

FSBPA Governmental Update: 2014 Legislative Session Begins and other News

By Debbie Flack

Legislative Preview

It's finally here! After months of committee meetings beginning in September that just ended in February, this is a perfect opportunity to revisit the Association's legislative strategy for the 2014 Session which officially began last week.



It is a simple game plan—more money for beaches— but also quite ambitious, and will require more than a single session to fully accomplish. Support from local government members especially will be a major factor in our success. The ultimate level of success will be largely determined by how well the message is transmitted and received by lawmakers and other decision-makers in Tallahassee. Anything you can do personally, and through clients or other contacts, to reinforce FSBPA's efforts would be most appreciated and helpful.

Again, the messaging is really quite simple— it's all about **increased statewide beach funding**, supported by initial efforts to urge the Legislature to revisit statutory ranking criteria to better capture and reflect the economic benefits of beach projects in the annual project prioritization process. The health of Florida's beaches cannot be

Inside this Edition

An Update on FDEP's Coastal-Related Rule Development and the Florida Auditor General's Report on the Beach Management Funding Assistance Program
....Page 5

2014 Tech Conference Thank you Attendees, Speakers, Exhibitors and Sponsors
....Page 6

USACE Jacksonville District "Ship to Shore": Fate of Fines in the Dredging and Placement Process – March 2014
....Page 11

FDEP Division of Water Resource Management FDEP's Paperless Initiative
....Page 13

adequately sustained by the current beach program, or the 1998 legislative documentary stamp tax provision of at least \$30 million annually for beach preservation and repair. Obviously, this also holds true for DEP's and Governor's budget recommendation for FY 2014/15 of \$25 million, especially when the Department's project lists transmitted to the Legislature in mid-February total \$90 million (\$75 M beach projects, \$15 M inlet management). All we can hope given our mutual interests is that the \$25 million recommendation for beach funding next fiscal year is just the starting point of the appropriations discussion, keeping in mind current year (13/14) funding of \$37.5 million because of legislative efforts to address the storm damages of 2012 and Governor Scott's subsequent expressed appreciation of that increased level of response.

The whisper number as our expressed point for annual funding is a minimum in the mid-40s. While we work on historical and economic refinement of need, we must rely on just the simple adjustment for inflation of the 1998 \$30 million statutory provision which was \$43 million in 2013. This is further reinforced by at least addressing 50% of the 2014/15 total local government funding requests (\$45 million). We cannot continue Florida's successful program with the current level of recommended funding and the growing project backlog. Too many critically-needed projects go unfunded and we miss the opportunity to leverage federal and local matching funds.

Fortunately, support for beach funding is all about economic benefits—the \$55 billion economic impact for Florida of beach tourism, and almost \$1 billion in annual state sales tax paid by beach tourists (2012).

It is important to all of FSBPA's membership groups to increase annual state project funding for Florida's almost 400 miles of critically-eroded beaches. This session's agenda needs your active involvement, in whatever capacity is most appropriate, to make sure it is heard clearly by decision-makers locally and lawmakers in Tallahassee. We have a deserving message and an invaluable natural resource to preserve. The next few weeks are most critical. It is time for every affected interest, especially our coastal government representatives, to commit their resources and voice to the cause. Initial member response and participation as well a lawmaker interest is encouraging, but we are just getting started.

Corps 2014 Work Plan Release

There are a number of major Florida beach projects for the Jacksonville District in the mix. The level of funding (\$38 million) is far more significant than at least I had imagined given last year's unprecedented federal response to Hurricane Sandy and Tropical Storm Debby . It includes a number of new studies ("Investigations"), full construction funding for two major projects (Ft. Pierce and Sarasota-Venice Segment), and significant reimbursement for Palm Beach and Broward County projects.



February 2, 2014, at Ocean Ridge in Palm Beach County. Happy beach users on the new beach (left, center) and the Dredge Savannah (Marinex) in the background working to complete the project. Progress of work is from left to right.

FSBPA 2014 Session Bill Monitoring

(Diana Ferguson, legislative services, Rutledge Ecenia)

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 maintenance of existing coastal armoring structures. HB 791 will be heard in its first of three committees this week. SB 956 is a similar companion bill. It received four committee references and has not been heard.

