

## Committee Substitute for Senate Bill No. 14-A

An act relating to the restoration of hurricane-damaged beaches and dunes; providing legislative findings with respect to hurricane damage to the state's beach and dune systems; requiring the Department of Environmental Protection to provide a report on the repair and restoration of the state's beaches and dunes to the Governor and Legislature; providing appropriations; requiring a local match for certain appropriations; limiting the local match to counties and municipalities with a certain per capita personal income level; authorizing the Executive Office of the Governor to approve a waiver under certain conditions; restricting full release of funds until certain local match requirements are met; requiring that the Executive Office of the Governor provide prior notice to the Legislative Budget Commission of allocations from lump-sum appropriations to appropriation categories; authorizing the department to redistribute funds among activities and projects; requiring that the department provide prior notice of and justification for such redistribution to the Governor and Legislature; directing the department to take the necessary steps to ensure the timely implementation and completion of certain beach repair and restoration projects; providing an effective date.

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

Section 1. The Legislature finds that Florida's beach and dune systems were adversely affected by Hurricanes Charley, Frances, Ivan, and Jeanne and Tropical Storm Bonnie which struck the state during 2004. The Legislature further finds that in order to begin the recovery of these systems, the Department of Environmental Protection developed the 2004 Hurricane Recovery Plan for Florida's Beach and Dune System, hereinafter referred to as "the plan," dated November 30, 2004, for the repair and restoration of the state's beaches and dunes.

Section 2. The Department of Environmental Protection shall provide a report to the Legislature no later than February 11, 2005, describing the progress made to date on the plan's activities and beach and dune repair and restoration projects. The report must include the dollars spent, percentage of the project's completion, and funding impacts on the 2005-2006 fiscal year budget. The report must be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 3. (1) For the 2004-2005 fiscal year only, \$64.6 million from the General Revenue Fund and \$3.8 million from the Land Acquisition Trust Fund are appropriated in fixed capital outlay for the purpose of implementing the plan's activities and beach and dune repair and restoration projects.

(2) Of the \$64.6 million appropriated from the General Revenue Fund, the \$53.8 million for beach restoration studies and dune restoration projects contained in the plan shall require a local match of 10 percent to enhance or expand such projects.

(a) The local match requirement shall not apply to any county, or municipality within such county, with a per capita personal income level below the state's per capita personal income level, as published by the United States Department of Commerce. In addition, the Executive Office of the Governor may approve a waiver, subject to the requirement for legislative notice and review under section 216.177, Florida Statutes, of all or a portion of the required local match for any local government. The Executive Office of the Governor must determine that such a match requirement cannot be provided or that doing so would impose a documented hardship on the local government.

(b) The Department of Environmental Protection shall not release the final 25 percent of state funds to be provided to any local government for beach restoration studies and dune restoration projects until that local government has met local match requirements pursuant to this section.

(3) Notwithstanding the provisions of section 216.177, Florida Statutes, requiring a 14-day notice for interim budget actions, and pursuant to section 216.351, Florida Statutes, the Executive Office of the Governor shall provide notice of the allocation of the lump-sum appropriations authorized by this act into traditional appropriation categories to the chair and vice chair of the Legislative Budget Commission at least 3 working days prior to the effective date of such allocation.

Section 4. The Department of Environmental Protection is authorized to redistribute the funds appropriated in this act among activities and projects, as necessary, to efficiently and effectively implement the plan and to leverage federal and local matching funds. Funds from these appropriations must be used to implement the plan until completed or until the funds have been exhausted. The department shall provide a written description and justification 5 days prior to any redistribution of project funds within the plan to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 5. The Department of Environmental Protection is directed to take the necessary steps to ensure the timely implementation and completion of beach and dune repair and restoration projects included within the 2004 Hurricane Recovery Plan for Florida's Beach and Dune System. These steps shall include, but not be limited to, the issuance of applicable emergency permits and rule waivers consistent with current executive authority.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor December 21, 2004.

Filed in Office Secretary of State December 21, 2004.