

***Beach Management Funding Assistance Program
Fiscal Year 2013-2014***

***Proviso Report on Storm Damage Response,
Ranking Procedures and Operational Timelines***

**Division of Water Resource Management
Florida Department of Environmental Protection
December 30, 2013**



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FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

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SECRETARY

December 30, 2013

Dear Floridians,

Since 1986, the Department of Environmental Protection has implemented the Legislature's vision to protect and restore the state's beaches through a comprehensive beach and inlet management planning program. With 825 miles of sandy shoreline in Florida, beach management is vital for the protection of upland property, critical public infrastructure, tourist revenue, recreational interests and critical habitat for endangered species. Through the Beach Management Funding Assistance Program, the department works in concert with local, state and federal agencies to plan and permit beach erosion control projects. The program also administers legislative appropriations to local communities for assistance in their efforts. Currently, over half of the state's critically eroded shoreline is actively managed and maintained.

In the Fiscal Year 2013/2014 General Appropriations Act, Specific Appropriation 1626 included the proviso language below:

The funding provided for those projects reflects the ranking of local government funding requests and the department's Fiscal Year 2013-2014 project priority list; however, it also takes into account recent storm damages and storm impacts on project designs and costs. To address future situations, the department shall make recommendations as to how current statutory ranking criteria should be modified to accommodate storm damage and other beach impacts, as well as current department processing procedures and timetables for local government funding requests, in annual project rankings. The department's recommendations shall be provided to the President of the Senate and the Speaker of the House of Representatives no later than January 1, 2014.

The attached report provides the information requested by the legislature by this proviso language. I invite you to read this report and learn more about the program that is so critical to the health of Florida's beaches.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Thomasson".

Mark Thomasson, P.E.
Director, Division of Water Resource Management
Florida Department of Environmental Protection

The Beach Management Funding Assistance Program (Program) provides assistance to local governments for the planning and implementation of beach and inlet management projects. To be eligible for funding, projects must be located within an area designated as “critically eroded,” and must be consistent with strategies listed in the adopted Strategic Beach Management Plan. Activities eligible for Program funding include:

- Beach restoration and nourishment
- Project design and engineering studies
- Environmental studies and monitoring
- Inlet management planning
- Inlet sand bypassing (transfer)
- Dune restoration and vegetation
- Beach erosion control alternatives

Since 1998, the legislature has appropriated over \$579.3 million to provide state cost sharing to local governments for eligible projects. This funding resulted in the restoration and subsequent maintenance of over 222 miles (nearly 56%) of the state’s critically eroded beaches. This level of funding demonstrates the many benefits of maintaining healthy beaches, such as:

- Protection for upland development along the shoreline
- Crucial support for public infrastructure, such as roads, bridges, and parks
- Quality recreational space for resident and out-of-state beach visitors
- Economic stability to coastal communities dependent on tourism revenue
- Critical habitat for many endangered species, such as sea turtles, shorebirds and beach mice.

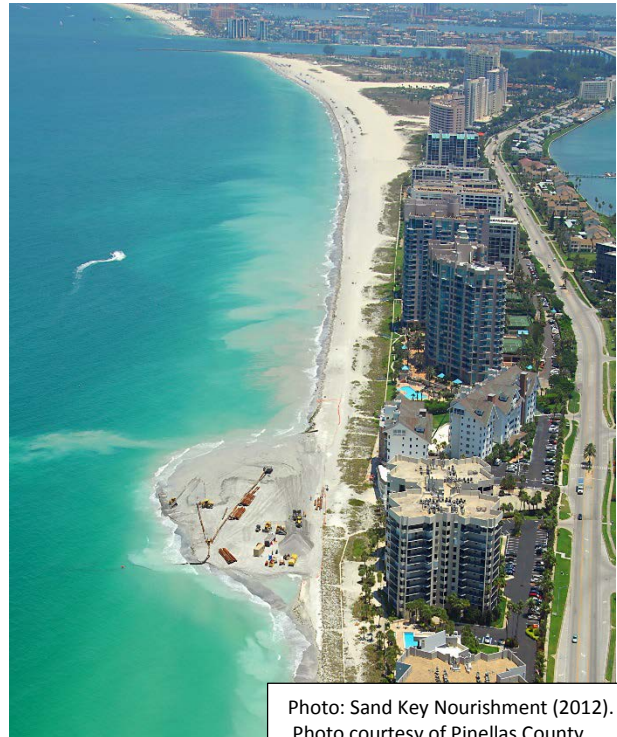



Photo: Sand Key Nourishment (2012).
Photo courtesy of Pinellas County.

For every \$1 spent on beach and inlet management, the state receives an \$8 return on investment through tourism tax revenue. (Florida Atlantic University, 2003)



Each year, local governments submit approximately 70 project applications to the department. Each project is evaluated based on timeliness of the proposed project and consistency with the Strategic Beach Management Plan. The department then ranks projects to determine the priority ranking (see discussion below). This annual priority ranking list is used by the department to develop a guidance document for the Legislature– the Local Government Funding Request. This document is based on details related to proposed project phases for the upcoming fiscal year. The Legislature provides its annual appropriation in part based on the document.

Project Prioritization

Beach project applications are prioritized using a methodology based on language in chapter 161.101(14), F.S. (see Appendix A). These criteria are further defined in Program rule chapter 62B-36, F.A.C. (see Appendix B), and include:

- Severity of erosion
- Threat to upland structures
- Commercial and recreational benefits
- Innovative technologies and proximity to critical habitat
- Project performance
- Regionalization
- Mitigation of inlet effects
- Significance

Inlet projects are ranked using criteria outlined in chapter 161.143(2), F.S. (see Appendix A). These criteria are further defined in Program rule chapter 62B-36, F.A.C. (see Appendix B), and include:

