

CHAPTER 98-311

Committee Substitute for House Bill No. 3427

An act relating to funding for beach management; amending s. 161.088, F.S.; providing a legislative declaration that beach restoration and renourishment projects are in the public interest and shall be funded in a specified manner; amending s. 161.091, F.S.; providing for funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund; providing that designated funds be deposited in the trust fund and that funds in the trust fund be used to fully implement the beach management plan prior to being used for any other purpose; amending s. 161.101, F.S.; authorizing the Department of Environmental Protection to implement regional components of the beach management plan, to enter into agreements to cost-share and coordinate such activity, and to sponsor or cosponsor beach management demonstration projects; providing criteria to be considered in determining annual funding priorities for beach management projects; providing for reductions in local sponsors' cost shares; amending s. 161.161, F.S.; providing for regional components of the statewide beach management plan; providing for submission of funding recommendations to the Legislature; deleting obsolete provisions; amending s. 201.15, F.S.; providing for appropriation of certain documentary stamp tax revenues to the trust fund for purposes of beach preservation and repair; providing an appropriation; providing an effective date.

WHEREAS, Florida's number one tourist attraction is its beaches, and

WHEREAS, according to the Office of Tourism, Trade, and Economic Development, some 43 million tourists visited Florida in 1996, spending \$37.9 billion in taxable sales and creating 781,400 travel-related jobs, and

WHEREAS, more than half of all tourists coming to Florida spend at least part of their vacation on its beaches, and

WHEREAS, in a recent study over 60 percent of the beach tourists in Broward County said they would not return if there were no beaches, and

WHEREAS, Florida's beaches produced additional state sales and use tax revenues in excess of \$500 million in 1996, and

WHEREAS, Florida's beaches and dunes provide environmentally compatible storm protection to both developed and undeveloped upland property, protecting more than \$150 billion in taxable property values in the state, and

WHEREAS, the Legislature in 1986, pursuant to s. 161.088, Florida Statutes, recognized that uncontrolled beach erosion was a serious threat to the economic and general welfare of the state and its people and that in many areas beach erosion had already advanced to emergency proportions, and

WHEREAS, since this declaration over a decade ago, the health of Florida's beaches has further deteriorated and continues to deteriorate to such an extent that over one-third of the state's beaches are now critically eroded or eroding, are no longer providing effective upland storm protection, and as a result have lost much of their value to tourism, and

WHEREAS, the Legislature recognizes the urgency of the problem and declares its intent to fund a comprehensive, long-range beach management plan for erosion control; beach preservation, restoration, and renourishment; and storm and hurricane protection, and

WHEREAS, the Legislature has already allocated a portion of the excise tax on documents for beach acquisition and land management, and

WHEREAS, the Legislature has determined that it is also appropriate to fund the preservation, restoration, and management of Florida's beaches from the same revenue source, NOW, THEREFORE,

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

Section 1. Section 161.088, Florida Statutes, is amended to read:

161.088 Declaration of public policy respecting beach erosion control and beach restoration and renourishment 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 from erosion and that the Legislature make provision for beach restoration and renourishment projects. The Legislature declares that such beach restoration and renourishment projects, as approved pursuant to s. 161.161, are in the public interest. Given the extent of the problem of critically eroding beaches, it is also declared that beach restoration and renourishment 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 2. Section 161.091, Florida Statutes, is 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 Florida Permit-Fee Trust Fund may be made by ~~the division~~ subject to the approval of the department in order to carry out the proper state responsibilities in a comprehensive, long-range, statewide beach management plan for erosion control; beach preservation, ~~beach~~ restoration, and ~~beach~~ renourishment; and storm and hurricane protection. ~~The department~~

~~shall make a concerted effort to identify an additional dedicated revenue source to fund the beach management plan.~~

(2) ~~In concert with any increased funding,~~ The department shall develop a ~~corresponding~~ multiyear repair and maintenance strategy that:

(a) Encourages regional approaches to ensure ~~Ensures~~ the geographic coordination and sequencing of prioritized projects;

(b) Reduces equipment mobilization and demobilization costs;

(c) Maximizes the infusion of beach-quality sand into the system;

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

(e) Promotes inlet sand bypassing to replicate the natural flow of sand interrupted by inlets and ports.

