



The 2014 Legislative Session: The Final Two Weeks

By Debbie Flack

This week is the quiet before the storm as lawmakers are home for Passover and Easter holidays.

When they return on Monday (April 21), it will be a sprint to the finish line scheduled for May 2. Everyone

is hoping for new allocations and the designation of House Conferees early next week so that the Appropriations Conference Process can begin in earnest and be completed by at least April 29 to allow for the 72 hour review period and a timely sine die.

The House Appropriations Bill (5001) and the Senate counterpart, SB 2500, passed their respective chambers on April 3. The House is host of this year's budget process, so they will be formal sponsor of the 2014 Conference Report. Statewide beach and inlet management funding will be considered by The Senate Appropriations Conference Committee on General Government to be chaired by Alan Hays. Even though the House has not yet announced its conferees, we know the Agriculture and Natural Resources section of the General Government grouping will be chaired by Rep. Ben Albritton. We can anticipate a number of subcommittee passes to resolve differences during the week, with unresolved issues bounced to the full Chairs (Representative Seth McKeel and Senator Joe Negron), if history serves us, by the weekend.



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At the starting point, beach funding for FY 2014/15 is a considerable distance apart with \$27.7 million in the House and \$49.2 million in the Senate. While challenging in the magnitude of the difference in dollars and individual projects in the House and Senate, especially in a shortened conference window, it is still a good starting position for pursuing FSBPA's primary session goal of substantially increasing statewide beach and inlet management funding from the Agency's and Governor's FY 2014/15 recommendation of \$25 million. Our mutual strategy going forward is quite simple: get as close to the Senate funding level as possible, and fund as many projects in the order presented in DEP's LGFR, with just a select few adjustments in the amount of funding based on the availability of or prospects for expedited construction and federal matching dollars. There will not be any Agency support, and there are just a few "beach" lawmakers involved at the conference subcommittee level. In turn, it is imperative to take every opportunity to reinforce specific local government funding requests with members of your legislative delegations as well as appropriations conferees. It's now or never.



Longboat Key, Gulfside Road section (4-14-14)

To summarize where statewide beach funding currently stands, let's start with the easiest category. The "safe" group of projects is made up of those projects funded at in both House and Senate passed budgets. They include the Duval County Shore Protection Project, Manatee County, Anna Maria Island (Cortez Groins and Coquina Beach Nourishment), Ft. Pierce Shore Protection Project, Gasparilla Island- Lee County Shore Protection Project, Jupiter/Carlin

Segment - Palm Beach County Shore Protection Project, Ocean Ridge Segment - Palm Beach County Shore Protection Project, Longboat Key Beach Nourishment, Lido Key Beach Nourishment, St. Joseph Peninsula Beach Nourishment, Ft. Pierce Beach Emergency Truck Haul, Collier County Beach Nourishment, South Amelia Island Beach Nourishment, Delray Segment - Palm Beach County Shore Protection Project, Bathtub Beach/Sailfish Point Project and South Marco Island Beach Nourishment. Total appropriation for these 15 projects is in the \$23 million range. When the Conference Process begins early next week, hopefully we will be able to verify that these noted projects are off the table on the first pass and will be part of the final budget document transmitted to the Governor.

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With the big funding difference of \$21.5 million in the House and Senate appropriations bills, it is not surprising to see an exceptionally large number of projects that will be part of the upcoming Appropriations Conference process. Not surprisingly the more costly, higher ranked projects tend to be in the Senate Bill. The House proposal goes further down the list but skips some of those larger ticket projects. Likely conferenced projects (in order presented in DEP's LGFR): Palm Beach County Shore Protection Project-North Boca Raton Segment, Pensacola Beach Nourishment, Jupiter Island Beach Nourishment, Wabasso Beach Restoration, Broward County-Segment II, Bonita Beach Nourishment, South St. Lucie Beach Restoration, Charlotte County Beach Restoration, Marathon Beaches Emergency Repair, and Brevard County-Mid Reach.