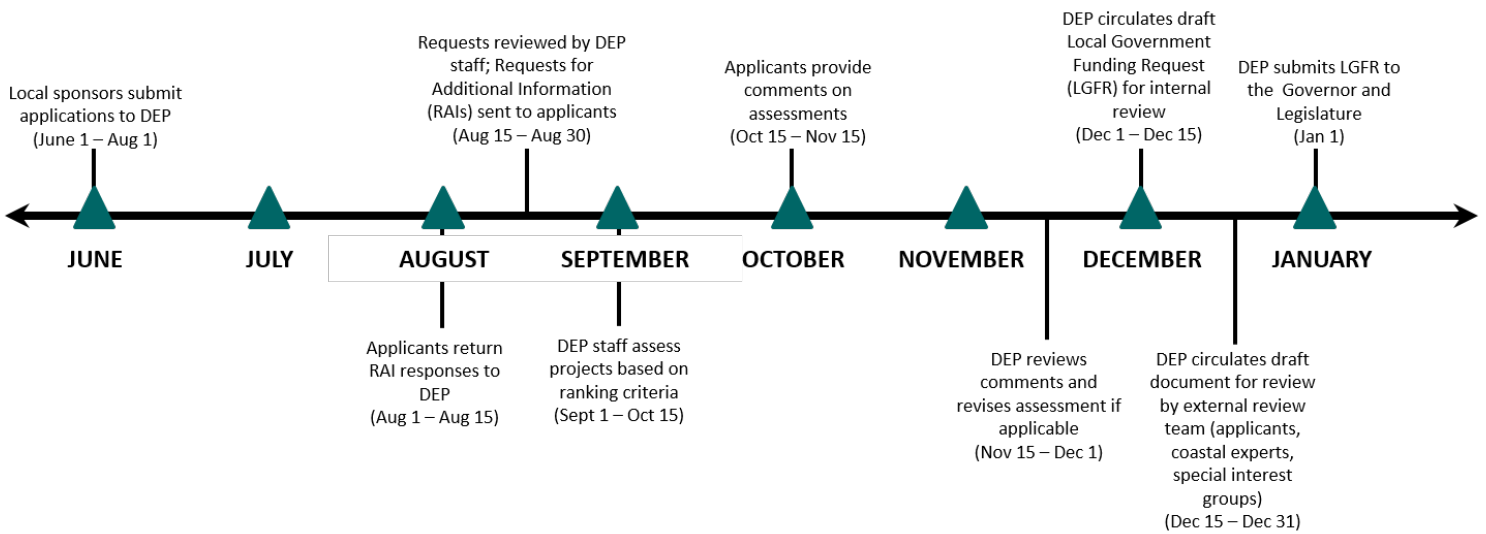
- Sand reaching the inlet
- Balancing of the sediment budget
- Cost effectiveness
- Inlet Management Planning
- Project enhancement to inlet or downdrift beach project

Beach and inlet projects **both** receive points for the following:

- Availability of federal funding
- Previous state commitment to the project
- Local sponsor financial and administrative commitment

Project Assessment Timeline

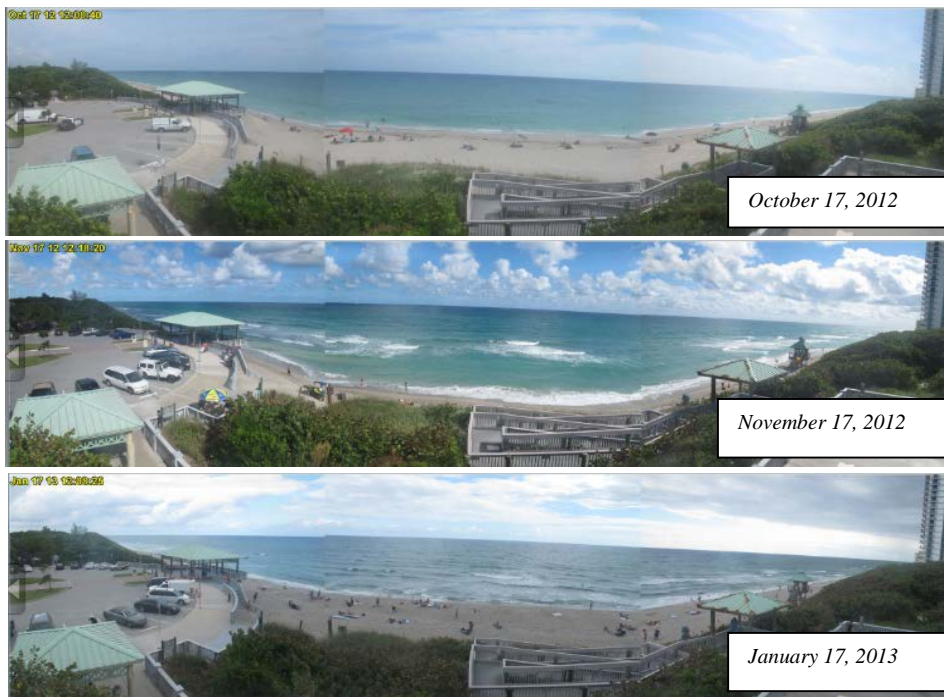
The Beach Management Funding Assistance Program requires a minimum of six months to complete the annual review, ranking and prioritization of projects. The cycle time is based on both rule requirements and the staff time required to review and administer the ranking criteria to each project application. Key process steps are outlined on the timeline below.



What happens to the beach during a storm?

During storms, waves pull sand off of the beach and into the water. Based on the severity of the storm, the material is typically retained within the nearshore submerged bar system. This sand bar still provides the beach with a level of protection from further wave attack, but it is no longer visible, and the beach becomes narrower. In the months following a storm, this material will begin to migrate back onto the dry beach through the natural recovery process. Routine nourishment to maintain healthy beaches will keep adequate material within the beach system, making this natural recovery process possible. Occasionally, storm impacts result in severe localized erosion which requires more immediate actions to stabilize the “hot spot”.

Once the natural recovery process has occurred and hot spots have been repaired, actual storm losses to the overall nourishment project can be calculated and designed into the next regular maintenance nourishment. Combining the storm repair with the maintenance nourishment provides cost savings through the elimination of separate mobilization costs and through economy of scale. If sand is added to the system before the beach has naturally recovered, the system can become over-saturated with sand, wasting finite sand resources and potentially impacting aquatic resources.



