

1 A bill to be entitled
 2 An act relating to the designation of Brevard Barrier
 3 Island Area as an area of critical state concern;
 4 creating s. 380.0553, F.S.; providing a short title;
 5 providing legislative findings and intent; designating
 6 the Brevard Barrier Island Area as an area of critical
 7 state concern; providing guiding principles for
 8 development within the area; providing for removal of
 9 the designation; providing construction; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 380.0553, Florida Statutes, is created
 15 to read:

16 380.0553 Brevard Barrier Island Area; protection and
 17 designation as area of critical state concern.-

18 (1) SHORT TITLE.-This section may be cited as the "Brevard
 19 Barrier Island Area Protection Act."

20 (2) LEGISLATIVE FINDINGS.-The Legislature finds that the
 21 designation of the Brevard Barrier Island Area as an area of
 22 critical state concern is necessary for the following reasons:

23 (a) The southern barrier island of Brevard County
 24 represents one of the most fragile and endangered coastal
 25 ecosystems in North America and the beaches, dunes, coastal

26 scrub, and maritime hammock areas of the barrier island
27 ecosystem represent some of the most fragile and endangered
28 natural upland communities in the state and nation.

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

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

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

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

51 (f) Density limitations and natural resource protection on
52 the barrier island of Brevard County has decreased public tax
53 burdens associated with the provisions of services, building and
54 maintenance of infrastructure for barrier island residential
55 developments, and public costs for rebuilding public and private
56 structures following severe erosion events.

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

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

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

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

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

74 (c) Protect and improve the Indian River Lagoon ecosystem,
75 including improving water quality of the Brevard Barrier Island

76 Area through federal, state, and local funding of water quality
 77 improvement projects.

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

80 (4) DESIGNATION.—The Brevard Barrier Island Area, as
 81 described in this subsection, is designated as an area of
 82 critical state concern. The Brevard Barrier Island Area is that
 83 portion of Brevard County formed by the southern boundary of the
 84 Town of Melbourne Beach, the Indian River as the western
 85 boundary, the Atlantic Ocean as the eastern boundary, extending
 86 south to the southern boundary of the Sebastian Inlet State
 87 Park. Specifically including the following township, ranges, and
 88 sections as designated by the Brevard Public Land Survey System:
 89 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-
 90 38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion
 91 only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01,
 92 30-39-06-08, 30-39-17-18, and 30-39-20.

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

99 (a) Preventing the adverse impacts of development on
 100 resources critical to sea turtle habitat by prohibiting new

101 shoreline hardening structures and enforcing existing state and
102 county coastal construction regulations.

103 (b) Prioritizing water quality restoration projects in the
104 Indian River Lagoon.

105 (c) Reducing nutrient contributions from septic tanks and
106 wastewater facilities, stormwater discharges, and agriculture
107 non-point sources into the Indian River Lagoon.

108 (d) Supporting innovative, nature-based solutions
109 including living shorelines, and freshwater and coastal wetland
110 restoration.

111 (e) Safeguarding against adverse economic, social,
112 environmental, and public health and safety impacts posed by
113 flooding and storm surge by protecting critical assets
114 identified in s. 380.093.

115 (f) Protecting shoreline and marine resources, including
116 mangroves, seagrass beds, wetlands, sea turtles, manatees, and
117 fish and wildlife, and related habitats.

118 (g) Protecting upland resources, including dune ridges,
119 beaches, wildlife, and related habitats.

120 (h) Limiting the adverse impacts of development on the
121 quality of water throughout the Brevard Barrier Island Area and
122 the Indian River Lagoon.

123 (i) Enhancing natural scenic resources to promote the
124 aesthetic benefits of the natural environment.

125 (j) Ensuring that development is compatible with the

126 unique characteristics of the Brevard Barrier Island Area.

127 (6) REMOVAL OF DESIGNATION.-

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

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

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

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

148 3. Nonpoint pollution sources into the Indian River Lagoon
 149 that contribute to total phosphorus, total nitrogen,
 150 chlorophyll-a, fecal coliform, and metals have been sufficiently

151 reduced to meet water quality criteria standards resulting in
152 the removal of the Indian River Lagoon from the impaired waters
153 list;

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

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

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

167 (7) LAND ZONING AND USE.—This section does not affect any
168 existing zoning or use of land in effect within the Brevard
169 Barrier Island Area before July 1, 2023.

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