Pensacola Beach (4-8-14)



Broward Segment II -- Post-Sandy

To reiterate, this is an urgent and immediate point in time to let lawmakers and the Governor know, using any means available, just how important beaches are to our

coastal communities, residents and tourists alike, and Florida's economic well-being. **Success will be measured by how close we can get to the Senate budget's \$49.2 million for beach and inlet projects by Session's end.**

Securing state cost-sharing for post-construction monitoring continues to be a challenge, but at least both bills have the same funding level of over \$1.5 million, which is an improvement year-over-year, and both are targeting the same groups of projects at the full state funding share. We sure can't say that about inlets. The Senate fully funds the top 4 DEP-ranked projects with a total state share of over \$8.7 million— Port Canaveral, Lake Worth, St. Lucie and East Pass. This is far more than the statutory minimum of 10% of statewide funding for the top three inlet projects. The House funds six inlet projects including the bottom four. Rather amazingly, 12 of the 14 inlet projects on the inlet management priority list are in play.

Let the fun begin! Many of FSBPA's BeachWatch member local governments with projects in play will hear from the Association directly, as needed, next week as the conference process unfolds.

The next Shoreline edition will include the Session Wrap-up, but we are available to answer any specific questions our members might have in the interim.

Rutledge Ecenia is actively monitoring the following legislation for FSBPA.

Coastal Management/Department of Environmental Protection

HB 791 by Representative Renuart; SB 956 by Senator Bean

This is DEP's legislative package. HB 791 contains several provisions related to aquatic preserves. Additionally, it expands the activities that qualify for an area-wide CCCL permit to include minor structures and adds dune restoration to the list of specific activities that are considered minor structures. Further, it authorizes DEP to grant a general permit for swimming pools that do not advance that line of existing construction and satisfy all siting and design requirements. It also authorizes DEP to grant a general permit for the minor reconstruction of existing coastal armoring structures. HB 791 is on the House calendar on second reading. SB 956 is in its last committee, Senate Appropriations.

Aquatic Preserves

SB 1094 by Senator Dean; HB 1123 by Representative Porter

SB 1094 designates the coastal regions of Pasco, Hernando, and Citrus Counties as the Nature Coast Aquatic Preserve. The bill specifies authorized and prohibited activities within the preserve. Under the bill, dredging or filling of submerged lands within the aquatic preserve may only be approved under certain circumstances. The bill also prohibits the Board of Trustees (BOT) from approving the seaward relocation of bulkhead lines, or further establishment of bulkhead lines, except when located at the mean high water line. The BOT may only approve the construction, replacement, or relocation of a seawall within the preserve through a letter of consent. SB 1094 is in its last committee. HB 1123 is on the House calendar on second reading.

RESTORE

SB 1610 by Senator Evers; HB 1375 by Representative Moskowitz

These bills clarify that the process created by a county, or an entity formed around the state or a county, for appropriating funds received through the RESTORE Act is subject to the open

government requirements of Florida law. It also requires a county receiving RESTORE Act funds to post each proposed appropriation of funds received under the act as a line item on its website. Neither bill has received a hearing. As such, these bills are not likely to advance this session.

Environmental Regulation

HB 703 by Representative Patronis; SB 1464 by Senator Simpson

HB 703 is the annual environmental regulation package that Representative Patronis has filed for several years in a row. FSBPA monitors this legislation each year for amendments to chapter 161. This year's package contains some controversial items, although none related to chapter 161. SB 1464 was temporarily postponed in Community Affairs last week. This committee is not scheduled to meet again. The Senate sponsor stated after the committee meeting that the bill is "dead in its current form." Because of this, Representative Patronis did not request that it be heard by the State Affairs Committee last Friday. It does not appear that these bills will advance this session, although some of its provisions may appear as amendments to other bills as the session progresses.

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An Update: FDEP webinar on the Florida Auditor General's Report on the Beach Management Funding Assistance Program and other Coastal-Related Rule Development

By Lisa Armbruster

Auditor General's Report – Beach Management Funding Assistance Program

FDEP held its first meeting and webinar regarding the Florida Auditor General's audit of the Beach Management Funding Assistance Program on April 3rd. There are several recommendations of interest to our members and coastal consultants regarding selection of contractors, contractor rates and task costs, and contract oversight. This was the first opportunity for public comment. It was clear from the numerous comments submitted during the webinar that many people, including FSBPA, "virtually" attended the webinar. FSBPA's legal counsel, Linda Shelley, of Fowler White Boggs attended the meeting in person in Tallahassee.

FDEP presented background information on this "operation audit" conducted by four auditors from the state Auditor General's office. FDEP also reviewed the results of the audit, including the Auditor General's recommendations. The two key recommendations in the audit report are 1) Contractors selected to monitor Program projects were not always independent of the feasibility, design, and construction project phases and 2) Department oversight of Program project costs needs improvement.