Central Boca Raton Beach Nourishment Project (Palm Beach County)

The top photo was taken prior to the passage of Hurricane Sandy. In the middle photo, the project has been impacted by the Hurricane Sandy. Note the narrow width of beach seaward of the boardwalk. The bottom photo, taken just two months following the storm, illustrates the natural recovery that has restored much of the pre-storm beach width. Photos were taken from a series of webcams images producing a panoramic view. The webcams are maintained by the City of Boca Raton.

How have storm damages traditionally been funded?

Storm impacts have traditionally been addressed through state emergency declarations, storm damage assessments, and specific appropriations. In the event of significant storm impacts, separate storm repair appropriations have been made by the Legislature after impacts have been assessed and a comprehensive recovery plan has been established. In many cases, federal funding has been considered along with state funding initiatives.

The first significant storm response appropriations were made in response to damage caused by Hurricane Opal in 1995, which significantly impacted the Florida Panhandle. Subsequent hurricane appropriations were made to address the extensive damage caused by the 2004 and 2005 storm seasons. These appropriations were made *in addition* to the regular Program funds dedicated for the sustainability of healthy beaches. The diversion of regular Program funds from proactive beach management to reactive storm recovery could cause potential unsustainable conditions for more beaches, leaving upland development vulnerable.

What is Proactive Beach Management?

The Beach Management Funding Assistance Program has historically been dedicated to assisting local governments through an approach of long term planning and maintenance. The restoration of beaches, regularly scheduled maintenance nourishment to maintain the designed beach width, and proper management of inlets support long term healthy beaches. Without this proactive long-term management approach supported by annual appropriations, upland structures, public infrastructure and critical habitat may be left more vulnerable to subsequent storms.


In contrast, reactive beach management would address only storm impacts. This would take the emphasis away from long term planning and maintenance, causing routine nourishments to go underfunded and project designs to be compromised. In beach management, “the best defense is a good offense.”



Florida was impacted by three major storms during the 2012 Hurricane Season.

- In June 2012, **Tropical Storm Debby** moved slowly up Florida’s Southwest Gulf Coast, bringing torrential rainfall and two days of sustained onshore winds. The storm eventually made landfall in the Steinhatchee area, but severe beach erosion extended from Pinellas County south to Collier County. By State of Florida Executive Order No. 12-140, the Governor declared that a state of emergency existed throughout Okaloosa, Calhoun, Bay, Franklin, Gulf, Liberty, Levy, Citrus, Hernando, Pasco, Pinellas, Hillsborough, Manatee, Sarasota, and Charlotte Counties, and for the coastal portions of Walton, Wakulla, Jefferson, Dixie, and Taylor, based upon the serious threat to the public health, safety and welfare posed by Debby. The Federal Emergency Management Agency (FEMA) declared an emergency, and storm damage repair funding was received for several impacted non-federal projects. Storm damage assistance for federal projects was received through the Flood Control and Coastal Emergencies Program.
- In August 2012, **Hurricane Isaac** moved into the Gulf of Mexico. Although the storm did not make landfall in Florida, hurricane warnings were extended from Tampa Bay southward along the Gulf Coast, and from the Keys northward to Sebastian Inlet. Tropical storm activity, coupled with high tides, resulted in significant inland flooding and beach erosion along the Atlantic Coast. By State of Florida Executive Order No. 12-199, the Governor declared that a state of emergency existed throughout the State of Florida, based upon the serious threat to the public health, safety and welfare posed by Issac. Although FEMA declared an emergency in response to Hurricane Isaac, beach erosion damages were not as significant as those documented from Tropical Storm Debby.
- In October 2012, **Hurricane Sandy** brought tropical storm force winds and rain to Florida’s Atlantic Coast. Impacts were documented from Miami-Dade County north through St. Johns County. Although a request for emergency declaration was denied by FEMA for non-federal projects, the U.S. Army Corps of Engineers prepared and executed an emergency plan to address federal projects impacted by Hurricane Sandy. Storm damage assistance for federal projects was received through the Flood Control and Coastal Emergencies Program.

Following the storm season of 2012, coastal stakeholders expressed concern at the ability of the Beach Management Funding Assistance Program to consider the current condition of a beach as a priority during the annual application ranking process.



The department completed amending rule 62B-36, F.A.C. in August 2013. During the rulemaking process, Program staff considered rule changes that could potentially address storm impacts, while maintaining a focus on strategic and proactive management. The amended version of the Program rule includes two ranking criteria in the “significance” category that address the current condition of each project. The two criteria address:

1. the amount of fill material that has been lost above the water line (dry beach) since the last placement event; and
2. potential erosion into the design template, or hot spot erosion.

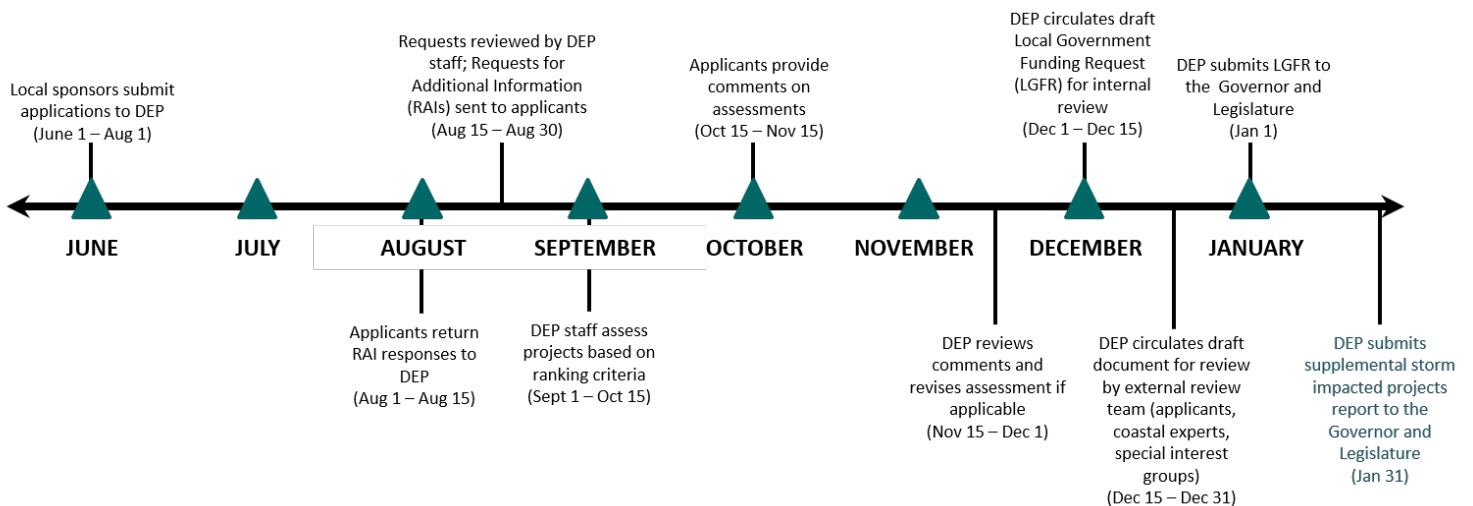
The ranking criteria in the amended rule is in Appendix B. The additions and deletions were included to identify the changes made during the 2013 rule amendment.