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 passed its first of three committees last week. HB 1123 is a similar committee bill. It received three committee references and has not been heard.

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. SB 1610 received four committee references and has not been heard. HB 1375 has not received committee references.

Environmental Regulation

HB 703 by Representative Patronis; SB 1464 by Senator Simpson

HB 703 is the environmental regulation package that Representative Patronis has filed in recent years. FSBPA will monitor this legislation for amendments to chapter 161. This year's package contains some controversial

items, although none related to chapter 161. HB 703 passed its first of four committees last week. SB 1464 is listed as a bill to compare, but it is the companion. It received four committee references and has not been heard.

Administrative Procedures

HB 7001 by the House Rulemaking, Oversight, and Repeal Subcommittee and Representative Santiago

FSBPA is monitoring this bill because it contains several changes to the agency requirements for rulemaking under the Administrative Procedure Act contained in chapter 120. However, upon filing as a committee bill, it received three committee references and has not been heard again. It also does not have a Senate companion at this time.

We will continue to keep you apprised of the status of this legislation, and particularly any amendments related to chapter 161 as well as other “added” bills of interest as the session progresses.

[Back to Main Page](#)

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

By Lisa Armbruster

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 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>.

Auditor General's Report – Beach Management Funding Assistance Program

The Florida Auditor General released an audit report of the Beach Management Funding Assistance Program. You can find the report here: http://www.myflorida.com/audgen/pages/pdf_files/2014-064.pdf. There are several recommendations of interest to our members and coastal consultants regarding selection of contractors, contractor rates, contract costs, and contract oversight. As FDEP evaluates these recommendations and plans how to address them, there will be opportunity for public input. **The first workshop is scheduled for April 3rd from 2:30-4:30 in Tallahassee, and it is also available by webinar.** You can sign up for the webinar here: <https://www2.gotomeeting.com/register/711128674>. If you wish to email any comments and/or receive notices on the workshops expected on the Auditor General's recommendations, you should email Beaches_funding@dep.state.fl.us.



Back to Main Page

2014 Tech Conference

Thank you

Attendees, Speakers, Exhibitors and Sponsors

The 2014 Tech Conference was held at the Hutchinson Island Marriott in Stuart, Florida a few weeks ago and FSBPA as organizer and sponsor was very pleased with the conference. Attendees from around the country were there to join us but we missed those who couldn't make it due to the bad weather conditions in the north.

As always the Executive Committee, Planning Committee, and Conference Program Coordinator Lisa Armbruster did an outstanding job in organizing the agenda for the 27th annual conference. We would also like to thank the speakers who contributed to the program's success including our international speakers from France and Korea. Within the next week, we will have the conference power point presentations available on the website of those speakers who gave permission to post their presentations.

Attendees also had the opportunity to visit some of Martin County's beach project sites during the conference, and we thank the Martin County Engineering Department for organizing this field trip.

New this year, we offered student scholarships to engineering students from around the country and gave them the chance to showcase their work by having poster abstracts to display in the exhibit area. FSBPA hopes to grow student involvement in the conference, so remember to be on the lookout for information on next year's student scholarship availability.



FSBPA is also very grateful for the involvement of the Sponsors and Exhibitors who support the Tech Conference each year by providing handouts such as the tote bag, pen, and notebook as well as the networking breaks with treats and of course the luncheon buffet as well. The exhibit hall was once again

sold out, so during break times there was plenty for attendees to see and discuss with the companies exhibiting.

2014 Planning Committee

Executive Committee

Michael Barnett, P.E.
Tetra Tech, Inc.

Kevin Bodge, Ph.D., P.E.
Olsen Associates, Inc.

Douglas Mann, P.E.
Coastal Planning & Engineering, Inc.

Planning Members

Kenneth Banks, Ph.D., P.E.
Broward County, Florida

Richard Bouchard, P.E.
FSBPA and St. Lucie County, Florida

Robert Dean, Ph.D., P.E.
University of Florida

Jason Engle, P.E.
USACE, Jacksonville District

C. Scott Hardaway, Jr.
Virginia Institute of Marine Science

Karl Havens, Ph.D.
Florida Sea Grant

James Houston, Ph.D.,
USACE Research & Development Center

John Ramsey, P.E.,
Applied Coastal Research & Engineering

Spencer Rogers, Jr.,
North Carolina Sea Grant College Program

Todd Walton, Ph.D., P.E.