You can find the full audit report, including the recommendations, here: http://www.myflorida.com/audgen/pages/pdf_files/2014-064.pdf. FDEP did point out that the audit work papers and notes are not a public record. Although they indicated during the webinar that they plan to, FDEP has not yet posted their presentation online. If you did not attend the webinar, please take the time to review the webinar presentation once it is posted.

FDEP plans further detailed public discussion on the two recommendations at two additional workshops.

The tentative dates for the second and third workshops are June 5th and August 1st. The first workshop will focus on the topic of "conflict of interest" and the second workshop will focus

on “rate standardization.” FDEP stated in the meeting that they anticipate a “check-up” in 2015/2016 and would like to “show progress” within these next two years regarding the audit recommendations.

Again, if you wish to email any comments and/or receive notices on the workshops expected regarding the Auditor General’s recommendations, you should email

Beaches_funding@dep.state.fl.us.

Rule 62B-49

On March 3rd, FDEP held their rule hearing on 62B-49, Joint Coastal Permits and Concurrent Processing of Proprietary Authorizations. FSBPA has participated in the process on this rule since early last year. Most notably, this rule implements the Association’s 2012 expedited permitting for maintenance projects and permit-life legislation. FSBPA went on record at the hearing with a few remaining minor concerns. The final rule is expected soon.

Rule 62B-41

FDEP held a rule development workshop on 62B-41, Rules and Procedures for Application for Coastal Construction Permits in September 2013. FSBPA raised several major issues and numerous comments on the draft rule at that time. FDEP is revising the draft rule, and it is expected that they will post a new draft rule and hold a second workshop in the coming months.

As a reminder, you can review the status of all the beaches rules, as well as find draft rules and notices, on FDEP’s “Beaches Rules Activities” webpage at <http://www.dep.state.fl.us/beaches/rule-dev.htm>.

4/15/14

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2014 FSBPA Annual Conference | September 24-26 Hyatt Regency Coconut Point

Mark your calendar for September 24-26, 2014. The annual conference will be held at the Hyatt Regency Coconut Point in Bonita Springs, Florida.

This will be our first conference at the Hyatt Regency Coconut Point and we look forward to you joining us! The hotel is offering a group rate of \$149 to attendees over the conference dates.

With this new venue and anticipated timely presentations and discussions, this will be another outstanding conference. Please make plans to join us!



Florida Shore & Beach
Preservation Association

SAVE THE DATE!
September 24-26, 2014

Hyatt Regency Coconut Point | Bonita Springs, Florida

CALL FOR PAPERS:
Abstracts due **June 10, 2014**

AWARD NOMINATIONS:
Due **August 8, 2014**

For complete details on the Conference, including abstract topics and the award nomination form, visit www.fsbpa.com/annual-conference.html.

See you in Bonita Springs!

Call for Abstracts -- **Deadline June 10, 2014**

FSBPA welcomes abstracts for the 58th Annual Conference. As is tradition, there will be a handful of “invited” presentations and panel discussions on timely topics related to enhancing Florida’s beach program, improving the annual project selection process, and showcasing the economic benefits of healthy beaches. FSBPA looks forward to highlighting the results of the 2014 Legislative Session, revisiting state program funding needs for the future, and previewing the

governmental strategy for next year. The program will also emphasize the beach management history and project successes in our host community, Lee County.

Requested topics

Individual abstracts related to the above subjects and the following related topics are welcomed, but are not limited to:

- Growing political attention and support for Florida's successful beach program with state lawmakers and local elected officials
- What happened to the identifiable "citizen" advocate for new beach and inlet management projects?
- Sand source needs and assessment, and regional sediment management
- Sustaining Florida's beach program: At what point are escalating project construction, monitoring, and mitigation costs too much, or are they simply inevitable and must be accommodated and justified?
- The strategic and cost-effective uses of coastal structures
- Beach nourishment as an adaptation policy for addressing sea level rise -- How do we bring it into the conversation?
- Using specific projects to illustrate the intergovernmental success of the post- 2012 storm recovery effort especially in terms of lessons learned and their transferability to the traditional beach program
- The economic impact of beaches— How do we capture it, package it, and also include it in the project ranking for annual state funding?
- Timing federal and state funding requests, recognizing the differences in fiscal years
- The various funding mechanisms, taxing structures, and the amount of revenue generated by these strategies, which local governments employ to cover their share of project costs
- Case studies in project innovations and cost-savings
- Recent state agency rule-making, review and role of federal resource agencies, and the future of federal shore-protection funding

For complete details on submitting your abstract, go to www.fsbpa.com/annual-conference/call.html.