The above criteria illustrate the current need of the project for nourishment based on either background erosion or storm impacts. For example, a project that is nearing its nourishment interval and planning construction has lost more sand from its original project design than a project that has just completed a nourishment event and provides more storm protection, and therefore will be awarded more points. Points in this category can only be awarded to engineered beaches that have been previously restored.

Although the new ranking criteria adds priority to storm impacted projects, it is not guaranteed that they will be ranked high enough on the priority list. Without a sufficiently high ranking, storm repair projects may not receive state matching funds in the event of federal storm repair appropriation. Since the department recognizes the need to leverage federal funding to the maximum extent practicable, the department recommends the approach described below.

The department will submit a Supplemental Storm Damage Report during years where storm impacts are present. This Supplemental Storm Damage Report should include a list of projects impacted by storm events for which the Governor has signed a declaration of emergency for coastal erosion. The report will be in addition to the prioritized, ranked project list submitted in the Local Government Funding Request. The supplemental report will assist the legislature in evaluating the needs of storm-impacted projects concurrently with the Local Government Funding Request. This report would be submitted by January 31 of each year.

- The report will document the sand lost by each impacted project, include anticipated repair costs, and list available federal funding. The affected local governments will assess their beaches and provide the department with information on storm impacts. Department staff will coordinate with FEMA or the U.S. Army Corps of Engineers.
- The Legislature will then have the opportunity to direct appropriations to either projects listed on the priority ranked list or the storm damage list.
- As witnessed during 2012 with Hurricane Sandy, storm impacts are occasionally sustained at the same time the department is reviewing and prioritizing project applications. Therefore the storm impacts are not captured in the Local Government Funding Request funding recommendations. The revised timeline to allow for the preparation of the Supplemental Storm Damage Report after each review and prioritization cycle would be as follows:



161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.—

(1) The Legislature recognizes that beach erosion is a statewide problem that does not confine its effects to local governmental jurisdictions and that beach erosion can be adequately addressed most efficiently by a state-initiated program of beach restoration and beach nourishment. However, since local beach communities derive the primary benefits from the presence of adequate beaches, a program of beach restoration and beach nourishment should not be accomplished without a commitment of local funds to combat the problem of beach erosion. Accordingly, the Legislature declares that the state, through the department, shall determine those beaches which are critically eroded and in need of restoration and nourishment and may authorize appropriations to pay up to 75 percent of the actual costs for restoring and nourishing a critically eroded beach. The local government in which the beach is located shall be responsible for the balance of such costs.

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

(3) Whenever a beach erosion control project has been authorized by Congress for federal financial participation in accordance with any Act of Congress relating to beach erosion control in which nonfederal participation is required, it shall be the policy of the state to assist with an equitable share of such funds to the extent that funds are available, as determined by the department.

(4) The department, for itself or on behalf of any and all duly established beach and shore preservation districts and local governments within the state, may enter into cooperative agreements and otherwise cooperate with, and meet the requirements and conditions (including, but not limited to, execution of indemnification agreements) of, federal, state, and other local governments and political entities, or any agencies or representatives thereof, for the purpose of improving, furthering, and expediting the beach management program.

(5) The department is authorized, for and on behalf of the state, to accept such federal moneys for beach erosion control as are available and to sign all necessary agreements therefor and to do and perform all necessary acts in connection therewith to effectuate the intent and purposes of this act.

(6) The department is authorized to make application for federal participation in the cost of any beach and shore preservation project under any Acts of Congress and all amendments thereto.

(7) The department is authorized to implement regional components of the beach management plan pursuant to ss. 161.091 and 161.161 and, where appropriate, to enter into agreements with the Federal Government, inlet districts, port authorities, intercoastal waterway districts, and local governments to cost share and coordinate such activity.

(8) The department is authorized to sponsor or cosponsor demonstration projects of new or innovative technologies which have the potential to reduce project costs, conserve beach quality sand, extend the life of beach nourishment projects, and improve inlet sand bypassing pursuant to s. 161.091.

(9)(a) Because improved, modified, or altered inlets are a significant cause of beach erosion, it is the Legislature's intent to manage the erosive impacts of inlets under the state's beach management program. Accordingly, it is the further intent of the Legislature for the state to cost share those components of inlet projects that minimize the erosive effects of the inlet or cost-effectively provide for the placement of beach-quality material on adjacent eroded beaches.

(b) The department is authorized to enter into cooperative agreements with local governments, including cities, counties, and special districts, for inlet management activities and to cost share those

components of inlet projects that minimize the erosive effects of the inlet or cost-effectively provide for the placement of beach-quality material on adjacent eroded beaches.

(10) The department is authorized to pay up to 100 percent of the costs of approved beach erosion control projects when construction and maintenance are on lands of which the state is the upland riparian owner.

(11) With regard to a project approved in accordance with s. 161.161, the department is authorized to pay from legislative appropriations specifically provided for these purposes an amount up to 75 percent of the costs of contractual services, including, but not limited to, the costs for:

(a) Feasibility and related planning studies.

