



847466

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2024	.	
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	.	
	.	

The Committee on Fiscal Policy (Polsky) recommended the following:

Senate Amendment (with title amendment)

Before line 22

insert:

Section 1. Subsections (3) and (15) of section 161.053, Florida Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(3) A coastal county or coastal municipality may establish coastal construction zoning and building codes in lieu of the



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11 provisions of this section if such zones and codes were ~~are~~
12 approved in writing by the department on or before December 1,
13 2023, as being adequate to preserve and protect the beaches and
14 coastal barrier dunes adjacent to such beaches, which are under
15 the jurisdiction of the department, from imprudent construction
16 that will jeopardize the stability of the beach-dune system,
17 accelerate erosion, provide inadequate protection to upland
18 structures, endanger adjacent properties, or interfere with
19 public beach access. Exceptions to locally established coastal
20 construction zoning and building codes may not be granted unless
21 previously approved by the department before December 1, 2023.

22 The intent of this subsection is to provide for the local
23 administration of established coastal construction control lines
24 through approved zoning and building codes if desired by local
25 interests and where such local interests have, in the judgment
26 of the department, sufficient funds and personnel to adequately
27 administer the program. Should the department determine at any
28 time that the program is inadequately administered, the
29 department may revoke the authority granted to the county or
30 municipality.

31 (15) (a) Except as provided in paragraph (b), the department
32 may delegate ~~In keeping with the intent of subsection (3),~~
33 authority for permitting certain types of activities that have
34 been defined by the department ~~may be delegated by the~~
35 ~~department~~ to a coastal county or coastal municipality. Such
36 partial delegation must ~~shall~~ be narrowly construed to those
37 particular activities specifically named in the delegation and
38 agreed to by the affected county or municipality. The delegation
39 may be revoked by the department at any time if it is determined



40 that the delegation is improperly or inadequately administered.

41 (b) The department may not delegate such authority to a
42 coastal county or coastal municipality that did not receive
43 local coastal construction zoning and building code exceptions
44 to the coastal control line on or before December 1, 2023,
45 pursuant to subsection (3).

46

47 ===== T I T L E A M E N D M E N T =====

48 And the title is amended as follows:

49 Delete lines 2 - 4

50 and insert:

51 An act relating to local government coastal
52 protections; amending s. 161.053, F.S.; providing that
53 only coastal counties and coastal municipalities that
54 received written authorization from the Department of
55 Environmental Protection on or before a specified date
56 may establish construction zoning and building code
57 exceptions to coastal construction control lines;
58 prohibiting the department from delegating certain
59 authority to coastal counties and coastal
60 municipalities that did not receive such
61 authorization; amending s. 380.093, F.S.; authorizing
62 the department to provide