Award Nominations -- Deadline August 8, 2014

The Awards Committee is accepting nominations through **August 8, 2014**. The nomination form and complete details can be found at www.fsbpa.com/annual-conference/awards.html.

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Looking Ahead to 2015

SAVE THE DATE for the 2015 National Conference on Beach Preservation Technology, to be held February 4-6, 2015. The conference will be held at the Clearwater Beach Marriott Suites on Sand Key.



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FEDERAL PROJECT STATUS UPDATES – April 2014

FEASIBILITY STUDIES:

- **Flagler County** – The Alternative Formulation Briefing (AFB) was held in December 2013, which included a briefing of the tentatively selected plan (TSP) to HQ and request for approval to release the draft report for public review. The public review period was held from January 17th through March 15th, 2014. The report is currently being revised based on public and agency comments along with comments from SAD and HQ. Following revisions, the report will be submitted for final review in anticipation of a Chief of Engineer's Report in December 2014.

- **St. Lucie County** – St. Lucie County continues to move ahead with planning for an initial nourishment project in the southern part of the County. Limited Federal funding in FY-14 will provide for verification of the Peer Review Plan and re-scoping meeting to modify the study to current Corps feasibility study 3x3x3 standards.

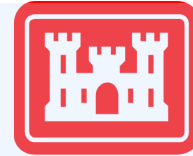
OTHER MAJOR PLANNING REPORTS:

- **Brevard County Mid-Reach General Reevaluation Report (GRR)** - The GRR report has been submitted to the Assistant Secretary of the Army for Civil Works (ASA (CW)) for review and final approval. Additional information has been provided, as an addendum, at the request of the ASA (CW).

- **Jupiter/Carlin Shore Protection Project** □ Palm Beach County has submitted a draft Section 934 report and NEPA document for the Jupiter/Carlin Segment to extend Federal participation for the next renourishment and out to 50 years of Federal participation. Federal participation has expired under the existing cost sharing agreement and congressional funds were not appropriated for this project segment. Corps' involvement continues to be to support the sponsor in their preparation of the Section 934 report.

- **Ocean Ridge Shore Protection Project** (Section 206 of WRDA 1992): The Ocean Ridge Segment Section 408 package was approved by the Jacksonville District, with the intent to allow the Sponsor (Palm Beach County) to make small adjustments to the existing Federal project (T-head groins) for improved sediment transport. The Section 408 package will be submitted to SAD for review and approval.

- The **Draft Ft. Pierce Shore Protection Project GRR** seeks an additional 50 years of Federal participation in the project. Alternative analysis is ongoing by the sponsor and consultants. Once complete, findings will be incorporated into a draft GRR, which will undergo review by Jacksonville District.



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- **Broward County Shore Protection Project - Segment II 2nd Renourishment** – Limited Reevaluation Report (LRR) and Environmental Assessment (EA) – The draft LRR/EA was reviewed and comments provided by SAD in December 2013. Jacksonville District provided responses to comments in March 2014. The Jacksonville District is proceeding to release the NEPA document for public review, while the comments on the LRR are coordinated.
- **The Dade County, Section 227 Project** at 63rd Street in Miami. A design and build contract is being evaluated in cooperation with the Department of Environmental Resources Management (DERM) and Reef Innovation, Inc. The project is designed, plans and specs completed, and the FDEP permit was issued. Issues involving authorizing language are being reviewed. Contract actions have been put on hold until the authorization issues are resolved.
- **The Dade County Limited Reevaluation Report (LRR) and Environmental Assessment (EA)** will evaluate the use of a new sand source for the Dade County Beach Erosion Control and Hurricane Protection Project. The LRR/EA is in its initial stages and coordination with the FDEP and other counties is ongoing to locate an offshore borrow source outside of Miami-Dade County. Upland borrow sites and other alternative sources will also be evaluated in the document.
- **Sarasota County, Venice** – A Limited Reevaluation Report (LRR) and Environmental Assessment (EA) are underway to evaluate economic and environmental changes to the approved Hurricane and Storm Damage Reduction Project due to the use of a new offshore borrow area. The draft report has completed a second agency technical review and has just been updated for costs and benefits. The next step is submittal to SAD for review. The Jacksonville District is proceeding with release of the EA for public review, which will occur at the same time as the SAD review.
- **Lee County, Gasparilla** – A Section 934 report has been initiated to determine the Federal interest in extension of Federal participation in cost-sharing from the current 10 years to a 50-year period of Federal participation, or an additional 40 years (2057).

