

**By** the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Leek

601-02526-26

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1                                   A bill to be entitled  
2       An act relating to beach management; amending s.  
3       161.101, F.S.; requiring the Department of  
4       Environmental Protection to review certain data when  
5       designating certain beaches as critically eroded and  
6       in need of restoration and nourishment; requiring that  
7       certain beaches, whose local government preserved  
8       funds for a certain purpose and which possess  
9       specified features, be designated as critically  
10      eroded; authorizing the secretary of the department to  
11      require coastal local governments to develop local  
12      strategic beach management plans; requiring that such  
13      plans include an analysis of certain information;  
14      making a technical change; amending s. 161.161, F.S.;  
15      conforming a provision to changes made by the act;  
16      amending s. 380.05, F.S.; revising the list of areas  
17      that may receive designation as an area of critical  
18      state concern; reenacting s. 380.045(1), (3), and (5),  
19      F.S., relating to resource planning and management  
20      committees and objectives and procedures, to  
21      incorporate the amendment made to s. 380.05, F.S., in  
22      references thereto; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Subsections (1) and (2) of section 161.101,  
27       Florida Statutes, are amended to read:

28       161.101 State and local participation in authorized  
29       projects and studies relating to beach management and erosion

601-02526-26

2026636c1

30 control.-

31 (1) (a) The Legislature recognizes that beach erosion is a  
32 statewide problem that does not confine its effects to local  
33 governmental jurisdictions and that beach erosion can be  
34 adequately addressed most efficiently by a state-initiated  
35 program of beach restoration and beach nourishment. However,  
36 since local beach communities derive the primary benefits from  
37 the presence of adequate beaches, a program of beach restoration  
38 and beach nourishment should not be accomplished without a  
39 commitment of local funds to combat the problem of beach  
40 erosion.

41 (b) Accordingly, the Legislature declares that the state,  
42 through the department, shall determine those beaches which are  
43 critically eroded and in need of restoration and nourishment and  
44 may authorize appropriations to pay up to 75 percent of the  
45 actual costs for restoring and nourishing a critically eroded  
46 beach. The local government in which such a beach is located is  
47 responsible for the balance of such costs. In designating  
48 beaches as critically eroded, the department shall review data  
49 related to beaches that have been preemptively and repeatedly  
50 repaired to avoid complete erosion and for which private  
51 funding, local government funding, and state and federal grants  
52 have been expended to stop or mitigate such erosion.

53 (c) If a local government with jurisdiction over a beach  
54 that possesses all of the following features has a financial  
55 plan that ensures the preservation of funding for inclusion in  
56 the state strategic beach management plan, such beach must be  
57 designated as critically eroded:

58 1. The local government possesses a perpetual easement that

601-02526-26

2026636c1

59 contains language stating the local government must assume  
60 maintenance responsibilities for shoreline parcels and must  
61 develop and implement a design whereby shoreline retreat is  
62 sufficiently managed to protect high value inland developments;  
63 and

64 2. Geological features of the dune, beach, and seabed  
65 combined with insufficient spacing between the erosion control  
66 line to upland assets, which results in repeated inland flooding  
67 or structural damage ~~The local government in which the beach is~~  
68 ~~located shall be responsible for the balance of such costs.~~

69 (2) (a) To carry out the beach and shore preservation  
70 programs, the department is hereby constituted as the beach and  
71 shore preservation authority for the state. In this capacity,  
72 the secretary of the department may at his or her own initiative  
73 take all necessary steps as soon as practicable and desirable to  
74 implement the provisions of this chapter.

75 (b) The secretary of the department may, as he or she deems  
76 necessary, require coastal local governments to develop local  
77 strategic beach management plans. Local strategic beach  
78 management plans must include, but are not limited to, an  
79 identification of the most visited shoreline recreational  
80 facilities, university research centers, and shoreline  
81 protection areas and an analysis of all of the following:

- 82 1. Compound flooding near the county's beaches.
- 83 2. Assessed values of upland properties and developments.
- 84 3. Environmentally sensitive lands and waters.
- 85 4. Any recommendation from a certified coastal engineer or  
86 coastal engineering specialist.
- 87 5. Any recommendation from the United States Army Corps of

601-02526-26

2026636c1

88 Engineers.

89 Section 2. Paragraph (a) of subsection (2) of section  
90 161.161, Florida Statutes, is amended to read:

91 161.161 Procedure for approval of projects.—

92 (2) The comprehensive long-term management plan developed  
93 and maintained by the department pursuant to subsection (1) must  
94 include, at a minimum, a strategic beach management plan, a  
95 critically eroded beaches report, and a statewide long-range  
96 budget plan. The long-range budget plan must include a 3-year  
97 work plan for beach restoration, beach nourishment, and inlet  
98 management projects that lists planned projects for each of the  
99 3 fiscal years addressed in the work plan.

100 (a) The strategic beach management plan must identify and  
101 recommend appropriate measures for all of the state's critically  
102 eroded sandy beaches and may incorporate plans prepared at the  
103 regional level, including plans developed pursuant to s.  
104 161.101(2)(b), taking into account areas of greatest need and  
105 probable federal and local funding. Upon approval in accordance  
106 with this section, such ~~regional~~ plans, along with the 3-year  
107 work plan identified in subparagraph (c)1., must serve as the  
108 basis for state funding decisions. Before finalizing the  
109 strategic beach management plan, the department shall hold a  
110 public meeting in the region for which the plan is prepared or  
111 hold a publicly noticed webinar.

