



2021 Mid-Session Update

by Pepper Uchino

We have officially reached the halfway point of Session. For those trying to get bills passed or killed, or something in the budget, it's starting to feel like crunch time. In some cases, it's already too late. The Senate's substantive committees are not scheduled to meet next week, while the House's are. However, Week 6 will likely be the last week for House substantive committees. With rare exception, and only with the President or Speaker's permission, will a substantive committee meet Week 7. Thus, if a policy bill has not been heard in its first committee of reference by now, it is dead. Members and lobbyists will try to salvage important parts of bills by amending them onto other bill vehicles that are moving, but this process will become more difficult as the weeks progress, especially as the "in play" bills head to the floor.



The reason unheard policy bills are dying is because there is simply not enough time to move them through the process anymore. Only those bills that have already passed their substantive committees are still alive, as the budget began to dominate this week. Both the House and Senate appropriations committees heard the subcommittee recommendations and passed the bills out of committee. The budget bills will be heard next week on their respective chamber floors, setting up budget conferences shortly thereafter to begin negotiating the differences. Don't forget, the budget silos were already delayed one week, which is why this Session feels a bit more compressed than others.

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Fortunately, for our specific funding request of \$50 million, this is the best starting position we have ever been in. Florida's beach program received \$50M recurring in the Senate budget and \$100M in the House (\$50M recurring LATF, \$50M non-recurring LATF). This means that \$50M is the minimum beaches will receive this year. Rest assured, FSBPA will be fighting for every additional penny.

Policy Bill Updates

FSBPA and Florida's beaches are in an enviable position this year. With the passage of HB 325 (2019) and DEP's implementation of the associated rule this funding cycle, we are not seeking any substantive legislation. We are simply supporting, opposing or monitoring legislation that could impact Florida's beaches or their funding sources. There were two policy bills we were working heavily behind the scenes as both had negative consequences to beach projects.

The first is **SB 1504 (Wright)/HB 1133 (Leek) – Coastal Construction and Preservation**. The coastal armoring bill, which encourages and, in many instances, requires the use of armoring, has not been heard in either chamber. We will continue to monitor any bills that could be used as vehicles, but the bill itself is dead this year. This is a win for Florida's beaches.

The second bill is **HB 1429 (Avila)/SB 2008 (Diaz) – Tourist and Convention Development Taxes**. The bill authorizes the use of TDTs/CDTs for flood mitigation and improvement projects but does not require a nexus to tourism. Fortunately, the bill did not move in the Senate, so it too is dead. While FSBPA fully supports flood mitigation projects, we believe taking it from tourism dollars, which serve as the local match for beach projects, is misguided.

There are a host of other bills that we are supporting or monitoring dealing with resilience, drone use, smoking on public beaches, flooding, and creation of an emergency fund. If you would like specific details on any of these bills, please reach out to me.

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What to Watch: FSBPA'S 2021 Summer Webinar Series

FSBPA is launching our first seminar series beginning on June 9th to present expert discussion on legal issues affecting Florida's city and county governments, coastal managers, counsels, academia, and professionals working in the coastal environment. Our lineup of legal issues includes -

- ◆ **Customary Use and Public Access on Florida's Beaches – implementation of the legislative changes (June 9th)**
- ◆ **Florida Water and Land Conservation Amendment – court decisions and status updates (June 23rd)**
- ◆ **Climate Change – cases against government action vs. inaction (July 14th)**

These are topics of recent constitutional amendments, legislation, and/or litigation and were selected because they potentially affect the way local governments manage beaches and other public works projects.

The seminars will be conducted via Zoom and scheduled for three hours each. This format gives attendees time and opportunity to delve into the issues with expert speakers and to share ideas on how local governments can navigate them.

The program and speakers will be posted on our website this month, along with information about registering for one or more of the seminars. Please email us at mail@fsbpa.com for information about sponsoring a webinar.

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Florida Ocean Alliance is Making News



As Florida recovers from the COVID-19 pandemic, it is critical to focus on economic recovery and growth opportunities associated with Florida's Blue Economy, which creates over one million jobs, led by the ocean tourism industry and the appeal of Florida's beaches. These opportunities are outlined in the 2020 Strategic Plan "**Securing Florida's Blue Economy: A Strategic Plan for Florida's Oceans and Coasts**" prepared by the Florida Ocean Alliance (FOA). Funded through an appropriation by the Florida Legislature and administered by a grant from the Florida Department of Environmental Protection, expert analysis in the report reveals that coastal counties in Florida contributed more than **\$797 billion** to the State's economy in 2018. During that time, activities that directly and indirectly used ocean resources created more than a million jobs. This economic report provides a baseline for the pre-COVID Blue Economy that can be used to evaluate short-term economic impacts, long-term recovery and guide the post-pandemic recovery led by Florida's Blue Economy.