REGIONAL SEDIMENT MANAGEMENT (RSM):

- The **Nassau and Duval Counties RSM** effort will continue into FY14. This effort has received 100% Federal funding from the Corps' national RSM program. A focus of the FY14 effort will be the feasibility of bypassing sand around the St. Johns River entrance to the Duval County Shore Protection Project. Other tasks included in the effort include RSM strategies for Nassau and Duval Counties with a focus on Federal beach nourishment and deep draft navigation projects.
- Jacksonville District's "**Ship to Shore: Fate of Fines in the Dredging and Placement Process**" proposal also received Federal funding from the Corps' national RSM and Dredging Operations and Environmental Research (DOER) programs. This effort will gather

data from upcoming navigation O&M and beach nourishment FCCE dredging and beach placement events in order to quantify the loss of fine sand as material is dredged and transported from dredge sites to placement areas. The first round of samples was collected from three dredging projects in southeast Florida from the 25th to 28th of February. These projects used various mechanical and cutterhead dredging methods. It is anticipated that another round of sampling will occur and will include intensive process sampling of the dredging process aboard the hopper dredge "Atchafalaya."

ENGINEERING AND DESIGN:

- **Sarasota County, Lido Key** – Vibracore drilling in Big Sarasota Pass has been completed for potential borrow material for the beach construction. A Design Agreement was executed with the sponsor for cost-sharing of the project. Field work for beach profile surveys, hydrographic and hard bottom surveys of the borrow areas have been completed. Cultural survey field work is to start this week. A modeling report is currently being finalized that is needed to begin the permit application.

CONSTRUCTION:

- **Brevard County, North and South Reach** – Post-Sandy emergency rehabilitation under the Flood Control and Coastal Emergency (FCCE) program was approved for both reaches, plus supplemental funding for the North Reach for full construction. The North Reach was estimated at 1,055,000 cubic yards (cy) and the South Reach volume at 585,000 cy. Contractor initiated construction in November 2013. In January 2014, Contractor completed beach fill operations in the South Reach segment with a total placement of approximately 692,000 cy. Construction progress continues in North Reach segment with a total placement to date of approximately 480,000 cy. Completion of the contract is still anticipated prior by April 30, 2014.

- **Palm Beach County, Jupiter/Carlin, Delray Beach, Ocean Ridge, and North Boca Raton** –The Jupiter/Carlin project contract was awarded and the pre-construction meeting was held on 12 Nov 2013. Approximately 87,000 cy of emergency rehabilitation material will be placed between R-15 to R-19. Work is currently ongoing and needs to be completed before May 1, 2014 in order to comply with the turtle nesting window. Delray Beach, Ocean Ridge, and North Boca Raton projects were awarded in one contract. The contractor completed Ocean Ridge and Delray Beach segments and is continuing operations at North Boca, approximately 615,000 cy will be placed on the beach. Completion date for the contract is 30 Apr 2014.

- **Broward County, Segment II** – Post-Sandy [emergency rehabilitation under the Flood Control and Coastal Emergency \(FCCE\) program](#) has been completed. The Contractor commenced physical construction of beach fill in November and completed in February 2014. An upland sand source and truck haul operation was used for the fill of approximately 130,000 cubic yards of material. This work restored the beach to pre-storm conditions, but does not include the cost-shared volume to bring the project to the full construction template.



Shoreline in front of the Beach House Restaurant in Manatee County, following the passage of Tropical Storm Debby in June 2012 (photo: Marty Durkin).

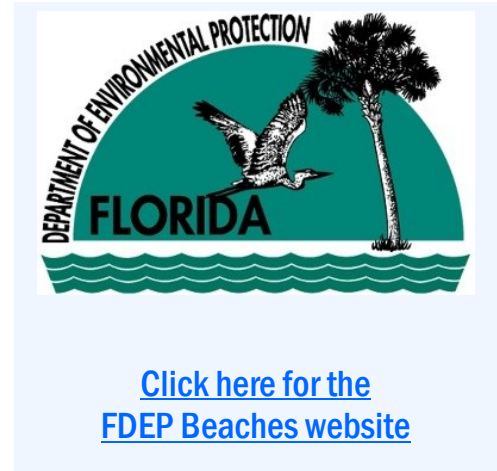


Shoreline in front of the Beach House Restaurant in Manatee County, during the recently completed nourishment (photo: Brian Austin).

