

1 **CHAPTER 62B-36**

2 **BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM**

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10 62B-36.001 Purpose.

11 The Beach Management Funding Assistance Program works in concert with local sponsors to
12 achieve protection, preservation, restoration, and nourishment of the sandy beaches fronting the
13 Atlantic Ocean, the Gulf of Mexico and the Straits of Florida, and for the management of inlets
14 to replicate the natural drift of sand interrupted by improved, modified, or altered inlets.

15 Annually, the Department requests funding from the Legislature to implement the program and
16 when appropriations are made by the legislature, enters into cost sharing agreements with local
17 sponsors for the implementation of beach and inlet management projects. This Rule Chapter
18 establishes funding request procedures, project ranking criteria, cost sharing procedures and
19 project agreement requirements pursuant to Sections 161.088, 161.091, 161.101, 161.142,
20 161.143, and 161.161, F.S.

21 Rulemaking Authority 161.101(21), 161.143(6) 161.161(7) FS. Law Implemented 161.088,
22 161.091(1), 161.101(1),(2), (8), (9), (11), (12), (14), (15), (16), (17), (18), (19), (20), 161.142(1),
23 (2), (4), (5), (6), (7), 161.143(1), (2), (3), (4), (5), 161.161(1), (2), (6)FS. History—New 6-10-83,
24 Formerly 16B-36.01, 16B-36.001, Amended 12-25-03, 8-5-13.

25 62B-36.002 Definitions.

26 (1) “Annual Funding Request” is the document submitted by a local sponsor which includes a
27 detailed description for the next fiscal year’s funding request and a schedule for the disbursement
28 of funds to be requested for beach or inlet management projects or related activities over a given
29 period of time. Only projects consistent with the Strategic Beach Management Plan will be
30 considered for funding. These projects will be ranked and placed on either the beach or inlet
31 management list submitted to the Legislature for funding consideration.

32 (2) “Area of Inlet Influence” is the distance along the adjacent sandy shorelines where sediment
33 transfer and shoreline location is physically altered due to the presence of the inlet and any
34 associated structures or improvements which alter the natural functioning of the inlet. The area
35 of inlet influence will be determined using a feasibility or an inlet management study.

36 (3) “Beach Management” is protecting, maintaining, preserving, or enhancing Florida’s beaches.
37 Activities included are restoring or nourishing beach and dune systems, dune protection and
38 restoration, restoration of natural shoreline processes, removal of derelict structures and
39 obstacles to natural shoreline process in conjunction with restoration or nourishment, and
40 construction of erosion control structures. These activities include feasibility, engineering, design
41 and environmental studies, post-construction monitoring and mitigation to support such
42 activities.

43 (4) “Contractual Services” are the provision of engineering, professional, or scientific services
44 for eligible activities as otherwise described in this chapter. Such activities may be performed by
45 a private company or individual, or, if approved by the Department, pursuant to subsection 62B-
46 36.007(6), F.A.C., the local sponsor.

47 (5) “Critically Eroded Shoreline” is a segment of shoreline where natural processes or human
48 activities have caused, or contributed to, erosion and recession of the beach and dune system to
49 such a degree that upland development, recreational interests, wildlife habitat or important
50 cultural resources are threatened or lost. Critically eroded shoreline may also include adjacent
51 segments or gaps between identified critical erosion areas which, although they may be stable or
52 slightly erosional now, their inclusion is necessary for continuity of management of the coastal
53 system or for the design integrity of adjacent beach management projects.

54 (6) “Department” is the Department of Environmental Protection.

55 (7) “Inlet” is a coastal barrier waterway connecting a bay, lagoon, or similar body of water with
56 the Gulf of Mexico, the Straits of Florida, or the Atlantic Ocean and all related flood and ebb
57 tidal shoals and the inlet shorelines. Improved, altered or modified inlets are those where
58 stabilizing rigid coastal structures have been constructed, or where inlet related structures or
59 features such as channels have been constructed or are actively maintained and the channel depth
60 is greater than the inlet system would support in a natural state.

