

Committee Substitute for  
Committee Substitute for House Bill No. 1005

An act relating to beach management; amending s. 161.021, F.S.; revising definitions; amending s. 161.041, F.S.; revising provisions relating to permit conditions; amending s. 161.042, F.S.; providing authority of the Department of Environmental Protection relating to beach nourishment for certain coastal construction and excavation; amending ss. 161.053, 161.082, and 161.141, F.S.; conforming terminology; amending s. 161.088, F.S.; revising declaration of public policy relating to beach erosion control, restoration, and nourishment; amending s. 161.091, F.S.; providing legislative intent with respect to disbursements from the Ecosystem Management and Restoration Trust Fund; modifying requirements of the department's multiyear repair and maintenance strategy; amending s. 161.101, F.S.; authorizing the department to enter into certain cooperative agreements for inlet project management and cost-sharing; revising requirements and criteria for state funding of projects and studies relating to beach management and erosion control; providing rule-making authority of the department; amending s. 161.111, F.S.; deleting obsolete provisions relating to an erosion control account; amending s. 161.161, F.S.; revising provisions relating to the state's comprehensive long-term beach management plan; deleting project criteria; revising requirements for approval of certain projects by the Board of Trustees of the Internal Improvement Trust Fund and certain expenditures therefor; revising restrictions on certain department projects where a local share is required; revising department rulemaking authority; providing an effective date.

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

Section 1. This act shall be known as the "Dennis L. Jones Beach Management Act."

Section 2. Present subsections (3), (8), and (10) of section 161.021, Florida Statutes, are amended to read:

161.021 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(3) "Beach nourishment ~~renourishment~~" means the maintenance of a restored beach by the replacement of sand.

~~(8) "Division" means the Division of Beaches and Shores of the Department of Environmental Protection.~~

~~(9)~~(40) "Inlet sediment bypassing" includes any transfer of sediment from an inlet or beach to another stretch of beach for the purpose of nourishment ~~renourishment~~ and beach erosion control.

Section 3. Subsection (4) of section 161.041, Florida Statutes, is amended to read:

161.041 Permits required.—

(4) The department may, as a condition to the granting of a permit under this section, require mitigation, financial, or other assurances acceptable to the department as may be necessary to assure performance of conditions of a permit or enter into contractual agreements to best assure compliance with any permit conditions. Biological and environmental monitoring conditions included in the permit shall be based upon clearly defined scientific principles. The department may also require notice of the permit conditions required and the contractual agreements entered into pursuant to the provisions of this subsection to be filed in the public records of the county in which the permitted activity is located.

Section 4. Section 161.042, Florida Statutes, is amended to read:

161.042 Coastal construction and excavation in barrier beach inlets.— The department is authorized to direct any person, or any public body or agency, responsible for the excavation of sandy sediment as a result of any activity conducted to maintain navigable depths within or immediately adjacent to any coastal barrier beach inlet within sovereignty lands, after the department considers any limitations under chapters 253 and 403 on the deposition of spoil material from the excavation, and upon issuance of water quality certification by the department, to use such sediment for beach nourishment as prescribed by the department division. For any construction or excavation within or immediately contiguous to any coastal barrier beach inlet which has been permitted pursuant to s. 161.041, the department may require the permittee to supply beach profiles and conduct hydrographic monitoring of the impacted area.

Section 5. Paragraph (d) of subsection (6) of section 161.053, Florida Statutes, is amended to read:

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

(6)

(d) In determining the land areas which will be below the seasonal high-water line within 30 years after the permit application date, the department shall consider the impact on the erosion rates of an existing beach nourishment ~~renourishment~~ or restoration project or of a beach nourishment ~~renourishment~~ or restoration project for which all funding arrangements have been made and all permits have been issued at the time the application is submitted. The department shall consider each year there is sand seaward of the erosion control line that no erosion took place that year. However, the seaward extent of the beach nourishment ~~renourishment~~ or restoration project beyond the erosion control line shall not be considered in determining the applicable erosion rates. Nothing in this subsection shall prohibit the department from requiring structures to meet criteria established in subsection (1), subsection (2), or subsection (5) or to be further landward than

required by this subsection based on the criteria established in subsection (1), subsection (2), or subsection (5).