112 Section 3. Paragraph (a) of subsection (2) of section  
113 380.05, Florida Statutes, is amended to read:

114 380.05 Areas of critical state concern.—

115 (2) An area of critical state concern may be designated  
116 only for:

601-02526-26

2026636c1

117 (a) An area containing, or having a significant impact  
118 upon, environmental or natural resources of regional or  
119 statewide importance, including, but not limited to, state or  
120 federal parks; forests; wildlife refuges; wilderness areas;  
121 aquatic preserves; major rivers and estuaries; state  
122 environmentally endangered lands; Outstanding Florida Waters;  
123 low elevation sections immediately inland of the beach-dune  
124 system which have been repeatedly breached or overtopped by  
125 seawater flowing into an interconnected stormwater system or  
126 which have been designated in a local emergency declaration for  
127 a prolonged period; and aquifer recharge areas, the uncontrolled  
128 private or public development of which would cause substantial  
129 deterioration of such resources. Specific criteria which must  
130 ~~shall~~ be considered in designating an area under this paragraph  
131 include:

132 1. Whether the economic value of the area, as determined by  
133 the type, variety, distribution, relative scarcity, and  
134 condition of the environmental or natural resources within the  
135 area, is of substantial regional or statewide importance.

136 2. Whether the ecological value of the area, as determined  
137 by the physical and biological components of the environmental  
138 system, is of substantial regional or statewide importance.

139 3. Whether the area is a designated critical habitat of any  
140 state or federally designated threatened or endangered plant or  
141 animal species.

142 4. Whether the area is inherently susceptible to  
143 substantial development due to its geographic location or  
144 natural aesthetics.

145 5. Whether any existing or planned substantial development

601-02526-26

2026636c1

146 within the area will directly, significantly, and deleteriously  
147 affect any ~~or all~~ of the environmental or natural resources of  
148 the area which are of regional or statewide importance.

149 Section 4. For the purpose of incorporating the amendment  
150 made by this act to section 380.05, Florida Statutes, in  
151 references thereto, subsections (1), (3), and (5) of section  
152 380.045, Florida Statutes, are reenacted to read:

153 380.045 Resource planning and management committees;  
154 objectives; procedures.-

155 (1) Prior to recommending an area as an area of critical  
156 state concern pursuant to s. 380.05, the Governor, acting as the  
157 chief planning officer of the state, shall appoint a resource  
158 planning and management committee for the area under study by  
159 the state land planning agency. The objective of the committee  
160 shall be to organize a voluntary, cooperative resource planning  
161 and management program to resolve existing, and prevent future,  
162 problems which may endanger those resources, facilities, and  
163 areas described in s. 380.05(2) within the area under study by  
164 the state land planning agency.

165 (3) Not later than 12 months after its appointment by the  
166 Governor, the committee shall either adopt a proposed voluntary  
167 resource planning and management program for the area under  
168 study or recommend that a voluntary resource planning and  
169 management program not be adopted. The proposed voluntary  
170 resource planning and management program shall contain the  
171 committee findings with respect to problems that endanger those  
172 resources, facilities, and areas described in s. 380.05(2) and  
173 shall contain detailed recommendations for state, regional, and  
174 local governmental actions necessary to resolve current and

601-02526-26

2026636c1

175 prevent future problems identified by the committee. A major  
176 objective of the proposed voluntary resource planning and  
177 management program shall be the effective coordination of state,  
178 regional, and local planning; program implementation; and  
179 regulatory activities for comprehensive resource management. The  
180 committee shall submit the proposed voluntary resource planning  
181 and management program to the head of the state land planning  
182 agency, who shall transmit the program along with the  
183 recommendations of the agency for monitoring and enforcing the  
184 program, as well as any other recommendations deemed  
185 appropriate, to the Administration Commission.

186 (5) The state land planning agency shall report to the  
187 Administration Commission within 12 months of the approval of  
188 the program by the commission concerning the implementation and  
189 the effects of the approved voluntary resource planning and  
190 management program. The report shall include, but shall not be  
191 limited to:

192 (a) An assessment of state agency compliance with the  
193 program, including the degree to which the program  
194 recommendations have been integrated into agency planning,  
195 program implementation, regulatory activities, and rules;

196 (b) An assessment of the compliance by each affected local  
197 government with the program;

198 (c) An evaluation of state, regional, and local monitoring  
199 and enforcement activities and recommendations for improving  
200 such activities; and

201 (d) A recommendation as to whether or not all or any  
202 portion of the study area should be designated an area of  
203 critical state concern pursuant to s. 380.05.

601-02526-26

2026636c1

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205 The state land planning agency may make such other reports to  
206 the commission as it deems necessary, including recommending  
207 that all or any portion of the study area be designated an area  
208 of critical state concern because of special circumstances in  
209 the study area or in the implementation of the approved  
210 voluntary resource planning and management program.

211 Section 5. This act shall take effect July 1, 2026.