiding development;
 163 and

164 6. A local government has adopted a resolution at a public
 165 hearing recommending the removal of the designation.

166 Section 2. This act shall take effect July 1, 2023.