

By Senator Leek

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1 A bill to be entitled
2 An act relating to beach management; amending s.
3 161.101, F.S.; requiring the Department of
4 Environmental Protection to review certain data when
5 designating certain beaches as critically eroded and
6 in need of restoration and nourishment; requiring that
7 certain beaches, whose local government preserved
8 funds for a certain purpose and which possess
9 specified features, be designated as critically
10 eroded; authorizing the secretary of the department to
11 require coastal local governments to develop a local
12 strategic beach management plan; requiring that such
13 plans include an analysis of certain information;
14 making a technical change; amending s. 161.161, F.S.;
15 conforming a provision to changes made by the act;
16 amending s. 380.05, F.S.; revising the list of areas
17 that may receive designation as an area of critical
18 state concern; reenacting s. 380.045(1), (3), and (5),
19 F.S., relating to resource planning and management
20 committees and objectives and procedures, to
21 incorporate the amendment made to s. 380.05, F.S., in
22 references thereto; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (1) and (2) of section 161.101,
27 Florida Statutes, are amended to read:

28 161.101 State and local participation in authorized
29 projects and studies relating to beach management and erosion

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30 control.-

31 (1) (a) The Legislature recognizes that beach erosion is a
32 statewide problem that does not confine its effects to local
33 governmental jurisdictions and that beach erosion can be
34 adequately addressed most efficiently by a state-initiated
35 program of beach restoration and beach nourishment. However,
36 since local beach communities derive the primary benefits from
37 the presence of adequate beaches, a program of beach restoration
38 and beach nourishment should not be accomplished without a
39 commitment of local funds to combat the problem of beach
40 erosion.

41 (b) Accordingly, the Legislature declares that the state,
42 through the department, shall determine those beaches which are
43 critically eroded and in need of restoration and nourishment and
44 may authorize appropriations to pay up to 75 percent of the
45 actual costs for restoring and nourishing a critically eroded
46 beach. The local government in which such a beach is located is
47 responsible for the balance of such costs. In designating
48 beaches as critically eroded, the department shall review data
49 related to beaches that have been preemptively and repeatedly
50 repaired to avoid complete erosion and for which private
51 funding, local government funding, and state and federal grants
52 have been expended to stop or mitigate such erosion.

53 (c) If a local government with jurisdiction over a beach
54 that possesses all of the following features has a financial
55 plan that ensures the preservation of funding for inclusion in
56 the state strategic beach management plan, such beach must be
57 designated as critically eroded:

58 1. A perpetual easement that contains language stating that

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59 the local government with jurisdiction over the beach must
60 assume maintenance responsibilities for shoreline parcels and
61 must develop and implement a design whereby shoreline retreat is
62 sufficiently managed to protect high value inland developments;
63 and

64 2. Geological features of the dune, beach, and seabed
65 combined with insufficient spacing between the erosion control
66 line to upland assets, which results in repeated inland flooding
67 or structural damage ~~The local government in which the beach is~~
68 ~~located shall be responsible for the balance of such costs.~~

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

75 (b) The secretary of the department may, as he or she deems
76 necessary, require coastal local governments to develop local
77 strategic beach management plans. Local strategic beach
78 management plans must include, but are not limited to, an
79 identification of the most visited shoreline recreational
80 facilities, university research centers, and shoreline
81 protection areas and an analysis of all of the following:

- 82 1. Compound flooding near the county's beaches.
- 83 2. Assessed values of upland properties and developments.
- 84 3. Environmentally sensitive lands and waters.
- 85 4. Any recommendation from a certified coastal engineer or
86 coastal engineering specialist.
- 87 5. Any recommendation from the United States Army Corps of

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88 Engineers.

89 Section 2. Paragraph (a) of subsection (2) of section
90 161.161, Florida Statutes, is amended to read:

91 161.161 Procedure for approval of projects.—

92 (2) The comprehensive long-term management plan developed
93 and maintained by the department pursuant to subsection (1) must
94 include, at a minimum, a strategic beach management plan, a
95 critically eroded beaches report, and a statewide long-range
96 budget plan. The long-range budget plan must include a 3-year
97 work plan for beach restoration, beach nourishment, and inlet
98 management projects that lists planned projects for each of the
99 3 fiscal years addressed in the work plan.

100 (a) The strategic beach management plan must identify and
101 recommend appropriate measures for all of the state's critically
102 eroded sandy beaches and may incorporate plans prepared at the
103 regional level, including plans developed pursuant to s.
104 161.101(2)(b), taking into account areas of greatest need and
105 probable federal and local funding. Upon approval in accordance
106 with this section, such ~~regional~~ plans, along with the 3-year
107 work plan identified in subparagraph (c)1., must serve as the
108 basis for state funding decisions. Before finalizing the
109 strategic beach management plan, the department shall hold a
110 public meeting in the region for which the plan is prepared or
111 hold a publicly noticed webinar.