In recognition of the economic and environmental importance of Florida's ocean resources, the Florida Senate and House of Representatives recognized March 15, 2021 as **Florida Oceans Day**. The Florida Shore and Beach Preservation Association is an active member and important partner of the **Florida Ocean Alliance**, represented on the FOA Board of Directors by Executive Director Jackie Larson. The Florida Ocean Alliance is a nonprofit, nonpartisan, private-public partnership of private industry, trade, academic and environmental organizations promoting awareness and understanding of the ocean's importance to Florida's economy and environment. To stay informed on the latest developments in policy issues for local, state, and federal governments and their impact on Florida's Blue Economy, ocean and coastal resilience, and human and natural Infrastructure, please **subscribe** to FOA's newsletter **Florida Ocean News**.



Florida Ocean Alliance Vice-Chair Laura DiBella receiving the Oceans Day Resolution SR-1910 from Sen. Gayle Harrell on Oceans Day at the State Capitol (left) and thanking Rep. Chris Latvala for his support (right).

Federal Project Status Updates



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PLANNING STUDIES:

Dade County Feasibility Study

The purpose of this study is to address protection of critical infrastructure, reduction of structure damages, and evacuation route protection in response to the risks and effects of coastal storms and associated impacts such as sea level rise, storm surge, and extreme wind and tidal effects. A waiver package for a 1-year time extension was approved by the Assistant Secretary of the Army in November 2020. This extension pushed milestone dates back by 1 year and so the tentatively selected plan will be completed in August 2021.

South Atlantic Coastal Study

The South Atlantic Coastal Study (SACS) is a study authorized by the Water Resources Development Act (WRDA) 2016. This study will identify coastal risk and vulnerabilities due to hurricane and storm damage as a result of sea level rise in regions from North Carolina to Mississippi. This study is expected to take 4 years to complete and is expected to identify the reconnaissance-level analysis of coastal risk and vulnerability as well as potential solutions to be studied in greater detail in the future. The Tier 1 analysis for SACS, which includes a geoportal that shows risk for the coastal areas in the South Atlantic Division, has been completed. Work on the Tier 2 analysis, which focuses on more detailed analyses is being conducted.

Ft. Pierce Shore Protection Project

A General Re-evaluation Report (GRR) was completed by St. Lucie County and sent to Congress for approval. The approval of this GRR would extend federal participation for another 50 years. Additionally, a Project Cooperation Agreement (PCA) amendment with the local sponsor was completed on 20 August 2020, which extended the period of federal participation for 6 years.

Lee County Shore Protection Project – Gasparilla Island

The Lee County Shore Protection, Gasparilla Island Segment, has been approved by ASA(CW).

Pinellas County Shore Protection Project

The Pinellas County Feasibility Study is ongoing. The Tentatively Selected Plan was presented in May 2020. The team received comments from the general public during a review period which concluded on 4 September 2020. The PDT is addressing comments from the policy team and general public.

ENGINEERING AND DESIGN:

Dade County Renourishment

There are separate contracts being prepared over the next 3 years. Contract A covers a truck haul project to Surfside Beach. Contract B is a truck haul to Miami Beach Hot Spots. Contract C is the renourishment of Bal

Harbour. Contract D will cover Sunny Isles and Contract E will cover the remaining portion of Miami Beach. Contracts A and B construction have been completed. Contract C is expected to be awarded in May 2021. Contract D was awarded in January 2021 to Eastman Aggregates Enterprises for \$14,040,069. Contract E is expected to be awarded in June 2021.

Flagler County Shore Protection Project

The design of the plans and specifications for the Flagler County Shore Protection Project are being development. Local sponsor is obtaining required perpetual real estate easements.

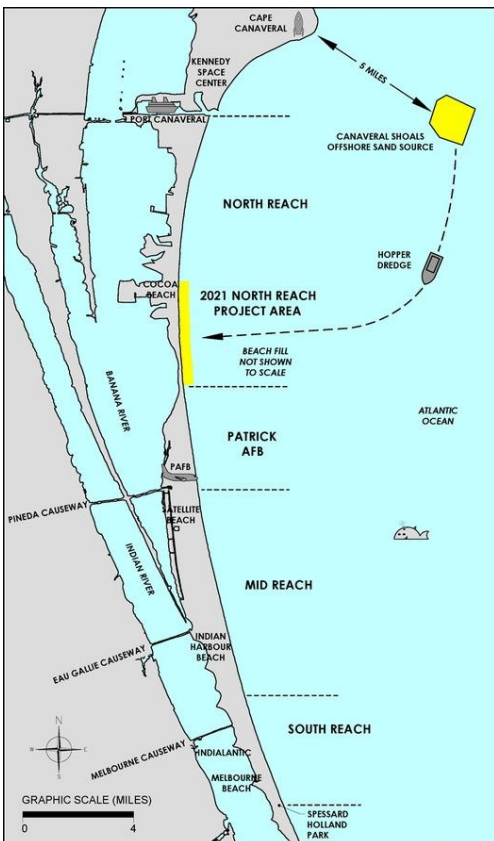
St. Johns County Coastal Storm Risk Management Project – Vilano and South Ponte Vedra