61 (8) “Inlet Management” is comprised of actions taken to minimize, eliminate, or mitigate the
62 effects of the inlet on the adjacent shorelines including feasibility, engineering, design,
63 environmental studies, construction, and post-construction monitoring to support such activities.

64 (9) “Local Sponsor” is any state, county, municipality, township, or special district created
65 pursuant to Part II, Chapter 161, F.S., having authority and responsibility for preserving and
66 protecting the coastal system, and any state, county, municipality, township, and inlet and
67 navigational districts having authority and responsibility for management of an inlet. The local
68 sponsor is responsible for the balance of the non-state cost share.

69 (10) “Local Long Range Budget Plan” is a document that projects the ten-year planning needs
70 for federal, state, and local governments necessary to implement the strategies outlined in the
71 Strategic Beach Management Plan for a specific project. The document lists five years of
72 anticipated project costs followed by the next five years of anticipated planning phases. The
73 document is submitted by local sponsors to the Department along with annual funding requests.

74 (11) “Project Agreement” is a contract executed between the Department and the local sponsor
75 that explicitly defines the terms and conditions under which the project shall be conducted.

76 (12) “Project Boundary” for ranking purposes, means the sandy shoreline fronting the Atlantic
77 Ocean, Gulf of Mexico, or the Straits of Florida, of the beach management project and the first
78 row of residential or commercial development immediately landward of the beach vegetation
79 line or beach erosion control line, whichever is further landward. The first row of development
80 may be separated from the shoreline by recreational amenities, roadways or parking areas as long
81 as there is dedicated public access. The area of inlet influence shall be the project boundary for
82 inlet projects.

83 (13) “Project Phase” is a step required in developing and implementing a project. The following
84 phases will be considered for funding:

85 (a) “Feasibility” – is the characterization of the erosion problem and constraints on remediation
86 alternatives, development and analysis of alternatives to address the problem, including taking no
87 action, data collection in support of the analysis, and selection of the cost-effective,
88 environmentally sound alternative that avoids or minimizes adverse impacts.

89 (b) “Design” – is the development of design studies, data collection, plans, specifications, permit
90 applications, and financial planning for the project.

91 (c) “Construction” – is the execution of the selected project, including contractor services,
92 contract management, construction oversight, and construction-related monitoring required by
93 permit or contract.

94 (d) “Post-Construction Monitoring” – is the collection and analysis of physical and biological
95 data required by state or federal permits on an annual or periodic basis following the completion
96 of the construction phase.

97 (14) “Public Beach Access” is an entry zone and associated parking under public ownership or
98 control which is specifically used for providing access to the adjacent sandy beach for the
99 general public. The access must be signed, maintained and clearly visible from the adjacent
100 roadway. The parking spaces counted for eligibility must be within one-quarter mile walking
101 distance of a lateral entry zone and available to the general public. The types of public beach
102 access sites are:

103 (a) “Primary Beach Access” is a site with at least 100 units, as defined in subsection 62B-
104 36.007(1), F.A.C., and public restrooms;

105 (b) “Secondary Beach Access” is a site that may have parking and amenities, but does not
106 qualify as a primary beach access.

107 (15) “Public Lodging Establishment” is any business currently licensed by the Department of
108 Business and Professional Regulation in the classification of “hotel,” “motel,” or “vacation rental
109 condominium” with six or more units as designated by the Department of Business and
110 Professional Regulation, or campgrounds. Public Lodging Establishments must be located on the
111 beachfront or within one-quarter mile walking distance of a public access.

112 (16) “Sediment Budget” is the mass balance between inputs and outputs of sediment in the inlet
113 system, including all related flood and ebb tidal shoals, inlet shorelines and inland waterways,
114 and the adjacent open coast beaches within the area of inlet influence.

115 (17) “Statewide Long Range Budget Plan” is the document produced by the Department that
116 projects the ten-year planning needs for federal, state, and local governments necessary to
117 implement the Strategic Beach Management Plan. The document lists five years of anticipated
118 project costs followed by the next five years of anticipated planning phases for all beach and
119 inlet management projects statewide. It is developed in coordination with local sponsors based
120 on their Local Long Range Budget Plans and is submitted to the Legislature annually as a
121 companion document to the Local Government Funding Request.