Michael Walther, P.E.,
Coastal Technology Corporation

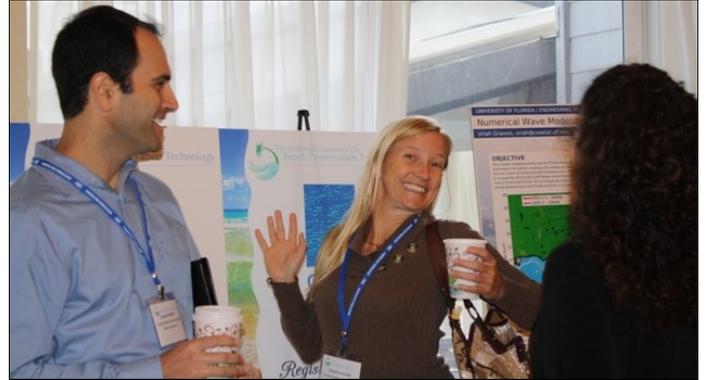
and

Lisa Armbruster
FSBPA, Conference Program Coordinator

Next Page

Once again thank you to all of those involved in making the conference a success including our dedicated volunteers who assisted onsite.

Next year's conference will be held in Clearwater Beach at the Marriott Suites on Sand Key. **The dates are February 4-6, 2015, so be sure to mark your calendar.**



Thank you to our Conference Sponsors

Host Sponsors



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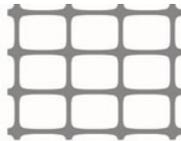
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Welcome Reception



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Board Meeting Breakfast



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Friday Breakfast Break



Next Page

27th Annual National Conference on Beach Technology

Thank you to our Conference Exhibitors



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[Back to Main Page](#)

“Ship to Shore”: Fate of Fines in the Dredging and Placement Process – March 2014

The “Ship to Shore” initiative proposes to quantify losses of fine material by understanding and assessing the fate of the material during the dredging process and placement over time. Becoming aware of the behavior and long term results of the fines provide an opportunity to expand the variance of material that can be placed for continued beneficial use. Materials can be placed within the littoral system and the need to dump in an offshore dredged material disposal site (ODMDS) or upland site alternative can be eliminated. Results of this initiative and information related to sorting of sediment during dredging and natural sorting of sediment once placed are important to Regional Sediment Management (RSM) and Engineering with Nature (ENW) goals.

Placement of beach quality material in Florida, either from a federal channel or borrow area, is regulated by the Florida Department of Environmental Protection (FDEP) per the Florida Sand Rule [FAC 62B-41.007]. This Rule defines a threshold of percent fines from a particular source that can be placed for beneficial use (i.e. beach, nearshore). Fine material is defined as material that passes through the #230 sieve. From a dredging operations perspective, a certain percent of fines are lost



**Samples being taken from the discharge slurry on the beach
south of Jupiter Inlet**



**US Army Corps
of Engineers®**

[Click here for the USACE
Jacksonville District website](#)

during the dredging process and placement thereof. The current Sand Rule criteria assume no loss of fines during dredging, hence limiting or completely eliminating numerous potential sand sources for federal projects. This also limits the amount of sediment being returned to the natural system, because of disposal occurring offshore or in upland disposal areas.

Jacksonville District and the Engineer Research and Development Center (ERDC) plan on collecting numerous samples of intake and pump-out material at a wide variety of locations around the State of Florida aboard three different dredge types. For mechanical and cutterhead dredge projects, samples will be taken from the slurry at the discharge location and from the berm where the placement has occurred at the end of the day. For hopper dredge projects, samples will be taken on the hopper, from the slurry at the discharge location, and from the berm where the placement has occurred at the end of the day. These data collection efforts are designed to empirically estimate the percentages of fine materials immediately and through time winnowed out of placed dredged material in the coastal system. Ultimately this data may be used by the USACE-SAJ and by the FDEP to guide decision making regarding the suitability of dredged material for nearshore or beach placement, including both O&M and shore protection actions. Better informing these future decisions is essential due to the fact that Florida is becoming sand-scarce and that both less expensive and less energy intensive methods are necessary for dredging and placement.

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."