112 Section 3. Paragraph (a) of subsection (2) of section
113 380.05, Florida Statutes, is amended to read:

114 380.05 Areas of critical state concern.—

115 (2) An area of critical state concern may be designated
116 only for:

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117 (a) An area containing, or having a significant impact
118 upon, environmental or natural resources of regional or
119 statewide importance, including, but not limited to, state or
120 federal parks; forests; wildlife refuges; wilderness areas;
121 aquatic preserves; major rivers and estuaries; state
122 environmentally endangered lands; Outstanding Florida Waters;
123 low elevation sections immediately inland of the dune and beach
124 which have been repeatedly breached or overtopped by seawater
125 flowing into an interconnected stormwater system or which have
126 been designated in a local emergency declaration for a prolonged
127 period; and aquifer recharge areas, the uncontrolled private or
128 public development of which would cause substantial
129 deterioration of such resources. Specific criteria which must
130 ~~shall~~ be considered in designating an area under this paragraph
131 include:

132 1. Whether the economic value of the area, as determined by
133 the type, variety, distribution, relative scarcity, and
134 condition of the environmental or natural resources within the
135 area, is of substantial regional or statewide importance.

136 2. Whether the ecological value of the area, as determined
137 by the physical and biological components of the environmental
138 system, is of substantial regional or statewide importance.

139 3. Whether the area is a designated critical habitat of any
140 state or federally designated threatened or endangered plant or
141 animal species.

142 4. Whether the area is inherently susceptible to
143 substantial development due to its geographic location or
144 natural aesthetics.

145 5. Whether any existing or planned substantial development

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146 within the area will directly, significantly, and deleteriously
147 affect any ~~or all~~ of the environmental or natural resources of
148 the area which are of regional or statewide importance.

149 Section 4. For the purpose of incorporating the amendment
150 made by this act to section 380.05, Florida Statutes, in
151 references thereto, subsections (1), (3), and (5) of section
152 380.045, Florida Statutes, are reenacted to read:

153 380.045 Resource planning and management committees;
154 objectives; procedures.-

155 (1) Prior to recommending an area as an area of critical
156 state concern pursuant to s. 380.05, the Governor, acting as the
157 chief planning officer of the state, shall appoint a resource
158 planning and management committee for the area under study by
159 the state land planning agency. The objective of the committee
160 shall be to organize a voluntary, cooperative resource planning
161 and management program to resolve existing, and prevent future,
162 problems which may endanger those resources, facilities, and
163 areas described in s. 380.05(2) within the area under study by
164 the state land planning agency.

165 (3) Not later than 12 months after its appointment by the
166 Governor, the committee shall either adopt a proposed voluntary
167 resource planning and management program for the area under
168 study or recommend that a voluntary resource planning and
169 management program not be adopted. The proposed voluntary
170 resource planning and management program shall contain the
171 committee findings with respect to problems that endanger those
172 resources, facilities, and areas described in s. 380.05(2) and
173 shall contain detailed recommendations for state, regional, and
174 local governmental actions necessary to resolve current and

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175 prevent future problems identified by the committee. A major
176 objective of the proposed voluntary resource planning and
177 management program shall be the effective coordination of state,
178 regional, and local planning; program implementation; and
179 regulatory activities for comprehensive resource management. The
180 committee shall submit the proposed voluntary resource planning
181 and management program to the head of the state land planning
182 agency, who shall transmit the program along with the
183 recommendations of the agency for monitoring and enforcing the
184 program, as well as any other recommendations deemed
185 appropriate, to the Administration Commission.

186 (5) The state land planning agency shall report to the
187 Administration Commission within 12 months of the approval of
188 the program by the commission concerning the implementation and
189 the effects of the approved voluntary resource planning and
190 management program. The report shall include, but shall not be
191 limited to:

192 (a) An assessment of state agency compliance with the
193 program, including the degree to which the program
194 recommendations have been integrated into agency planning,
195 program implementation, regulatory activities, and rules;

196 (b) An assessment of the compliance by each affected local
197 government with the program;

198 (c) An evaluation of state, regional, and local monitoring
199 and enforcement activities and recommendations for improving
200 such activities; and

201 (d) A recommendation as to whether or not all or any
202 portion of the study area should be designated an area of
203 critical state concern pursuant to s. 380.05.

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205 The state land planning agency may make such other reports to
206 the commission as it deems necessary, including recommending
207 that all or any portion of the study area be designated an area
208 of critical state concern because of special circumstances in
209 the study area or in the implementation of the approved
210 voluntary resource planning and management program.

211 Section 5. This act shall take effect July 1, 2026.