122 (18) “Strategic Beach Management Plan” is the Department’s adopted plan for management of
123 the critically eroded shoreline of the state and those components of feasibility or inlet
124 management studies that minimize the erosive effects of inlets.

125 Rulemaking Authority 161.101(21), 161.143(6), 161.161(7) FS. Law Implemented 161.088,
126 161.091(1), 161.101,(1), (2), (8), (9), (10), (11), (12), (14), (15), (16), (17), (18), (19), (20),
127 161.142(1), (2), (4), (5), (6), (7), 161.143(1), (2), (3), (4), (5), 161.161(1), (2), (6) FS. History—
128 New 6-10-83, Formerly 16B-36.02, 16B-36.002, Amended 12-25-03, 8-5-13.

129 62B-36.003 General.

130 (1) The Beach Management Program is established to develop and execute a comprehensive,
131 long range, statewide beach management plan for erosion control, beach preservation,
132 restoration, nourishment and storm protection for the critically eroded shoreline of the State of
133 Florida. This comprehensive program includes the Strategic Beach Management Plan, the
134 Critical Erosion Report, shoreline change reports, inlet management studies, state and federal
135 feasibility and design studies, the Statewide Long Range Budget Plan, and other reports as the
136 Department may find necessary for a multiyear maintenance and repair strategy. The
137 comprehensive program is implemented through projects consistent with the Strategic Beach
138 Management Plan and included in the Statewide Long Range Budget Plan.

139 (2) The Department shall annually review available information and revise the designations of
140 critically eroded shoreline in the Critical Erosion Report. Local sponsors shall be notified of any
141 proposed changes and be given an opportunity to submit additional information to justify or
142 refute proposed revisions.

143 (3) Beach and inlet management projects funded by the Department shall be conducted in a
144 manner that encourages cost-savings, fosters regional coordination of projects, optimizes
145 management of sediments and project performance, protects the environment, and provides long-
146 term solutions. Appropriate feasibility studies or analyses shall be required before design or
147 construction of new projects.

148 (4) Beach and dune restoration and nourishment projects funded by the Department shall be
149 accessible to the general public and access used to calculate eligibility shall be maintained for at

150 least ten years following completion of each construction event. Shoreline segments shall be
151 evaluated for public access as set forth in subsection 62B-36.007(1), F.A.C.

152 (5) Beach management projects will be evaluated on a case by case basis and may be cost shared,
153 pursuant to Rules 62B-36.006 and 62B-36.007, F.A.C., when determined to avoid or minimize
154 adverse impacts and be cost effective as demonstrated by feasibility and design studies.

155 (6) The goal of inlet management projects is to balance the sediment budget of the inlet system
156 and the adjacent shorelines within the area of inlet influence. Inlet management projects will be
157 evaluated based upon the criteria in Rules 62B-36.006 and 62B-36.007, F.A.C., and may be cost-
158 shared with the local sponsor for up to 75 percent of the non-federal share.

159 (7) Activities primarily related to navigation or other infrastructure improvements at inlets are,
160 generally, not eligible for cost sharing. However, components of projects which mitigate
161 critically eroded shoreline caused by alterations, modifications or improvements to inlets,
162 implement components of the Strategic Beach Management Plan, and which do not increase
163 impacts, are eligible for cost sharing for those components which:

164 (a) Are designed to minimize the erosive effects to the downdrift shoreline caused by the inlet by
165 improving or facilitating the efficiency of sand bypassing, such as the construction of sand
166 bypassing facilities, sand traps and jetty alterations, or

167 (b) Cost effectively place beach quality sand on the adjacent eroded beaches, such as the
168 incremental cost of placing sand on the beach rather than in an offshore disposal area. The
169 Department will cost share only in the incremental cost of placement of the material. The
170 Department will not cost share in activities normal to the operation and maintenance of the inlet,
171 such as mobilization of equipment and design studies.

172 (8) Local sponsors are encouraged to consider existing inlet navigation maintenance activities as
173 potential sources of sand when developing beach restoration or nourishment projects.