[Back to Main Page](#)

DEP's Paperless Initiative

The Department kicked off a process improvement effort in January, 2013 to enhance customer service, reduce process times, reduce expenses, increase productivity, improve staff's ability to work remotely, and to reduce the environmental impact of the 25 million pages the agency was estimated to generate each year.

Work groups were formed, processes mapped, technological expertise consulted and information shared across the Divisions and Districts. Many of the opportunities developed have been implemented in at least some programs, including the use of electronic forms, with digital signatures and certifications; GovDelivery for subscriptions and press releases; an electronic document management system; web postings to make documents available to the public; E-Pay to accept electronic payments; and E-Recording to file documents with local Clerks of the Courts.

A large number of regulatory documents can now be submitted electronically through the DEP Business Portal at <http://www.dep.state.fl.us/secretary/portal/permit.htm>, including JCP and CCCL applications, progress reports, notices and transfers. Many regulatory programs now require electronic submissions, with limited exceptions.

Active and recently issued applications processed by the Beaches, Ports and Inlets Program can be viewed on the website <http://www.dep.state.fl.us/beaches/permitting/permits.htm>. This allows rapid dissemination of materials to all the reviewers, as well as interested parties.

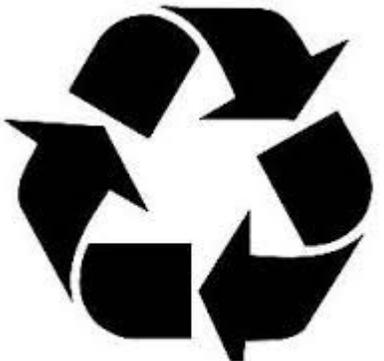
The Coastal Construction Control Line (CCCL) Program has also implemented a paperless permitting process. For instructions on accessing and submitting CCCL forms and other documents to DEP, please visit http://www.dep.state.fl.us/beaches/forms.htm#CCCL_App_Form. For more information email: CCCL@dep.state.fl.us.

All documents can be found on the OCULUS document management site at <http://depedms.dep.state.fl.us/Oculus/servlet/login>. This system takes some practice, so go to the "Help" tab at the top of the first search page and read the online tutorial. We are currently trying to enter the large backload of documents, so please be patient.

Beach Management Funding Assistance applications are also submitted electronically via an ftp site, and can be viewed from <http://www.dep.state.fl.us/beaches/programs/becp/index.htm>. We are aspiring to create a more user-friendly form in the near future that can be easily converted into the legislative funding request. Grant agreements are now transmitted and stored electronically, saving time in transit and paper, and the program is working with the Department of Financial Services to establish a paperless reimbursement process.



[Click here for the FDEP Beaches website](#)



GO PAPERLESS

Appropriation status reports, contract status reports and other funding documents are currently posted on the program webpage for easy download.

The Department is also looking for ways to increase electronic reporting of monitoring data. We have standardized protocols for reporting geotechnical data that can be incorporated into the Reconnaissance Offshore Sand Search database. We are working on a Standard Operations Procedure (SOP) for hardbottom monitoring protocols, to clearly define how to conduct hardbottom mapping and classification surveys and pre and post construction hardbottom monitoring surveys. The guidance document will outline specific monitoring protocols and procedures, in an effort to have all data collected, and reported, in a more uniform and consistent manner.

The Uniform Mitigation Assessment Method (UMAM) Rule (62-345, F.A.C.), is currently in rule development, in order to develop a more streamlined and straightforward UMAM that is applicable statewide, but still accounts for each regions diverse ecological communities. The amended rule will reference the hardbottom SOP document (once completed), as the collected survey data and parameters will be essential in calculating UMAM scores to meet permit requirements. Please see the following Rule Development website for more information: <http://www.dep.state.fl.us/water/wetlands/mitigation/umam/rule.htm>.

Additionally, the Department will be providing a standard naming format to use when submitting resource monitoring data deliverables, to ensure consistency and to enable more efficient review utilizing GIS capabilities. The Department strives to provide more feedback to the permittees and consultants regarding the monitoring data and reports.

There will be additional innovations, and the Department will be adopting new procedures to reduce our paper waste, and improve consumer service. Stay tuned!

[Back to Main Page](#)

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

OTHER DATES OF INTEREST

March 4 - May 2, 2014
2014 Legislative Session

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