

## CHAPTER 2011-261

### House Bill No. 1311

An act relating to Walton County; providing that certain rigid coastal armoring structures constructed during a specified time may remain without the need to obtain a Department of Environmental Protection permit; providing conditions applicable to such structures; providing definitions; providing an effective date.

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

Section 1. Within Walton County, rigid coastal armoring structures, including sand-filled geotextile containers and similar structures, constructed between July 10, 2005, and April 30, 2006, are deemed permanent structures and may remain without the need to obtain a Department of Environmental Protection permit under sections 161.053 and 161.085(3), Florida Statutes, subject to the following:

(1) Within 60 days after the effective date of this act, the Department of Environmental Protection, in coordination with Walton County, shall develop an informational list of the rigid coastal armoring structures, including sand-filled geotextile containers and similar structures, constructed between July 10, 2005, and April 30, 2006, that meet the requirements of this section. Such list shall describe, to the extent practicable and based on available information, the type of armoring structure and the location of the armoring structure in relation to the nearest Department of Environmental Protection "R" monument and the Walton County Coastal Construction Control Line.

(2) This section may not be construed as authorization to place or locate any rigid coastal armoring structure on property not under the ownership or control of the individual or entity constructing the structure, unless the property owner consents in writing to the placement or location of such structure.

(3) A property owner may complete construction on an existing temporary structure without obtaining a permit from the department if the construction began between July 10, 2005, and April 30, 2006, but was not completed; if the construction occurs on or landward of the armoring structure on the property owner's property; and if the work is completed within 1 year after the effective date of this act. Examples of such work include the addition of tie-backs, walers, and bulkhead caps. Work requiring sand placement or other activities that would occur seaward of the existing coastal armoring structure will require a permit from the department. A sand cover monitoring and maintenance plan will be included in permit applications for sand coverage over sand-filled geotextile containers or similar structures. Applications submitted under this subsection are exempt from the vulnerability requirements of section 161.085(2)(a), Florida

Statutes, but must comply with all other applicable statutory and rule requirements.

(4) Sand-filled geotextile containers or similar structures constructed between July 10, 2005, and April 30, 2006, shall be continuously covered with 3 feet of beach-quality sand and stabilized with native salt-tolerant vegetation. Within 90 days after the effective date of this act or at any time it appears the structure does not meet the sand coverage and vegetation requirement, a property owner may submit a permit application for sand placement to cover those structures having less than 3 feet of sand. The department shall order the removal of sand-filled geotextile containers and similar structures that fail to meet the sand-cover and vegetation requirements of this subsection.

(5)(a) Substantially damaged armoring structures must be removed by the property owner within 90 days after such damage. However, the property owner may apply within 90 days after such damage for a permit for major reconstruction of the damaged armoring structure, in accordance with applicable rules and law. If an application for a major reconstruction permit is denied by the department, the armoring structure must be removed within 90 days after final denial of the permit application. Such applications shall comply with all applicable statutory and rule requirements.

(b) For the purposes of this section, the term:

1. "Substantial damage" means that the cost of repair would exceed 50 percent of the replacement costs of such structure.

2. "Major reconstruction" means the complete or partial replacement or rebuilding, to its original level of protection, of a significant portion of a structure that has failed or deteriorated.

(6) This section does not exempt a structure from the requirements of the Endangered Species Act, including any incidental take permits that are required by the Endangered Species Act. Participation in the Walton County Habitat Conservation Plan/Incidental Take Permit program may be an appropriate method of addressing applicable requirements of the Endangered Species Act.

(7) At the time or before a seller and purchaser execute a contract for sale and purchase of any interest in real property having coastal armoring authorized under this section, the seller must provide to the potential purchaser notification of the requirements of this section and a copy of the coastal properties disclosure statement required in section 161.57, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor June 2, 2011.

Filed in Office Secretary of State June 2, 2011.