174 (9) Non-federal beach management projects shall be cost shared up to 50 percent of the total
175 project cost. Projects authorized by Congress for federal financial participation in the Civil
176 Works program of the United States Army Corps of Engineers shall be cost shared up to 50
177 percent of the non-federal share. Beach management projects approved to receive Federal
178 Emergency Management Agency Public Assistance funding (Category G or equivalent
179 subsequent program for designed, constructed and routinely maintained beaches) shall be cost-
180 shared up to 50 percent of the local share after state and federal emergency funds are applied.
181 Local sponsors shall pursue federal appropriations to the maximum extent possible in order to
182 proportionally reduce state and local project costs.

183 (10) Upon notification from the Department of the 60-day submittal period, local sponsors shall
184 submit an updated Annual Funding Request and Local Long Range Budget Plan. Annual funding
185 shall only be requested for projects expected to be initiated or continued in that fiscal year.

186 (11) The Department shall annually review and rank all projects requested by local sponsors for
187 the next fiscal year on either the beach management or inlet management project lists, and
188 maintain current project listings in priority order. As part of the review, the Department shall
189 seek formal input from local coastal governments, beach and general government associations,
190 and other coastal interest groups, and university experts. The project listings shall also identify
191 funds needed for statewide and regional management activities, state sponsored or co-sponsored
192 demonstration projects, new feasibility and design studies, and a consolidated category for post-
193 construction monitoring required by state and federal permits. Funding that may become
194 available due to savings or scheduling changes shall be made available to projects on approved

195 beach or inlet management lists and for emergency situations as determined by the Governor
196 pursuant to Section 161.111, F.S.

197 (12) Local sponsors may design and construct beach management projects prior to the receipt of
198 funding from the state and may subsequently apply for reimbursement from the Department
199 pursuant to the procedure in subsection 62B-36.009(3), F.A.C.

200 Rulemaking Authority 161.101(13), (21), 161.143(6), 161.161(7) FS. Law Implemented

201 161.088, 161.091(1), 161.101(1), (2), (8), (9), (11), (12), (13), (14), (15), (16), (17), (18), (19),

202 (20), 161.111, 161.142(1), (2), (4), (5), (6), (7), 161.143(1), (2), (3), (4), (5), 161.161(1), (2), (6),

203 216.181 FS. History—New 6-10-83, Formerly 16B-36.03, Amended 4-27-86, Formerly 16B-

204 36.003, Amended 12-25-03, 8-5-13.

205 62B-36.005 Annual Funding Requests.

206 (1) Annual funding requests for cost sharing of beach management projects shall be submitted by
207 the local sponsor to the Department. Projects previously submitted, but not funded, and projects
208 with cost overruns may be included. Local sponsors who have received funding for projects in
209 past fiscal years and who anticipate requesting funding in subsequent years shall update the
210 Local Long Range Budget Plan as to costs and scheduling. The Local Long Range Budget Plan
211 shall be consistent with the Strategic Beach Management Plan and have a 10-year minimum time
212 frame. The submittal shall be in electronic format and include:

213 (a) A detailed project description, including project boundaries by Department range
214 monuments, methods used in conducting the project, and data or analysis to apply the ranking
215 criteria required by Rule 62B-36.006, F.A.C.

216 (b) A map of the project area depicting the public beach access, the public parking within one
217 quarter mile of each beach access, public restroom facilities, the public lodging establishments,
218 and comprehensive plan designations for current land use of commercial and recreational
219 properties within the project boundary.

220 (c) Current license documentation on public lodging establishments within the project
221 boundaries, including the number of units available, if used to document public access.

222 (d) A current or updated resolution from the local sponsor's governing board which includes
223 statements of their support of the project, willingness to serve as the local sponsor, and a
224 statement of the extent of their ability and willingness to provide the necessary local funding
225 share to implement the project. For projects proposing regionalization, local sponsors must
226 provide an executed interlocal agreement outlining the nature of regionalization.

227 (e) A schedule of activities by project phase.