(3) In accordance with the intent expressed in s. 161.088 and the legislative finding that erosion of the beaches of this state is detrimental to tourism, the state's major industry, further exposes the state's highly developed coastline to severe storm damage, and threatens beach-related jobs, which, if not stopped, could significantly reduce state sales tax revenues, funds deposited into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund, in the annual amounts provided in s. 201.15(8), shall be used, for a period of not less than 15 years, to fund the development, implementation, and administration of the state's beach management plan, as provided in ss. 161.091-161.212, prior to the use of such funds deposited pursuant to s. 201.15(8) in that trust fund for any other purpose.

Section 3. 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 renourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach 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 eroding and in need of restoration and renourishment and may authorize appropriations to pay up to 75 percent of the actual costs for restoring and 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)~~(7) The department is authorized to pay up to 100 percent of the construction and maintenance costs of projects authorized for construction pursuant to subsection ~~(16)~~ (14) when construction and maintenance are on lands of which the state is the upland riparian owner.

~~(10)~~(8) 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 the approved project, including, but not limited to, the costs for:

(a) Project design engineering and construction supervision and inspection;

- (b) Biological monitoring;
- (c) Inlet sand transfer projects;
- (d) 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.

(11)(9) 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 eroding beaches, and to prevent further adverse impact caused by navigation inlets, coastal armoring, or existing upland development. In establishing annual project funding priorities, the department shall seek formal 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 administration 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 renourishment.

(f) The extent to which the proposed project mitigates the adverse impact of 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.

~~(12)~~(10) 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.

(13) In order to encourage regional approaches that provide cost savings, and notwithstanding subsection (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).

~~(14)~~(11) 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.

~~(15)~~(12) 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)~~(13) 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.

~~(17)~~(14) 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 subsection ~~(16)~~ (14). 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.

~~(18)~~(15) 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 s. 161.161, revise the project listing.

Section 4. Section 161.161, Florida Statutes, is amended to read:

161.161 Procedure for approval of projects.—

(1) The division shall develop and maintain a comprehensive long-term management plan for the restoration of the state's critically eroding beaches. The beach management plan shall:

(a) Address long-term solutions to the problem of critically eroding beaches in this state.

(b) Evaluate each improved 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 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 renourishment; 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 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 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 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 district level based upon areas of greatest need and probable federal funding. Such regional district 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 district 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 district level 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 ~~or district~~ for which the plan is prepared. The ~~district~~ 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.

(3) Upon approval of the beach restoration 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(11) Board of Trustees of the Internal Improvement Trust Fund written recommendations for the funding of the beach restoration and beach renourishment projects according to the priority specified in the beach restoration management plan. Each year thereafter, the department shall present to the head of the department written recommendations for the funding of those projects that remain in need of restoration and renourishment pursuant to the approved list.

(4) ~~Once Upon receipt of the written recommendation and certification from the department with respect to a project, the board of trustees shall decide whether, in light of existing needs throughout the state, the project should be pursued. In determining whether a project is determined to should be undertaken, the board of trustees shall consider the criteria specified in this section relative to the project. If the board of trustees determines that a project should be pursued, it shall forthwith conduct 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.~~

(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 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.

(6) The board of trustees shall approve or disapprove the 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 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.

(7) In no event shall the department undertake a beach restoration or beach 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.

(8) The department shall adopt rules for reviewing and determining projects eligible for state funds.

~~(9) 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 eroding beaches, and to prevent further adverse impact caused by navigation inlets, coastal armoring, or existing upland development. In establishing annual project funding priorities, the department shall seek formal 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 administration commitment to the project.~~

~~(d) Previous state commitment and involvement in the project.~~

~~(e) The anticipated physical performance of the proposed project, including the frequency of periodic planned renourishment.~~

~~(f) The extent to which the proposed project mitigates the adverse impact of navigation inlets on adjacent beaches.~~

~~(g) Innovative, cost-effective, and environmentally sensitive applications to reduce erosion.~~

