

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: SB 796

SPONSOR: Senator Clary and others

SUBJECT: Dune Stabilization

DATE: April 16, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baum	Kiger	EP	Favorable
2.	Herrin	Yeatman	CA	Pre-meeting
3.	_____	_____	GA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires the Department of Environmental Protection (DEP) to issue permits for installing dune stabilization or restoration structures in critically eroding areas or in areas that become critically eroded following a storm.

Authority is given to the DEP, a political subdivision, or municipality to install a dune stabilization or restoration structure without a permit following a storm event that causes critical erosion so long as the DEP is notified of such installation.

In addition, the bill provides engineering certifications and standards for permitting, and authorizes the DEP to delegate its regulatory authority to a political subdivision or municipality with respect to a dune stabilization or restoration structure.

This bill substantially amends s. 161.021, F.S., and creates s. 161.084, F.S.

II. Present Situation:

Coastal barrier dunes are among the most valuable natural resources in the State of Florida because dunes serve as the final line of defense against the attack of storms, waves and currents. Critical erosion of the state's beaches and damage to the dune system have advanced to emergency proportions and must be stabilized in order to protect against irreparable harm and prevent further loss of natural resources and damage to property. Such erosion causes a significant threat to the economy, is a detriment to the state's vital tourism industry and beach-related employment, reduces coastal property values and beach access, and can severely impact the habitat used for nesting marine turtles.

III. Effect of Proposed Changes:

Section 1 amends subsection (2) of s. 161.021, F.S., to include “dune restoration” and the use of “dune stabilization or restoration structures” as “beach and shore preservation” activities.

Subsection (8) of s. 161.021, F.S. is created to define “dune restoration” as the placement of native or beach-compatible sand, either alone or together with a dune stabilization or restoration structure, in order to stabilize, protect, or restore a dune to a natural appearance and functioning condition and provide storm protection for upland properties.

Subsection (9) of s. 161.021, F.S. is created to define “dune stabilization or restoration structure” as a sloping subsurface core covered with native or beach-compatible sand and native vegetation designed to stabilize, protect, or restore the dune to a natural appearance and functioning condition, including a sand-filled geosynthetic container or other soft protection system.

Section 2 creates section 161.084, F.S., relating to dune stabilization or restoration structures. This section:

- Provides that the DEP examine, study, and issue permits for the installation of dune stabilization or restoration structures to aid in dealing with coastal erosion and in mitigating the permanent loss of dunes and beaches, property adjacent to eroding dunes, and marine turtle habitats.
- Provides for the DEP, political subdivision, or municipality to install or authorize installation of dune stabilization or restoration without a permit following a storm event that causes critical erosion so long as the structure:
 - Is installed in a critically eroding area or is adjacent to a critically eroding dune and inclusion is necessary for restoration or stabilization of that dune.
 - Is installed in a subsurface site and covered with 3 feet of native or beach-compatible sand and vegetation.
 - Is sited as far landward as practicable in order to minimize impacts among other coastal property, including native coastal vegetation.
 - Promotes scenery that is compatible with recreation and tourism.
 - Provides a gently sloping seaward surface.
 - Does not materially impede access by the public or marine life.
 - Provides toe scour protection to prevent dune from further erosion.
 - Is easily removable if dune causes significant adverse impacts.
 - Is designated to minimize significant adverse impacts to marine turtles and hatchlings, consistent with s. 370.12, F.S.
- Requires a permitting agency to notify the DEP of emergency dune installation within its jurisdiction.
- Provides that, pursuant to s. 161.053, F.S., the DEP may delegate its permitting, supervisory, and regulatory authority to authorize a political subdivision or municipality to permit, supervise, and regulate such dune stabilization or restoration structure.
- Provides that the DEP may require engineering certificates to ensure adequate design and construction of permitted projects.

- Requires the DEP to use clearly defined scientific principles as the basis for including any biological or environmental monitoring conditions in the permit requirements.
 - Any permit application, or engineering device provided by a coastal engineer that does not meet the above requirement, will be denied.

Section 3 provides the bill shall take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Based on information from the DEP's staff analysis of this bill, profits in segments of the private sector will increase substantially due to an increased number of dune stabilization and restoration structures which will be manufactured.

C. Government Sector Impact:

According to DEP's staff analysis on this bill, the number of permits requested for dune stabilization and restoration structures will increase, thereby creating the need for additional DEP staff and personnel. Specific personnel requirements have not been provided.

VI. Technical Deficiencies:

Subsection (7) of s. 161.084, F.S., as created by this bill, requires DEP to use clearly defined scientific principles as the basis for including any biological or environmental monitoring conditions in the permit requirements, denying any permit application, or accepting any engineering evidence provided by a coastal engineer. However, these scientific principles are not defined.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