228 (f) The annual project cost estimates indicating the federal, state, and local cost share, with
229 sufficient supporting detail depicting costs of project phases.

230 (g) The estimated volume of advanced nourishment lost since the last sand placement event of a
231 beach restoration or nourishment project as measured landward of the Mean High Water Line,

232 (2) Annual funding requests for cost sharing of inlet management projects shall be submitted by
233 the local sponsor to the Department. Projects previously submitted, but not funded, and projects
234 with cost overruns may be included. Local sponsors who have received funding for projects in
235 past fiscal years and who anticipate requesting funding in subsequent years shall update the
236 Local Long Range Budget Plan as to costs and scheduling. The Local Long Range Budget Plan

237 shall be consistent with the Strategic Beach Management Plan and have a 10-year minimum time
238 frame. The submittal shall be in electronic format and include:

239 (a) A map depicting the inlet;

240 (b) A description of the sediment budget and area of inlet influence from an adopted Inlet
241 Management Plan or feasibility-level study;

242 (c) A detailed project description, including project boundaries by Department range
243 monuments, methods used in conducting the project, and data or analysis to apply the ranking
244 criteria required by Rule 62B-36.006, F.A.C.;

245 (d) A current or updated resolution from the local sponsor's governing board which includes
246 statements of their support of the project, willingness to serve as the local sponsor, and a
247 statement of the extent of their ability and willingness to provide the necessary local funding
248 share to implement the project;

249 (e) A schedule of activities by project phase; and,

250 (f) The annual project cost estimates indicating the federal, state, and local cost share, with
251 sufficient supporting detail depicting costs of project phases.

252 (3) The Department shall evaluate projects submitted to determine consistency with the Strategic
253 Beach Management Plan project ranking, and the extent of cost sharing. Upon completion of the
254 evaluation process, all eligible projects will be incorporated into the Department's Statewide
255 Long Range Budget Plan, which will be submitted to the Legislature along with the
256 Department's Local Government Funding Request that annually prioritizes projects according to
257 the criteria in Rule 62B-36.006, F.A.C.

258 (4) Funding requests shall be evaluated and ranked on the basis of information provided by the
259 eligible governmental entity, except where such data is superseded by better quality information
260 obtained by the Department. Local sponsors will be provided 21 days to review the project's
261 proposed ranking and provide clarification to support their requested award of scores. Failure to
262 provide all required information and documentation relating to eligibility and ranking criteria
263 will result in the request being declared ineligible or receiving reduced ranking points. Failure to
264 provide accurate information will lead to termination of the project's eligibility for funding for
265 the requested fiscal year.

266 Rulemaking Authority 161.101(21), 161.143(6), 161.161(7) FS. Law Implemented 161.088,
267 161.091(1), 161.101(1), (2), (8), (9), (11), (12), (14), (15), (16), (17), (18), (19), (20), 161.142(1),
268 (2), (4), (5), (6), (7), 161.143(1), (2), (3), (4), (5) 161.161(1), (2), (6) FS. History—New 6-10-83,
269 Formerly 16B-36.05, Amended 4-27-86, Formerly 16B-36.005, Amended 12-25-03, 8-5-13.
270 62B-36.006 Project Ranking Procedure.

271 Substantial rewording of Rule 62B-36.006, F.A.C. follows.

272 (1) Beach Management Projects. Eligible projects will receive a total point score by the
273 Department based on the following criteria, equally weighted within the following specified
274 tiers:

275 (a) Tier 1 accounts for 20 percent of the total score and consists of the tourism-related return on
276 investment and the economic impact of the project.