- **Dade County, Contract G** – Construction has been completed.
- **Lee County, Gasparilla** – Emergency rehabilitation funded and construction funded combined renourishment has been completed.
- **Manatee County** – Construction of the Federal project on Anna Maria Island has been completed.
- **Pinellas County, Long Key & Treasure Island** – [Emergency rehabilitation FCCE funds and cost-shared funds were provided to restore the project to the full construction template.](#) Work is expected to begin this month with completion currently slated for July 2014.

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DEP Division of Water Resource Management Updates



Beach Management Funding Assistance Response to the Florida Auditor General's Report

On April 3, 2014, a webinar was held to discuss the report, propose a public process to develop an appropriate response, and request suggestions on implementation. Thirty-seven people logged onto the webinar and one non-DEP person joined a number of staff at the Martinez Center. The Division is planning on another session in June to further discuss possible definitions of "conflicts of interest," and another in August to discuss improvements in project cost oversight. The Report is available at http://www.myflorida.com/audgen/pages/pdf_files/2014-064.pdf The Program Area will have a web page dedicated to this effort shortly.

The Division Welcomes New Staff!

The Engineering, Hydrology and Geology Program is happy to welcome Michael Manausa, a Civil/Coastal Modeler, and Dr. Robert Wang, Senior Coastal Engineer. Both come to the Division from the Beaches and Shores Resource Center at Florida State University, which recently closed after 35 years of providing coastal expertise to the State of Florida.

The Beaches, Inlets and Ports Program welcomes Gregory Garis, Environmental Specialist III, as the JCP processor for Southeast Florida (Brevard-Monroe Counties); Chiu Cheng, Environmental Specialist II, as the JCP processor for Southwest (Pinellas-Collier Counties), and Charles Grisafi, Environmental Specialist I as the permit information web page and process tracker. Greg has a Master's degree in Biological Sciences, Chiu has a Master's degree in Oceanography, and Charles is working on his Master's in Aquatic Environmental Science.

The Beaches, Mines, and ERP Support Program welcomes Dr. Jennifer M. Peterson, Environmental Consultant, who is a field ecologist and has worked in a wide variety of Florida's coastal ecosystems, including seagrass beds, mangrove forests, fresh and saltwater marshes, and oyster reefs. The Program also welcomes Dr. Brendan C. Biggs, Environmental Consultant, who has worked throughout the Caribbean and in the Gulf of Mexico. He has experience in a variety of near shore systems, including coral reefs, seagrass beds, and mangrove forests, and studied use of sponges in coral reef restoration.

14th Annual Oceans Day at the Capitol

The Division of Water Resources Management created a display and staff were on hand at the Capitol on April 9, 2014 to highlight “Tomorrow’s Ocean Workforce” and the importance of our coastal resources.

The display was designed to educate the public on the importance of knowledgeable and experienced professionals to maintaining a balance between managing beach erosion and protecting valuable natural resources. The

Division has experts from a variety of academic backgrounds collaborating on beach management projects to ensure that the beach is nourished while minimizing impacts to adjacent habitats. Selected staff and their educational background were highlighted.



Left to right: DWRM staff Guy Weeks, Kristina May, Charles Grisafi, Jennifer Coor, Catherine Florko, and an interested member of the public.

Shoreline

A monthly electronic publication of the Florida Shore & Beach Preservation Association.

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CALENDAR OF EVENTS

FSBPA Conferences

September 24-26, 2014
2014 FSBPA Annual Conference
 Hyatt Regency Coconut Point, Bonita Springs, FL

February 4-6, 2015
2015 Tech Conference
 Clearwater Beach Marriott Suites on Sandkey

OTHER DATES OF INTEREST

May 2, 2014
2014 Legislative Session Convenes

October 14-17, 2014
ASBPA National Coastal Conference
 Virginia Beach, VA

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Join us

September 24-26
58th Annual Conference
Hyatt Regency
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[Call for Papers](#)
Deadline June 10, 2014

[Award Nominations](#)
Deadline August 8, 2014

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