(b) Design.

(c) Construction.

(d) Monitoring. The state shall cost share in all biological and physical monitoring requirements which are based upon scientifically based criteria.

(12) A project, in order to receive state funds, shall provide for adequate public access, protect natural resources, and provide protection for endangered and threatened species.

(13) The department shall not fund projects that provide only recreational benefits. All funded activities must have an identifiable beach erosion control or beach preservation benefit directed toward maintaining or enhancing sand in the system. Activities ineligible for cost sharing include, but are not limited to:

(a) Recreational structures such as piers, decks, and boardwalks.

(b) Park activities and facilities except for erosion control.

(c) Aesthetic vegetation.

(d) Water quality components of stormwater management systems.

(e) Experimental or demonstration projects unless favorably peer reviewed or scientifically documented.

(f) Hard structures unless designed for erosion control or to enhance beach nourishment project longevity or bypassing performance.

(g) Operations and maintenance, with the exception of nourishment.

(h) Maintenance and repair of over-walks.

(i) Navigation construction, operation, and maintenance activities, except those elements whose purpose is to place or keep sand on adjacent beaches.

(14) The intent of the Legislature in preserving and protecting Florida's sandy beaches pursuant to this act is to direct beach erosion control appropriations to the state's most severely eroded beaches, and to prevent further adverse impact caused by improved, modified, or altered inlets, coastal armoring, or existing upland development. In establishing annual project funding priorities, the department shall seek formal input from local coastal governments, beach and general government interest groups, and university experts. Criteria to be considered by the department in determining annual funding priorities shall include:

(a) The severity of erosion conditions, the threat to existing upland development, and recreational and/or economic benefits.

(b) The availability of federal matching dollars.

(c) The extent of local government sponsor financial and administrative commitment to the project, including a long-term financial plan with a designated funding source or sources for initial construction and periodic maintenance.

(d) Previous state commitment and involvement in the project.

(e) The anticipated physical performance of the proposed project, including the frequency of periodic planned nourishment.

(f) The extent to which the proposed project mitigates the adverse impact of improved, modified, or altered inlets on adjacent beaches.

(g) Innovative, cost-effective, and environmentally sensitive applications to reduce erosion.

(h) Projects that provide enhanced habitat within or adjacent to designated refuges of nesting sea turtles.

- (i) The extent to which local or regional sponsors of beach erosion control projects agree to coordinate the planning, design, and construction of their projects to take advantage of identifiable cost savings.
- (j) The degree to which the project addresses the state's most significant beach erosion problems.

In the event that more than one project qualifies equally under the provisions of this subsection, the department shall assign funding priority to those projects that are ready to proceed.

(15) Until the unmet demand for repairing Florida's damaged beaches and dunes is satisfied, it is the further intent of the Legislature to cost share such projects equally between the state and local sponsors.

(16) In order to encourage regional approaches that provide cost savings, and notwithstanding subsection (15), actual cost savings that can be documented as resulting from geographic coordination and sequencing of two or more discrete erosion control projects shall proportionally reduce each local sponsor's cost share as long as the state financial participation does not exceed 75 percent.

(17) The selection of a project engineer acceptable to the department by local government as project sponsor shall be on the basis of competitive negotiation as provided in chapter 287. The project sponsor shall assume full responsibility for all project costs in excess of the state cost limitation.

(18) A local government desiring to initiate and pay the entire cost of designing, constructing, and maintaining an erosion control project prior to the state's initiating such construction may be reimbursed from state funds on the basis of the procedures set forth in s. 161.161, provided the project is approved by the department before initiation of construction and based on legislative appropriations and whether it furthers the provisions of s. 161.161. Such local interests shall, as project sponsor, be responsible for obtaining federal reimbursement in the case of federal-aid projects.

(19) Twenty-five percent of any funds appropriated for implementation of this section shall be held by the department until the last quarter of the fiscal year for which the appropriation is made. This amount shall be used to meet emergencies prescribed in s. 161.111. If no such emergencies occur, then these funds may be released in the last quarter of the fiscal year in which the appropriation is made for projects.

(20) The department shall maintain active project listings on its website by fiscal year in order to provide transparency regarding those projects receiving funding and the funding amounts, and to facilitate legislative reporting and oversight. In consideration of this intent:

(a) The department shall notify the Executive Office of the Governor and the Legislature regarding any significant changes in the funding levels of a given project as initially requested in the department's budget submission and subsequently included in approved annual funding allocations. The term "significant change" means those changes exceeding 25 percent of a project's original allocation. If there is surplus funding, notification shall be provided to the Executive Office of the Governor and the Legislature to indicate whether additional dollars are intended to be used for inlet management pursuant to s. 161.143, offered for reversion as part of the next appropriations process, or used for other specified priority projects on active project lists.

(b) A summary of specific project activities for the current fiscal year, funding status, and changes to annual project lists shall be prepared by the department and included with the department's submission of its annual legislative budget request.

(c) A local project sponsor may at any time release, in whole or in part, appropriated project dollars by formal notification to the department, which shall notify the Executive Office of the Governor and the Legislature. Notification must indicate how the project dollars are intended to be used.

(21) The department may adopt rules to implement this section.

History.—s. 1, ch. 65-408; ss. 25, 35, ch. 69-106; s. 7, ch. 78-257; s. 5, ch. 86-138; s. 17, ch. 87-97; s. 26, ch. 94-356; s. 1438, ch. 95-147; s. 5, ch. 96-321; s. 3, ch. 98-311; s. 9, ch. 2000-346; s. 3, ch. 2012-65.

161.143 Inlet management; planning, prioritizing, funding, approving, and implementing projects.—

(1) Studies, projects, and activities for the purpose of mitigating the erosive effects of inlets and balancing the sediment budget of the inlet and adjacent beaches must be supported by separately approved inlet management plans or inlet components of the statewide comprehensive beach management plan. Such plans in

support of individual inlet projects or activities must, pursuant to s. 161.161(1)(b), evaluate each inlet to determine the extent of the inlet's erosive effect on adjacent beaches and, if significant, make recommendations to mitigate such ongoing erosive effects and provide estimated costs for such mitigation.