277 1. Return on investment. The ratio of the sum of the county-wide tourist development tax and
278 tourism-related sales tax revenue for the most recent calendar year to the amount of state funding
279 requested for the proposed construction project. Tourist development tax and tourism-related

280 sales tax data for the county that has jurisdiction over the project area shall be obtained from the
281 Department of Revenue. Tourism-related sales tax revenue is defined as taxes on hotel/motel
282 accommodations, rooming houses, camps, and other lodging places. The amount of state funds
283 requested for the construction phase of the project will be used in the calculation. If the proposed
284 project does not request construction funds, then the project is not eligible for points. One point
285 will be awarded for projects with values below the 10th percentile, two points for values between
286 the 10-20th percentiles, three points for values between the 20-30th percentiles, four points for
287 values between the 30-40th percentiles, five points for values between the 40-50th percentiles,
288 six points for values between the 50-60th percentiles, seven points for values between the 60-
289 70th percentiles, eight points for values between the 70-80th percentiles, nine points for values
290 between the 80-90th percentiles, and 10 points for values between the 90-100th percentiles, for a
291 maximum score of 10 points.

292 2. Economic impact. The ratio of the sum of the county-wide tourist development tax and
293 tourism-related sales tax revenue for the most recent calendar year to all county-wide sales tax
294 revenues for the most recent calendar year. Tax data for the county that has jurisdiction over the
295 project area will be obtained from the Department of Revenue. Tourism-related sales tax revenue
296 is defined as the taxes on hotel/motel accommodations, rooming houses, camps, and other
297 lodging places. One point will be awarded for projects with values below the 10th percentile, two
298 points for values between the 10-20th percentiles, three points for values between the 20-30th
299 percentiles, four points for values between the 30-40th percentiles, five points for values between
300 the 40-50th percentiles, six points for values between the 50-60th percentiles, seven points for
301 values between the 60-70th percentiles, eight points for values between the 70-80th percentiles,

302 nine points for values between the 80-90th percentiles, and 10 points for values between the 90-
303 100th percentiles, for a maximum score of 10 points.

304 (b) Tier 2 accounts for 45 percent of the total score and consists of the following criteria:

305 1. The availability of federal matching dollars, considering federal authorization, the federal
306 cost-share percentage, and the status of the funding award.

307 a. Federal authorization. Projects with United States Army Corps of Engineers (USACE) Civil
308 Works congressional authorization for the requested project phase shall receive three points.
309 Projects with a signed USACE Chief's report for authorization of the requested project phase
310 shall receive one point.

311 b. Federal cost share. Projects with a federal cost share percentage for the proposed project
312 phase(s) for up to forty percent shall receive one point. Projects with a federal cost share
313 percentage of 41-50 percent shall receive three points. Projects with a federal cost share
314 percentage of 51-60 shall receive five points. Projects with a federal cost share percentage of 61-
315 70 shall receive seven points. Projects with a federal cost share percentage of at least 71 percent
316 shall receive nine points. Projects with a federal cost share by the USACE and Federal
317 Emergency Management Agency (FEMA) are eligible for points. FEMA projects must submit an
318 approved Project Worksheet by the application deadline.

319 c. Federal funds available. Projects with a current USACE project agreement executed for the
320 requested project phase, projects listed in a USACE work plan, or FEMA projects with approved
321 Project Worksheets shall receive three points. Projects that have a draft FEMA Project
322 Worksheet or are included in a USACE current federal budget document shall receive one point.

323 2. The storm damage reduction benefits of the project based on the following considerations:

324 a. Current conditions. Projects where the volume of advanced nourishment lost since the most
325 recent beach nourishment as measured above the mean high water elevation shall receive two
326 points for 50 percent of volume lost, four points for 60 percent of volume lost, six points for 70
327 percent of volume lost, or eight points for 80 percent or more of volume lost. If the project area
328 has not been restored, the Department will use historical mean high water data files contained in
329 the Department’s Historic Shoreline Database to calculate the average rate of erosion for up to a
330 30 year period after 1972, but prior to any beach fill placement in the project area. Projects shall
331 receive four points for one foot-per-year of erosion and one point for each additional half-foot of
332 annual erosion up to a maximum of eight points.