Section 6. Section 161.082, Florida Statutes, is amended to read:

161.082 Review of innovative technologies for beach nourishment ~~re-nourishment~~.—The department is directed to periodically review innovative technologies for beach nourishment ~~re-nourishment~~ and, on a limited basis, authorize, through the permitting process, experimental projects that are alternatives to traditional dredge and fill projects to determine the most effective and less costly techniques for beach nourishment ~~re-nourishment~~.

Section 7. Section 161.088, Florida Statutes, is amended to read:

161.088 Declaration of public policy respecting beach erosion control and beach restoration and nourishment ~~re-nourishment~~ projects.—Because beach erosion is a serious menace to the economy and general welfare of the people of this state and has advanced to emergency proportions, it is hereby declared to be a necessary governmental responsibility to properly manage and protect Florida beaches fronting on the Atlantic Ocean, Gulf of Mexico, and Straits of Florida from erosion and that the Legislature make provision for beach restoration and nourishment ~~re-nourishment~~ projects, including inlet management projects that cost-effectively provide beach quality material for adjacent critically eroded beaches. The Legislature declares that such beach restoration and nourishment ~~re-nourishment~~ projects, as approved pursuant to s. 161.161, are in the public interest; must be in an area designated as critically eroded shoreline, or benefit an adjacent critically eroded shoreline; must have a clearly identifiable beach management benefit consistent with the state's beach management plan; and must be designed to reduce potential upland damage or mitigate adverse impacts caused by improved, modified, or altered inlets, coastal armoring, or existing upland development. Given the extent of the problem of critically eroded ~~eroding~~ beaches, it is also declared that beach restoration and nourishment ~~re-nourishment~~ projects shall be funded in a manner that encourages all cost-saving strategies, fosters regional coordination of projects, improves the performance of projects, and provides long-term solutions. The Legislature further declares that nothing herein is intended to reduce or amend the beach protection programs otherwise established in this chapter or to result in local governments altering the coastal management elements of their local government comprehensive plans pursuant to chapter 163.

Section 8. Subsection (1) and paragraphs (d) and (e) of subsection (2) of section 161.091, Florida Statutes, are amended to read:

161.091 Beach management; funding; repair and maintenance strategy.—

(1) Subject to such appropriations as the Legislature may make therefor from time to time, disbursements from the Ecosystem Management and Restoration Trust Fund may be made by the department in order to carry out the proper state responsibilities in a comprehensive, long-range, state-wide beach management plan for erosion control; beach preservation, restoration, and nourishment ~~re-nourishment~~; and storm and hurricane protec-

tion. Legislative intent in appropriating such funds is for the implementation of those projects that contribute most significantly to addressing the state's beach erosion problems.

(2) The department shall develop a multiyear repair and maintenance strategy that:

(d) Extends the life of beach nourishment projects and reduces the frequency of nourishment ~~renourishment~~; and

(e) Promotes inlet sand bypassing to replicate the natural flow of sand interrupted by improved, modified, or altered inlets and ports.

Section 9. Section 161.101, Florida Statutes, is amended to read:

161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach nourishment ~~renourishment~~. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach nourishment ~~renourishment~~ should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the department, shall determine those beaches which are critically eroded ~~eroding~~ and in need of restoration and nourishment ~~renourishment~~ and may authorize appropriations to pay up to 75 percent of the actual costs for restoring and nourishing ~~renourishing~~ a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

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

(3) Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with any Act of Congress relating to beach erosion control in which nonfederal participation is required, it shall be the policy of the state to assist with an equitable share of such funds to the extent that funds are available, as determined by the department.

(4) The department, for itself or on behalf of any and all duly established beach and shore preservation districts and local governments within the state, may enter into cooperative agreements and otherwise cooperate with, and meet the requirements and conditions (including, but not limited to, execution of indemnification agreements) of, federal, state, and other local governments and political entities, or any agencies or representatives thereof, for the purpose of improving, furthering, and expediting the beach management program.