(2) The department shall establish annual funding priorities for studies, activities, or other projects concerning inlet management. Such inlet management projects include, but are not limited to, inlet sand bypassing, modifications to channel dredging, jetty redesign, jetty repair, disposal of spoil material, and the development, revision, adoption, or implementation of an inlet management plan. The funding priorities established by the department must be consistent with the requirements and legislative declaration in ss. 161.101(14), 161.142, and 161.161(1)(b). In establishing funding priorities under this subsection and before transmitting the annual inlet project list to the Legislature under subsection (5), the department shall seek formal input from local coastal governments, beach and general government associations and other coastal interest groups, and university experts concerning annual funding priorities for inlet management projects. In order to maximize the benefits of efforts to address the inlet-caused beach erosion problems of this state, the ranking criteria used by the department to establish funding priorities for studies, activities, or other projects concerning inlet management must include consideration of:

(a) An estimate of the annual quantity of beach-quality sand reaching the updrift boundary of the improved jetty or inlet channel.

(b) The severity of the erosion to the adjacent beaches caused by the inlet and the extent to which the proposed project mitigates the erosive effects of the inlet.

(c) The overall significance and anticipated success of the proposed project in balancing the sediment budget of the inlet and adjacent beaches and addressing the sand deficit along the inlet-affected shorelines.

(d) The extent to which existing bypassing activities at an inlet would benefit from modest, cost-effective improvements when considering the volumetric increases from the proposed project, the availability of beach-quality sand currently not being bypassed to adjacent eroding beaches, and the ease with which such beach-quality sand may be obtained.

(e) The interest and commitment of local governments as demonstrated by their willingness to coordinate the planning, design, construction, and maintenance of an inlet management project and their financial plan for funding the local cost share for initial construction, ongoing sand bypassing, channel dredging, and maintenance.

(f) The previous completion or approval of a state-sponsored inlet management plan or local-government-sponsored inlet study concerning the inlet addressed by the proposed project, the ease of updating and revising any such plan or study, and the adequacy and specificity of the plan's or study's recommendations concerning the mitigation of an inlet's erosive effects on adjacent beaches.

(g) The degree to which the proposed project will enhance the performance and longevity of proximate beach nourishment projects, thereby reducing the frequency of such periodic nourishment projects.

(h) The project-ranking criteria in s. 161.101(14) to the extent such criteria are applicable to inlet management studies, projects, and activities.

(3) The department may, pursuant to s. 161.101 and notwithstanding s. 161.101(15), pay from legislative appropriations provided for these purposes 75 percent of the total costs, or, if applicable, the nonfederal costs, of a study, activity, or other project concerning the management of an inlet. The balance must be paid by the local governments or special districts having jurisdiction over the property where the inlet is located.

(4) Using the legislative appropriation to the statewide beach-management-support category of the department's fixed capital outlay funding request, the department may employ university-based or other contractual sources and pay 100 percent of the costs of studies that are consistent with the legislative declaration in s. 161.142 and that:

(a) Determine, calculate, refine, and achieve general consensus regarding net annual sediment transport volumes to be used for the purpose of planning and prioritizing inlet management projects; and

(b) Appropriate, assign, and apportion responsibilities between inlet beneficiaries for the erosion caused by a particular inlet on adjacent beaches.

(5) The department shall annually provide an inlet management project list, in priority order, to the Legislature as part of the department's budget request. The list must include studies, projects, or other activities that address the management of at least 10 separate inlets and that are ranked according to the criteria established under subsection (2).

(a) The department shall make available at least 10 percent of the total amount that the Legislature appropriates in each fiscal year for statewide beach management for the three highest-ranked projects on the current year's inlet management project list.

(b) The department shall make available at least 50 percent of the funds appropriated for the feasibility and design category in the department's fixed capital outlay funding request for projects on the current year's inlet management project list which involve the study for, or design or development of, an inlet management project.


(c) The department shall make available all statewide beach management funds that remain unencumbered or are allocated to non-project-specific activities for projects on legislatively approved inlet management project lists. Funding for local-government-specific projects on annual project lists approved by the Legislature must remain available for such purposes for a period of 18 months pursuant to s. 216.301(2)(a). Based on an assessment and the department's determination that a project will not be ready to proceed during this 18-month period, such funds shall be used for inlet management projects on legislatively approved lists.

(d) The Legislature shall designate one of the three highest projects on the inlet management project list in any year as the Inlet of the Year. The department shall annually report to the Legislature concerning the extent to which each inlet project designated by the Legislature as Inlet of the Year has succeeded in balancing the sediment budget of the inlet and adjacent beaches, mitigating the inlet's erosive effects on adjacent beaches, and transferring or otherwise placing beach-quality sand on adjacent eroding beaches.

(e) Notwithstanding paragraphs (a) and (b), and for the 2013-2014 fiscal year only, the amount allocated for inlet management funding is provided in the General Appropriations Act. This paragraph expires July 1, 2014.

(6) The department shall adopt rules under ss. 120.536(1) and 120.54 to administer this section. History.—s. 2, ch. 2008-242; s. 19, ch. 2013-41.

¹Note.—Section 19, ch. 2013-41, added paragraph (e) “[i]n order to implement Specific Appropriation 1626 of the 2013-2014 General Appropriations Act.”



Program Rule 62B-36, Florida Administrative Code, was revised in August of 2013. Rule development was initiated by changes to Chapter 161.142, F.S. and the introduction of 161.143, F.S., which established ranking criteria specifically for inlet projects. While in the rule making process, changes in the policy and beach ranking criteria were also incorporated. Recommendations of the Beach Management Working Group were also added, where statutory changes were not required. The Beach Management Working Group was created in 2008 through proviso to review operational procedures of the program.

The rule development process spanned four years. During that time, five different public workshops were hosted by the Department and input was considered from the Florida Shore and Beach Preservation Association, local governments, special interest groups, and private citizens. A complete draft of the new rule can be accessed through the following link:

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62B-36>

The ranking criteria for both beach and inlet projects are provided in the excerpt below. Strikethroughs denote deletions and underlined text indicates additions from the last version of the rule.