333 b. Threat to upland development. Projects where existing upland development is at or seaward of
334 the projected erosion limit of a 25-year return interval storm event shall receive one point when
335 5-10 percent of properties within the project boundaries are threatened and two points for greater
336 than 10 percent of threatened properties within the project boundaries. Upland development on
337 properties where the mean high water shoreline is seaward of project design template, or where
338 coastal armoring exists on a property shall not be deemed threatened. The Department will
339 determine the threat to upland development by application of the Dean CCCLa, SBEACH
340 (Storm-induced BEACH CHange Model) or comparable numeric model using a 25-year return
341 interval storm tide hydrograph on the most recent beach-offshore profile data at each R-
342 monument in the project area as determined by the Department and provided in “Erosion Due to
343 High Frequency Storm Events,” which is incorporated by reference. SBEACH results must be
344 supported with documentation on objectives, data used, model configuration and parameter
345 selection, calibration/validation, applications of forcing conditions and any assumptions made in
346 the modeling analysis. Copies of “Erosion Due to High Frequency Storm Events,” by the

347 University of Florida, dated November 22, 1995
348 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02423>, and the “SBEACH-32 Users
349 Interface Manual” dated January 10, 1996
350 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02424>, “SBEACH Report 1” dated July
351 1, 1989, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02425>, “SBEACH Report 2”
352 dated May 1 1990, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02427>, “SBEACH
353 Report 3” dated May 1, 1993, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02428>,
354 “SBEACH Report 4” dated April 1, 1996,
355 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02429>, and “SBEACH Report 5” dated
356 August 1, 1998, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02430>, by the U.S.
357 Army Corps of Engineers, which are incorporated by reference, may be obtained at the following
358 web site: www.dep.state.fl.us/beaches.

359 c. Value of upland property. The total value of all upland properties within one-quarter mile
360 landward of the project’s Erosion Control Line or, if not available, the Mean High Water Line, or
361 a proposed project boundary alternative that meets the purpose of this calculation. The values of
362 properties that are enclosed or intersected by the one-quarter mile buffer will be retrieved from
363 the Department of Revenue’s most current statewide database and the total value will be
364 calculated in ArcGIS. Property values to be used are established by the property appraiser for ad
365 valorem purposes. One point shall be awarded to projects with a total property value below the
366 20th percentile of all projects’ total property values, two points for values between the 20-40th
367 percentiles, three points for values between the 40-60th percentiles, four points for values
368 between the 60-80th percentiles, and five points for values above the 80th percentile.

369 3. The cost-effectiveness of the project based on the following considerations:

370 a. Cost effectiveness as a function of cost per volume per mile per year. An opinion of probable
371 yearly cost per volume per mile of the proposed beach fill placement, certified by a licensed
372 professional engineer, shall be submitted with the funding application. Cost calculations for the
373 proposed construction event will include construction, associated project mitigation, and
374 construction-related and first year post-construction monitoring costs. Projects will receive more
375 points for lower costs in comparison to all the proposed projects' calculations for the given
376 funding year. Ten points shall be awarded to projects with values below the 10th percentile, eight
377 points for projects with values between the 10-20th percentiles, six points for projects with
378 values between the 20-40th percentiles, and four points for projects with values between the 40-
379 50th percentiles.

380 b. Cost-effectiveness as a function of enhanced longevity; dune addition; and innovative
381 technology. Existing projects with proposed structural or design components that could extend
382 the beach nourishment interval; incorporate new or enhanced dune structures or new or existing
383 dune restoration and revegetation projects that reduce upland storm damage costs; or propose
384 innovative technologies designed to reduce project costs shall receive two points. A project
385 design analysis must be submitted to demonstrate with reasonable assurance the anticipated
386 increase in nourishment interval. Projects permitted under Section 62B-41.0075, F.A.C., for
387 Experimental Coastal Construction will qualify for points.

388 c. Cost effectiveness as a function of regionalization. Projects where two or more local sponsors
389 that manage their projects together to conserve sand resources or reduce contracting cost shall
390 receive three points. Applicants must submit a signed Interlocal Agreement by the application
391 deadline. Projects that propose regional sediment management strategies for scheduled beach
392 nourishment purposes shall receive three points.

393 (c) Tier 3 accounts for 20 percent of the total score and consists of the following criteria:

394 1. Previous state commitment and involvement in the project:

395 a. Previously funded phases. Projects where the Department has previously cost shared,
396 reviewed, and approved a feasibility or design phase shall receive one point.