~~(10) 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.~~

Section 5. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter shall be subject to the service charge imposed in s. 215.20(1) and shall be distributed as follows:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Subject to the maximum amount limitations set forth in this paragraph, an amount as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to s. 375.051 and payable from moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund shall not exceed \$90 million in fiscal year 1992-1993, \$120 million in fiscal year 1993-1994, \$150 million in fiscal year 1994-1995, \$180 million in fiscal year 1995-1996, \$210 million in fiscal year 1996-1997, \$240 million in fiscal year 1997-1998, \$270 million in fiscal year 1998-1999, and \$300 million in fiscal year 1999-2000 and thereafter. No individual series of bonds may be issued pursuant to this paragraph unless the first year's debt service for such bonds is specifically appropriated in the General Appropriations Act. No moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, shall be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) The remainder of the moneys distributed under this subsection, after the required payment under paragraph (a), shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund and may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used. Payments made under this paragraph shall continue until the cumulative amount credited to the Land Acquisition Trust Fund for the fiscal year under this paragraph and paragraph (2)(b) equals 70 percent of the current official forecast for distributions of taxes collected under this chapter pursuant to subsection (2). As used in this paragraph, the term "current official forecast" means the most recent forecast as determined by the Revenue Estimating Conference. If the current official forecast for a fiscal year changes after payments under this para-

graph have ended during that fiscal year, no further payments are required under this paragraph during the fiscal year.

(c) The remainder of the moneys distributed under this subsection, after the required payments under paragraphs (a) and (b), shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund as provided in subsection (8).

(2) Seven and fifty-six hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(a) Beginning in the month following the final payment for a fiscal year under paragraph (1)(b), available moneys shall be paid into the State Treasury to the credit of the General Revenue Fund of the state to be used and expended for the purposes for which the General Revenue Fund was created and exists by law or to the Ecosystem Management and Restoration Trust Fund as provided in subsection (8). Payments made under this paragraph shall continue until the cumulative amount credited to the General Revenue Fund for the fiscal year under this paragraph equals the cumulative payments made under paragraph (1)(b) for the same fiscal year.

(b) The remainder of the moneys distributed under this subsection shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

(3) One and ninety-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Moneys deposited in the trust fund pursuant to this section shall be used for the following purposes:

(a) Sixty percent of the moneys shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal lands; and

(b) Forty percent of the moneys shall be used to develop and manage lands acquired with moneys from the Land Acquisition Trust Fund.

(4) Five and eighty-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Water Management Lands Trust Fund. Sums deposited in that fund may be used for any purpose authorized in s. 373.59.

(5) Five and eighty-four hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the Conservation and Recreation Lands Trust Fund to carry out the purposes set forth in s. 259.032.

(6) Seven and fifty-three hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(7) Eight and sixty-six hundredths percent of the remaining taxes collected under this chapter shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be used as follows:

(a) Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and be expended by the Department of Community Affairs and by the Florida Housing Finance Agency for the purposes for which the State Housing Trust Fund was created and exists by law.

(b) Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and shall be used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(8) From the moneys specified in paragraphs (1)(c) and (2)(a) and prior to deposit of any moneys into the General Revenue Fund, \$10 million shall be paid into the State Treasury to the credit of the Ecosystem Management and Restoration Trust Fund in fiscal year 1998-1999, \$20 million in fiscal year 1999-2000, and \$30 million in fiscal year 2000-2001 and each fiscal year thereafter, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.

~~(9)(8)~~ The Department of Revenue may use the payments credited to trust funds pursuant to paragraphs (1)(b) and (2)(b) and subsections (3), (4), (5), (6), and (7) to pay the costs of the collection and enforcement of the tax levied by this chapter. The percentage of such costs which may be assessed against a trust fund is a ratio, the numerator of which is payments credited to that trust fund under this section and the denominator of which is the sum of payments made under paragraphs (1)(b) and (2)(b) and subsections (3), (4), (5), (6), and (7).

Section 6. There are hereby appropriated to the Department of Environmental Protection, six positions and \$449,918 for FY 1998-99 from the Ecosystems Management and Restoration Trust Fund from revenues provided by this act pursuant to s. 201.15(8). These positions and funding are provided to assist local project sponsors, and shall be used to facilitate and promote enhanced beach erosion control project administration. Such staffing resources shall be directed toward more efficient contract development and oversight, promoting cost-sharing strategies and regional coordination or projects among local governments, providing assistance to local governments to ensure timely permit review, and improving billing review and disbursement processes.

Upon implementation of the Governor's Building Codes Study Commission recommendations pertaining to coastal construction, and the adoption of those recommendations by local governments, the department shall delegate the coastal construction building codes review pursuant to s. 161.053, Florida Statutes, to those local governments. Current department positions supporting the coastal construction building codes review shall be directed to support implementation of the subject beach management plan.

Section 7. This act shall take effect July 1 of the year in which enacted.

Approved by the Governor May 29, 1998.

Filed in Office Secretary of State May 29, 1998.