62B-36.006 Project Ranking Procedure.

(1) Beach Management Projects. ~~Local sponsor funding requests~~ Eligible projects requesting funding for beach management projects in the upcoming fiscal year will be ranked in priority order for the Department's legislative budget request. Projects previously ranked for a construction phase will retain their project score through the monitoring phase. Eligible projects will receive ~~be assigned~~ a total point score by the Department based on the following criteria:

(a) Severity of erosion. The severity of erosion score is determined by the average historical rate of erosion for the project length area over 30 years ~~based upon the Department's long term data base for the project length~~ at 2 points per foot of erosion, ~~rounded to the nearest whole foot~~, for a maximum total of 10 points. The Department will use historical MHW data files contained in the Department's Historic Shoreline Database to calculate the average rate of erosion for up to a 30 year period after 1972, but prior to any beach fill placement in the project area. Linear least square fit to the data will be used to determine the erosion/accretion trend. For those project areas where inadequate data prevents the calculation of an average rate, then the rate may be obtained from a published study document used in the design of the project.

(b) Threat to upland structures. The percent of shoreline developed property containing structures at or seaward of the projected 25-year return interval storm event erosion limit within the project boundaries ~~at or seaward of the projected 25 year return interval storm event erosion limit~~ times ten, ~~rounded to the nearest whole number~~, for a maximum total of 10 points. The Department will determine the threat to upland structures by application of the Dean CCCLa, SBEACH (Storm-induced BEACH CHange Model) or comparable numeric model using a 25-year

return interval storm tide hydrograph on the most recent beach-offshore profile data at each R-monument in the project area as determined by the Department and provided in "Erosion Due to High Frequency Storm Events," which is incorporated by reference. SBEACH results shall be supported with documentation on objectives, data used, model configuration and parameter selection, calibration/validation, applications of forcing conditions and any assumptions made in the modeling analysis. Copies of "Erosion Due to High Frequency Storm Events," by the University of Florida, dated November 22, 1995 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02423> and the "SBEACH-32 Users Interface Manual" dated January 10, 1996 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02424>, "SBEACH Report 1" dated July 1, 1989 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02425>, "SBEACH Report 2" dated May 1 1990 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02427>, "SBEACH Report 3" dated May 1, 1993 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02428>, "SBEACH Report 4" dated April 1, 1996 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02429>, and "SBEACH Report 5" dated August 1, 1998 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02430> by the U.S. Army Corps of Engineers, which are incorporated by reference, may be obtained at the following web site: www.dep.state.fl.us/beaches.

(c) Recreational and economic benefits. The percentage of linear footage of property within the project boundaries zoned commercial, ~~or~~ recreational, or Public Lodging Establishment, or the equivalent, in the current local government land use map times ten, ~~rounded to the nearest whole number~~, for a maximum total of 10 points. Un-designated properties will be considered designated or zoned the same as the adjacent property designations. Street ends will be considered recreational if they provide access to the beach, in accordance with 62B.36.002(14).

(d) Availability of federal funds. Projects with United States Army Corps of Engineers Civil Works Congressional authorization for the requested project phase shall receive 5 points. Projects with a current United States Army Corps of Engineers pProject Cooperation aAgreement executed for the requested project phase or projects listed in a United States Army Corps of Engineers work plan or current federal budget document with available federal funds shall receive 5 points- ; Federal Emergency Management Agency nourishment projects (Category G or equivalent subsequent program for designed, constructed and routinely maintained beaches) with approved Project Worksheets shall receive 5 points. Maximum total for availability of federal funds is 10 points.

(e) Local sponsor financial and administrative commitment. Local governments sponsors who have a designated long term funding source for dedicated to the restoration and management of a the beach project as defined in a 10-year comprehensive financial plan shall receive 2 points; local sponsors who provide funding for the beach project via a funding source established by referendum or legislative authority will receive 2 points; local sponsors who provide additional funding from a third party, other than the federal government, shall receive 1 point for a 10 percent reduction or 2 points for a 25 percent reduction of the non-federal share obtained from a third party, for up to 2 shall receive 3 points; those with staff dedicated for administrative support shall receive 1 point; those with a 100 percent 75% or better compliance record for submitting quarterly reports and billings correctly and on time over the previous state fiscal year shall receive 2 points; local sponsors who hold active state and federal permits for the proposed project will receive 1 point; local sponsors who have secured local funds will receive 1 point, for a maximum total of 10 points. 4-point for a maximum total of 5 points.

(f) Previous state commitment. Projects where the Department has previously cost shared, reviewed, and approved a feasibility or design phase shall receive 1 point; projects to enhance, or increase the longevity of a previously constructed project shall receive 34 points; ~~and~~ projects that

will nourish a previously restored shoreline shall receive 5 points; projects where previously approved appropriations for a project phase could not be encumbered and were released in their entirety by the local sponsor due to the project timelines shall receive 1 point, for a maximum total of 10 points.

(g) Project performance. Performance points shall be based upon the expected life of a project, as documented in a feasibility study for restoration projects and ~~or~~ on the average actual nourishment interval for nourishment projects. Projects with a three-year nourishment interval shall receive 1 point, plus 1 point for every additional year of the expected or actual life with a ten-year or more nourishment interval receiving a maximum of 8 points; projects with an average cost/per mile/ per year below the average cost/per mile/per year of all projects requesting construction funding for a given year shall receive 2 points. Cost calculations, for the upcoming construction event, will include construction, associated project mitigation, and construction-related and first year post-construction monitoring costs with a maximum total of 10 points.

(h) Mitigation of inlet effects. Projects that implement strategies in the Strategic Beach Management Plan for ~~sediment bypassing or~~ supplemental nourishment to adjacent beaches needed to mitigate deficiencies in the annual sediment budget shall receive points based upon the percentage of the target average annual bypass volume to be achieved by the supplemental nourishment times 10 for a maximum total of 10 points.

(i) Innovative technologies. Projects to address erosion that are economically competitive with nourishment, that will not adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats, and environmentally sensitive and that are designed to demonstrate an innovative application of existing technologies shall receive 3 points; projects that have been documented to be effective and demonstrate technologies previously untried in the state shall receive 2 points for a maximum total of 5 points.