(5) The department is authorized, for and on behalf of the state, to accept such federal moneys for beach erosion control as are available and to sign all necessary agreements therefor and to do and perform all necessary acts in connection therewith to effectuate the intent and purposes of this act.

(6) The department is authorized to make application for federal participation in the cost of any beach and shore preservation project under any Acts of Congress and all amendments thereto.

(7) The department is authorized to implement regional components of the beach management plan pursuant to ss. 161.091 and 161.161 and, where appropriate, to enter into agreements with the Federal Government, inlet districts, port authorities, intercoastal waterway districts, and local governments to cost-share and coordinate such activity.

(8) The department is authorized to sponsor or cosponsor demonstration projects of new or innovative technologies which have the potential to reduce project costs, conserve beach quality sand, extend the life of beach nourishment projects, and improve inlet sand bypassing pursuant to s. 161.091.

(9)(a) Because improved, modified, or altered inlets are a significant cause of beach erosion, it is the Legislature's intent to manage the erosive impacts of inlets under the state's beach management program. Accordingly, it is the further intent of the Legislature for the state to cost-share those components of inlet projects that minimize the erosive effects of the inlet or cost-effectively provide for the placement of beach quality material on adjacent eroded beaches.

(b) The department is authorized to enter into cooperative agreements with local governments, including cities, counties, and special districts, for inlet management activities and to cost-share those components of inlet projects that minimize the erosive effects of the inlet or cost-effectively provide for the placement of beach quality material on adjacent eroded beaches.

~~(10)(9)~~ The department is authorized to pay up to 100 percent of the ~~construction and maintenance costs of approved beach erosion control projects authorized for construction pursuant to subsection (16)~~ when construction and maintenance are on lands of which the state is the upland riparian owner.

~~(11)(10)~~ With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from legislative appropriations specifically provided for these purposes an amount up to 75 percent of the actual costs of ~~contractual services the approved project, including, but not limited to, the costs for:~~

(a) Feasibility and related planning studies. ~~Project design engineering and construction supervision and inspection;~~

(b) Design. ~~Biological monitoring;~~

(c) Construction. ~~Inlet sand transfer projects;~~

(d) Monitoring. The state shall cost-share in all biological and physical monitoring requirements which are based upon scientifically based criteria. Dune revegetation and stabilization;

~~(e) Restoration, renourishment, or feeder beach project costs;~~

~~(f) Construction easements, rights-of-way, public access easements, and vehicle parking spaces;~~

~~(g) Obtaining required permits;~~

~~(h) Establishing erosion control lines;~~

~~(i) Enhancement of marine turtle propagation; and~~

~~(j) Sand-source studies.~~

(12) A project, in order to receive state funds, shall provide for adequate public access, protect natural resources, and provide protection for endangered and threatened species.

(13) The department shall not fund projects that provide only recreational benefits. All funded activities must have an identifiable beach erosion control or beach preservation benefit directed toward maintaining or enhancing sand in the system. Activities ineligible for cost-sharing include, but are not limited to:

(a) Recreational structures such as piers, decks, and boardwalks.

(b) Park activities and facilities except for erosion control.

(c) Aesthetic vegetation.

(d) Water quality components of stormwater management systems.

(e) Experimental or demonstration projects unless favorably peer reviewed or scientifically documented.

(f) Hard structures unless designed for erosion control or to enhance beach nourishment project longevity or bypassing performance.

(g) Operations and maintenance, with the exception of nourishment.

(h) Maintenance and repair of over-walks.

(i) Navigation construction, operation, and maintenance activities, except those elements whose purpose is to place or keep sand on adjacent beaches.