The contractor has completed all beach tiling operations and demobilized from the beach. The final feature of the project is planting dune vegetation. This is expected to be completed in April of 2021.

St. Lucie Coastal Storm Risk Management – South Segment

This is a new project that will be funded with funds from the supplemental bill. Plans and specifications were started in September 2018 however St. Lucie County has requested the project to be pushed back by 2 years due to concerns with real estate and the need to obtain the required non-federal funding. Advertisement for this contract is expected to occur in July 2021 with construction occurring in November 2021 and completing in April 2022. This project is on schedule.

CONSTRUCTION:



Brevard County North Reach

Brevard North Reach received funding from Congress in the Fiscal Year 2020 workplan. The contract was advertised in September 2020. Construction will commence in on 1 April 2021 and is expected to be completed by 31 April 2021.

Brevard County South Reach

Brevard County South Reach contract was awarded on 20 September 2019 to The Dutra Group. South Reach has eroded significantly due to high tides and nor'easters and additional work funds may be required to complete the project. Beach placement began in December 2020, with construction expect to be complete in April 2021.

Brevard County Mid Reach

The contract for Brevard County Mid Reach was awarded on 20 September 2019 to The Dutra Group. A revised request for proposal was sent to the contractor for additional volume quantities for Mid Reach due to erosion due to hurricane Dorian. Construction was completed in May 2020.

Brevard County Patrick Air Force Base (AFB)

The Patrick AFB Option was advertised with the Brevard Mid and South Reach contract and awarded to The Dutra Group on 20 September 2019. The project was paused in April 2020 due to Covid-19 impacts and resumed in December 2020. Beach placement for Patrick AFB was completed in February 2021. Planting of dune vegetation continues and is expected to be complete by the end of April 2021.

Broward County Shore Protection Project - Segment II

The contract for the Broward County SPP Segment II was awarded to Eastman Aggregates on 11 January 2021. Notice to proceed was issued on 26 January 2021 and the contractor plans to mobilize in March 2021, with demobilization by 20 April 2021.



Broward County Shore Protection Project - Segment III

The contract for the Broward County SPP Segment III was awarded to Continental Heavy Civil Corporation for \$37,348,064 on 23 February 2021. All work for the contract must be completed by 30 April 2023.

Ft. Pierce Shore Protection Project

Advertisement for the upcoming construction event was issued on 21 August 2020 and award occurred on 28 September 2020. The contract was awarded to Great Lakes Dredge & Dock Corp. for \$8.5 million. Mobilization by the contractor is expected to occur in April 2021.

Manatee County Shore Protection Project

The 3rd renourishment of the Manatee County SPP was completed on 31 December 2021.

Palm Beach County Shore Protection Project

Jupiter Carlin: Construction is completed on 17 March 2020.

Ocean Ridge: Construction completed on 27 March 2020.

Delray Beach: Construction completed on 13 March 2020.

North Boca Raton: Construction completed on 30 April 2020.

Mid-town: Construction was completed on 15 May 2020.

Sarasota County - Lido Key

Construction contract was awarded on 19 March 2020 to Cottrell for \$12 million. Dredging is started in August 2020. The first of two groins is under construction. Groin construction is scheduled to be completed by 1 May 2021.

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FDEP Office of Resilience and Coastal Protection Updates - April 2021



Beach Management Funding Program – FY2021/2022 Local Government Funding Request

The Beach Management Funding Assistance Program submitted the FY2021/2022 Local Government Funding Request (LGFR) package to the Governor and Legislature on March 1. The package included the main FY2021/2022 LGFR Report, FY2020/2021 Financial Summary and Accountability Report, and FY2021/2026 Long Range Budget Plan. The reports are required by Chapter 161.161, Florida Statutes (F.S.).