(j) Enhance nesting sea turtle refuges. Projects that are adjacent to or within designated nesting sea turtle refuges shall receive 5 points.

(k) Regionalization. Projects where two or more local sponsors who manage governmental entities couple their projects together for contracting to reduce contracting costs shall receive 5 points.

(l) Significance. Sum of the following criteria for a maximum of 20 points;

1. Projects shall receive points based upon the project length at one point per mile for a maximum of 10 points;

2. Projects entering the construction phase will receive 1 point;

3. Projects with greater than 25 percent of the shoreline length designated as commercial, recreational, or public lodging establishment shall receive 1 points and projects with greater than 50 percent of the shoreline length designated as commercial, recreational, or public lodging establishment shall receive 2 points, for a total of 2 points;

4. Projects where the volume of advanced nourishment lost since the last sand placement event of a beach restoration or nourishment project as measured landward of the Mean High Water Line, shall receive 1 point for every 20 percent of volume lost, for a maximum of 5 points;

5. Projects where shoreline has eroded into the design profile shall receive 1 point;

6. Projects that place a greater volume/mile/year than the average volume/mile/year for all projects in their region (Florida east coast, Florida west coast, and Florida panhandle) requesting construction funding for a given year shall receive 1 point;

~~Projects shall receive points based upon the project length at one point mile, rounded to the nearest whole number, for a total maximum of 10 points.~~

(m) In the event that more than one project receives the same number of points, the Department shall assign funding priority to that project most ready to initiate construction. Factors considered in the award of priority include project phase, construction schedule, the status of state and federal permits, acquisition of easements, securing of local and federal funding, construction bidding schedule, and establishment of an Erosion Control Line.

(2) Inlet Management Projects. Local sponsors requesting funding for inlet management projects for the upcoming fiscal year will be ranked in priority order for the Department's Local Government Funding Request. Eligible projects will be assigned a total point score by the Department based on the following criteria:

(a) Estimated annual quantity of beach quality sand reaching the updrift boundary of the improved jetty or inlet channel, quantified at the rate of one point per 20,000 cubic yards per year, for a total maximum of 10 points.

(b) Balancing the sediment budget. Annual average bypassing volume to be placed on the adjacent eroding shorelines divided by the annual bypassing objective as determined by the Inlet Management Plan or department approved study times 20 for a maximum of 20 points.

(c) Cost effective alternatives. The proposed annualized increase in bypassing of material from within the inlet system divided by the unmet annual bypassing objective times 10, for a maximum of 10 points. The unmet annual bypassing objective is equal to the annual bypassing objective less the current annualized bypassing volume using material from within the inlet system.

(d) Local sponsor financial and administrative commitment. Local sponsors who have a designated long term funding source for the management of an inlet project as defined in a 10-year comprehensive financial plan shall receive 2 points; local sponsors who provide funding for the beach project via a funding source established by referendum or legislative authority will receive 2 points; local sponsors who provide additional funding from a third party, other than the federal government, shall receive 1 point for a 10 percent reduction or 2 points for a 25 percent reduction of the non-federal share obtained from a third party, for up to 2 points; those with a 100 percent compliance record for submitting quarterly reports correctly and on time over the previous state fiscal year shall receive 2 points; local sponsors who hold active state and federal permits for the proposed activities will receive 1 points; local sponsors who have entered into an interlocal agreement with regional partners for the purpose of joint inlet management will receive 1 points for a maximum total of 10 points.

(e) Previous state commitment. Projects where the Department has previously cost shared, reviewed, and approved a feasibility or design phase shall receive 1 point; projects to enhance, or increase the longevity of a previously constructed project within the area of inlet influence shall receive 3 points; projects that will nourish a previously restored shoreline within the area of inlet influence shall receive 5 points; projects where previously approved appropriations for a project phase could not be encumbered and were released in their entirety by the local sponsor due to the project timelines shall receive 1 points, for a maximum total of 10 points.

(f) Inlet management plan.

1. Proposed projects that have an existing Inlet Management Plan or completed Inlet Management Study accepted by the Department that defines the sediment budget, quantifies the volumetric bypassing objective and contains specific management strategies shall receive 5 points.

2. Projects where the Department has received and approved an update to an existing Inlet Management Plan in the form of a current inlet management study/sediment budget analysis within the previous 10 years or proposes to conduct an update to an existing inlet management plan shall receive an additional 5 points.

3. Projects proposing to develop a new inlet management study to be submitted to the Department for adoption of an Inlet Management Plan shall receive 15 points.

4. Maximum total for an inlet management plan is 15 points.

(g) Enhanced project performance. The increased nourishment interval shall be estimated by the annual bypassing volume divided by the annual beach nourishment volume needed by a beach project within the area of inlet influence multiplied by 5 for a total of 5 points.

(h) Availability of federal funds. Projects with United States Army Corps of Engineers Civil Works Congressional authorization for the requested project phase shall receive 5 points. Projects with a current United States Army Corps of Engineers project agreement executed for the requested project phase or projects listed in a United States Army Corps of Engineers work plan or current federal budget document shall receive 5 points; federal Emergency Management Agency projects (Category G or equivalent subsequent program for designed, constructed and routinely maintained beaches) with approved Project Worksheets shall receive 5 points. Maximum total for availability of federal funds is 10 points.

(i) Inlet Management studies will be ranked using only the criteria listed in (a), (d), (e), (f), and (h). Ranking of inlet management studies will be a normalization based on the total point value of the above referenced criteria.

Rulemaking Specific Authority 161.101(21), 161.143(6), 161.161(7) F.S. Law Implemented 161.088, 161.091(1), 161.101(1), (2), (8), (9), (11), (12), (14), (15), (16), (17), (18), (19), (20), 161.142(1), (2), (4), (5), (6), (7), 161.143(1), (2), (3), (4), (5), 161.161(1), (2), (6), FS. History–New 6-10-83, Formerly 16B-36.06, Formerly 16B-36.006, Amended 12-25-03, Amended 8-5-13.