(14)(14) The intent of the Legislature in preserving and protecting Florida's sandy beaches pursuant to this act is to direct beach erosion control appropriations to the state's most severely eroded ~~eroding~~ beaches, and to prevent further adverse impact caused by improved, modified, or altered navigation inlets, coastal armoring, or existing upland development. In establishing annual project funding priorities, the department shall seek for-

mal input from local coastal governments, beach and general government interest groups, and university experts. Criteria to be considered by the department in determining annual funding priorities shall include:

- (a) The severity of erosion conditions, the threat to existing upland development, and recreational and/or economic benefits.
- (b) The availability of federal matching dollars.
- (c) The extent of local government sponsor financial and administrative commitment to the project, including a long-term financial plan with a designated funding source or sources for initial construction and periodic maintenance.
- (d) Previous state commitment and involvement in the project.
- (e) The anticipated physical performance of the proposed project, including the frequency of periodic planned nourishment ~~renourishment~~.
- (f) The extent to which the proposed project mitigates the adverse impact of improved, modified, or altered navigation ~~navigation~~ inlets on adjacent beaches.
- (g) Innovative, cost-effective, and environmentally sensitive applications to reduce erosion.
- (h) ~~Proposed beach nourishment~~ Projects that provide enhanced habitat within or adjacent to designated refuges of nesting sea turtles.
- (i) The extent to which local or regional sponsors of beach erosion control projects agree to coordinate the planning, design, and construction of their projects to take advantage of identifiable cost savings.
- (j) The degree to which the project addresses the state's most significant beach erosion problems.

In the event that more than one project qualifies equally under the provisions of this subsection, the department shall assign funding priority to those projects that are ready to proceed.

~~(15)(12)~~ Until the unmet demand for repairing Florida's damaged beaches and dunes is satisfied, it is the further intent of the Legislature to cost-share such projects equally between the state and local sponsors.

~~(16)(13)~~ In order to encourage regional approaches that provide cost savings, and notwithstanding subsection ~~(15) (12)~~, actual cost savings that can be documented as resulting from geographic coordination and sequencing of two or more discrete erosion control projects shall proportionally reduce each local sponsor's cost share as long as the state financial participation does not exceed 75 percent ~~as provided by subsection (10)~~.

~~(17)(14)~~ The selection of a project engineer acceptable to the department by local government as project sponsor shall be on the basis of competitive negotiation as provided in chapter 287. The project sponsor shall assume full responsibility for all project costs in excess of the state cost limitation.

~~(18)~~(15) A local government desiring to initiate and pay the entire cost of designing, constructing, and maintaining an erosion control project prior to the state's initiating such construction may be reimbursed from state funds on the basis of the procedures set forth in s. 161.161, provided the project is approved by the department before initiation of construction and based on legislative appropriations and whether it furthers the provisions of s. 161.161. Such local interests shall, as project sponsor, be responsible for obtaining federal reimbursement in the case of federal-aid projects.

~~(16)~~ The department may expend funds from the Ecosystem Management and Restoration Trust Fund to alleviate emergency conditions, upon a declaration, after a hearing, by the Governor and Cabinet that a shoreline emergency of state concern exists. Any expenditures made for this purpose shall be pursuant to legislative appropriations or from amendments to original approved operating budgets authorized pursuant to s. 216.181.

~~(19)~~(17) Twenty-five percent of any funds appropriated for implementation of this section shall be held by the department until the last quarter of the fiscal year for which the appropriation is made. This amount shall be used to meet emergencies prescribed in s. 161.111 subsection (16). If no such emergencies occur, then these funds may be released in the last quarter of the fiscal year in which the appropriation is made for projects.

~~(20)~~(18) The department shall maintain a current project listing and may, in its discretion and dependent upon the availability of local resources and changes in the criteria listed in subsection (14) s. 161.161, revise the project listing.

(21) The department may adopt rules to implement this section.

Section 10. Section 161.111, Florida Statutes, is amended to read:

161.111 Shore erosion emergency.—If a shore erosion emergency is declared by the Governor, the state, acting through the department, may spend whatever state funds are available to alleviate shore erosion, ~~including such funds specifically set aside for such purposes in the erosion control account.~~

Section 11. Section 161.141, Florida Statutes, is amended to read:

161.141 Property rights of state and private upland owners in beach restoration project areas.—The Legislature declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach ~~nourishment~~ renourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees must establish the line of mean high water for the area to be restored; and any additions to the upland



property landward of the established line of mean high water which result from the restoration project remain the property of the upland owner subject to all governmental regulations and are not to be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. The resulting additions to upland property are also subject to a public easement for traditional uses of the sandy beach consistent with uses that would have been allowed prior to the need for the restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his or her property. If an authorized beach restoration, beach ~~nourishment~~ renourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, the taking must be made by the requesting authority by eminent domain proceedings.