The FY2021/2022 LGFR Report contains a list of 46 different projects requesting a total of \$70.34 million in state cost share to restore and maintain Florida's critically-eroded shorelines in accordance with the state's Strategic Beach Management Plan. The report also includes a project description, local and federal cost sharing contributions, and local sponsorship contact information. The Department has evaluated each project request for program eligibility, cost effectiveness, and readiness to proceed. The projects have been ranked in priority order, based on the authority in sections 161.101(14) and 161.143(2), F.S., and the procedures outlined in Chapter 62B-36, Florida Administrative Code, as amended in 2020. Local sponsors, stakeholders, and an external review team were provided the opportunity to comment on the project ranking and state funding request. Below is an overview of the beach and inlet project funding requests for FY2021/2022:

- Beach restoration and nourishment projects: 24 projects requesting funds for feasibility studies, design and permitting, construction, and first year post-construction monitoring (five of these projects are also listed on the beach post-construction monitoring list).
- Beach post-construction monitoring: 16 projects requesting funds for state and federal permit-required monitoring (years 2+).
- Inlet Management Plan implementation/inlet sand bypassing projects: ten projects requesting funds for feasibility studies, design and permitting, construction, and first year post-construction monitoring.
- Inlet post-construction monitoring: one project requesting funds for state and federal permit-required monitoring (years 2+).

The FY2020/2021 Financial Summary and Accountability Report provides the list of beach and inlet management projects that have received funding appropriations during the previous two fiscal years and identifies the state cost share and agreement status for each. The report also identifies all unencumbered funds that are available for reallocation, pursuant to section 161.101(20), F.S.

Statutory changes to Chapter 161.161, F.S. included the addition of a 3-year work plan to the Department's Long Range Budget Plan. The 3-year work plan identifies beach and inlet management projects viable for implementation during the next 3 fiscal years based on available funds, regulatory considerations, and readiness to proceed as scheduled. The projects for each fiscal year are ranked in priority order based on the ranking criteria in Rule and Statute. Additional information about the FY2021/2026 Long Range Budget Plan is discussed in the March issue of the Shoreline.

The FY2021/2022 LGFR package, project funding requests, evaluations, and supporting documents are available at FloridaDEP.gov/BeachesFunding.

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Rule 62S-7, F.A.C.: Sea Level Impact Projection (SLIP) Studies for State-Financed Coastal Construction

The Office of Resilience and Coastal Protection continues with the development of Rule 62S-7, F.A.C., also known as the “SLIP Study Rule”, in fulfillment of s. 161.551, F.S. The rule goes into effect on July 1, 2021 and the development process is well underway. Since the start of the year, two public workshops have been held, both of which drew over 200 participants and led to many valuable comments being provided. The continued interest in this rule development process has been high and the feedback provided by stakeholders has been key to the refinement of the rule language. In addition to the rule, a web-based tool is being designed by our partners at Taylor Engineering. This tool will provide state-financed constructors with an option for completing the SLIP Study quickly, easily, and at no cost. This innovative tool has been demonstrated during the two workshops and was very well received.

While the SLIP Study Rule is non-regulatory, it is an excellent step towards acknowledging and considering the impacts of sea level rise on coastal construction. Requiring state financed constructors to complete a SLIP study is an example of the role that the Department of Environmental Protection plays in improving the resiliency of Florida’s coastal region. Completion of a SLIP Study can provide a multitude of positive outcomes for constructors and coastal communities alike. The tool will allow users to input a range of different scenarios in order to see how changing various metrics will affect the structure in the future. This has the potential to encourage resiliency measures to be adopted. Further, the tool will provide a selection of adaptation options for constructors to consider if they want to make their structure more resilient. By using such a scientific approach, coastal communities can potentially reduce or avoid long-term risks and costs to coastal structures and be more prepared for the effects of climate change, specifically rising sea levels. In the coming months, the Rule will go through the required administrative processes and, upon approval, go into effect on July 1, 2021.



The above image is from the second rule development workshop. It shows the proposed home page of the SLIP study tool that will be on the Department of Environmental Protection’s website.

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Shoreline

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

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CALENDAR OF EVENTS**FSBPA Conferences**

September 15-17, 2021

FSBPA Annual Conference

Opal Grand, Delray Beach, Florida

**Other Dates of Interest**

March 2 - April 30, 2021

2021 Legislative Session

April 6 - 7, 2021 (8:30 am – 4:30 pm CT)

**Living Shorelines Training for Marine Contractors:
 How to incorporate new practices into your business**

<https://www.ppbsp.org/livingshorelinecourse>

April 21st (12 noon – 1:30 pm)

Geosyntec Webinar: “*Legal and Policy Issues Associated with Sea-Level Rise*”

For more info Nweeks@geosyntec.com

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