Section 12. Section 161.161, Florida Statutes, is amended to read:

161.161 Procedure for approval of projects.—

(1) The ~~department~~ division shall develop and maintain a comprehensive long-term management plan for the restoration and maintenance of the state's critically eroded ~~eroding~~ beaches fronting the Atlantic Ocean, Gulf of Mexico, and Straits of Florida. The beach management plan shall:

(a) Address long-term solutions to the problem of critically ~~eroded~~ erod-  
ing beaches in this state.

(b) Evaluate each improved, modified, or altered ~~coastal beach~~ inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan shall ~~must~~ include:

1. The extent to which such inlet causes beach erosion and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, recommendations regarding inlet sediment bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and beach nourishment ~~renourish-~~  
~~ment~~; and

2. Cost estimates necessary to take inlet corrective measures and recommendations regarding cost sharing among the beneficiaries of such inlet.

(c) ~~Specify~~ Design criteria for beach restoration and beach nourishment ~~renourishment~~ projects, including, but not limited to:

1. Dune elevation and width and revegetation and stabilization requirements; and

2. Beach profile.

(d) Evaluate the establishment of feeder beaches as an alternative to direct beach restoration and recommend the location of such feeder beaches and the source of beach-compatible sand.

(e) Identify causes of shoreline erosion and change, calculate erosion rates, and project long-term erosion for all major beach and dune systems by surveys and profiles.

(f) Identify shoreline development and degree of density and assess impacts of development and shoreline protective structures on shoreline change and erosion.

(g) Identify short-term and long-term economic costs and benefits of beaches, including recreational value to user groups, tax base, revenues generated, and beach acquisition and maintenance costs.

(h) Study dune and vegetation conditions.

(i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles and their nests and nesting locations.

(j) Identify alternative management responses to preserve undeveloped beach and dune systems, to restore damaged beach and dune systems, and to prevent inappropriate development and redevelopment on migrating beaches, and consider beach restoration and nourishment ~~renourishment~~, armoring, relocation and abandonment, dune and vegetation restoration, and acquisition.

(k) Establish criteria, including costs and specific implementation actions, for alternative management techniques.

(l) Select and recommend appropriate management measures for all of the state's sandy beaches in a beach management program.

(m) Establish a list of beach restoration and beach nourishment ~~renourishment~~ projects, arranged in order of priority, and the funding levels needed for such projects.

The beach management plan may be prepared at the regional level based upon areas of greatest need and probable federal funding. Such regional plans shall be components of the statewide beach management plan and shall serve as the basis for state funding decisions upon approval in accordance with chapter 86-138, Laws of Florida. In accordance with a schedule established for the submission of regional plans by the department, any completed plan must be submitted to the secretary of the department for approval no later than March 1 of each year. These regional plans shall include, but shall not be limited to, recommendations of appropriate funding mechanisms for implementing projects in the beach management plan, giving consideration to the use of single-county and multicounty taxing districts or other revenue generation measures by state and local governments and the private sector. Prior to presenting the plan to the secretary of the department, the department shall hold a public meeting in the areas for which the plan is prepared. The plan submission schedule shall be submitted to the secretary for approval. Any revisions to such schedule must be approved in like manner.

~~(2) In establishing the recommended list of restoration and renourishment projects described in subsection (1), the division shall consider and balance the following criteria:~~

~~(a) The estimated demand user occasions that would be served by increased beach area;~~

~~(b) The extent of existing and threatened damage to property from beach erosion;~~

~~(c) The prospect for long-term success of the restoration or renourishment project, as measured by the anticipated amount and frequency of future renourishment;~~

~~(d) The location of the beach relative to the statewide effort to control the erosion of the beaches;~~

~~(e) The total anticipated costs of the project, including the costs for restoration and for periodic renourishment;~~

~~(f) The proximity of an adequate source of beach-compatible sand;~~

~~(g) The quality of the sand proposed to be used;~~

~~(h) The degree of public access to the beach, including adequate vehicle parking or consolidated public access points, taking into account existing access points and local public access needs;~~

~~(i) The extent of public support for the project;~~

~~(j) The anticipated impact of the project on natural resources, including, but not limited to, impacts on coral, worm and rock reefs, submerged and emergent vegetation, fishing resources, and turtle nesting;~~

~~(k) The extent to which the local governments in the area of the project have enacted ordinances or other regulations to protect sea turtles from the adverse effects of beachfront lighting.~~

~~The extent to which the foregoing criteria are addressed in a net positive manner shall result in a greater priority being assigned to those projects. In addition to consideration of criteria listed in this subsection, a project, in order to receive state funds, must provide for public access in substantial compliance with paragraph (h) and must provide for protection for those historically established habitats identified in paragraph (j) and for endangered and threatened species.~~

~~(2)(3) Upon approval of the beach management plan by the department, the secretary shall present to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees recommendations for funding of beach erosion control projects. Such recommendations, compiled by region, shall be presented to such members of the Legislature in the priority order specified in the plan and established pursuant to criteria contained in subsection (2) and s. 161.101(14)(11).~~

(3)(4) Once a project is determined to be undertaken, a survey of all or part of the shoreline within the jurisdiction of the local government in which the beach is located shall be conducted in order to establish the area of beach to be protected by the project and locate an erosion control line. No provision of ss. 161.141-161.211 shall be construed as preventing a local government from participating in the funding of erosion control projects or surveys undertaken in accordance with the provisions of ss. 161.141-161.211. In lieu of conducting a survey, the board of trustees may accept and approve a survey as initiated, conducted, and submitted by the appropriate local government if said survey is made in conformity with the appropriate principles set forth in ss. 161.141-161.211.

(4)(5) Upon completion of the survey depicting the area of the beach erosion control project and the proposed location of the erosion control line, the board of trustees shall give notice of the survey and the date on which the board of trustees will hold a public hearing for the purpose of receiving evidence on the merits of the proposed erosion control line project and, if approval is granted, of locating and establishing such requested erosion control line. Such notice shall be by publication in a newspaper of general circulation published in the county or counties in which the proposed beach erosion control project shall be located not less than once a week for 3 consecutive weeks and by mailing copies of such notice by certified or registered mail to each riparian owner of record of upland property lying within 1,000 feet (radial distance) of the shoreline to be extended through construction of the proposed beach erosion control project, as his or her name and address appear upon the latest tax assessment roll, in order that any persons who have an interest in the beach erosion control project or in the location of such requested erosion control line can be present at such hearing to submit their views concerning ~~necessity for the project~~ and the precise location of the proposed erosion control line. Such notice shall be in addition to any notice requirement in chapter 120.

(5)(6) The board of trustees shall approve or disapprove the erosion control line for a beach restoration or beach renourishment project as it affects sovereignty lands. ~~If approval is granted, the secretary shall authorize the expenditure from legislative appropriations specifically provided for these purposes of the amount necessary to pay for up to 75 percent of the costs of the project, and the board of trustees shall establish the location of the erosion control line.~~ In locating said line, the board of trustees shall be guided ~~generally~~ by the existing line of mean high water, bearing in mind the requirements of proper engineering in the beach restoration erosion control project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

(6)(7) In no event shall the department undertake a beach restoration or beach nourishment renourishment project pursuant to chapter 86-138, Laws of Florida, where a local share is required without the approval of the local government or governments responsible for that local share.

(7)(8) The department may shall adopt rules to administer this section for reviewing and determining projects eligible for state funds.

Section 13. This act shall take effect July 1, 2000.

Approved by the Governor June 20, 2000.

Filed in Office Secretary of State June 20, 2000.