397 b. Total amount of previous funding. The total amount of state funding for projects through
398 annual legislative and hurricane appropriations for the previous 10 years. Projects with a value
399 below the 25th percentile of the total funding of all projects shall receive zero points. Projects
400 between the 25-50th percentile shall receive one point. Projects between the 50-75th percentile
401 shall receive two points. Projects above the 75th percentile shall receive three points.

402 c. Previous partial appropriation. Projects that have received a partial appropriation for the
403 proposed project phase(s) within three years of completion shall receive one point.

404 2. The recreational benefits of the project based on the accessible beach area added by the project
405 and public accessibility:

406 a. Accessible beach area. The accessible beach area (square feet) added or maintained by the
407 project shall be defined as the alongshore length and cross-shore width, which are bound by the
408 Erosion Control Line along the landward edge and the Mean High Water Line contour along the
409 seaward edge of the design profile. Projects with an accessible beach area that is greater than the
410 average for all projects in their region (Gulf coast or Atlantic coast and straits of Florida) shall
411 receive two points.

412 b. Recreational benefits. The percentage of linear footage of property within the total project
413 boundary zoned as recreational or open space, for commercial use, or to allow for public lodging

414 establishment, or the equivalent, in the current local government land use map. Only properties
415 fronting the project shoreline will be considered. Un-designated properties will be considered
416 designated or zoned the same as the adjacent property designations. Street ends will be
417 considered recreational if they provide access to the beach, in accordance with Rule 62B-
418 36.002(14), F.A.C. Projects shall receive one point for every 25 percent, for a maximum score of
419 three points.

420 3. The extent to which the project mitigates the adverse impact of improved, modified, or altered
421 inlets on adjacent beaches: Projects that provide supplemental nourishment to adjacent beaches
422 needed to mitigate deficiencies in the annual target inlet sand bypassing quantity supplied by
423 inlet management activities shall receive one point for every 20 percent of the target quantity to
424 be achieved by the supplemental nourishment.

425 4. The degree to which the project addresses the state's most significant beach erosion problems
426 as a function of the linear footage of the project shoreline and the cubic yards of sand placed per
427 mile per year: The volume per mile per year for projects requesting construction funds in a given
428 year shall be compared by region (Gulf coast or Atlantic coast and straits of Florida). One point
429 shall be awarded to projects with a value below the 20th percentile, two points for a value
430 between the 20-40th percentiles, three points for a value between the 40-60th percentiles, four
431 points for a value between the 60-80th percentiles, and five points for a value above the 80th
432 percentile.

433 (d) Tier 4 accounts for 15 percent of the total score and consists of the following criteria:

434 1. Increased prioritization of projects that have been on the department's ranked project list for
435 successive years and that have not previously secured state funding for project implementation:

436 Projects requesting funds for the same project phase(s) as the previous year, in which the request
437 did not secure state funding, shall be awarded three or five points for the first and second years
438 of successive requests, respectively. If the successive request includes subsequent phases, then
439 only one point shall be awarded.

440 2. Environmental habitat enhancement, recognizing state or federal critical habitat areas for
441 threatened or endangered species which may be subject to extensive shoreline armoring, or
442 recognizing areas where extensive shoreline armoring threatens the availability or quality of
443 habitat for such species: Projects within designated critical habitat areas that are also subject to
444 extensive shoreline armoring shall receive three points. Critical habitat areas shall include
445 Endangered Species Act federally-designated critical habitat for beach mice (*Peromyscus*
446 *polionotus* spp.) and critical nesting habitat for loggerhead sea turtles (*Caretta caretta*). Project
447 shoreline with existing armoring or shoreline that is subject to armoring based on a 25-year
448 storm threat, pursuant to Rule 62B-36.006(1)(g), F.A.C., shall be considered extensive if that
449 shoreline consists of at least 30 percent of the project's length. Projects within critical habitat
450 areas that are subject to extensive shoreline armoring may be eligible for an additional two points
451 if the project exceeds best management practices to incorporate turtle-friendly designs and
452 management strategies to protect resources or benefit critical habitat preservation. Strategies may
453 include: projects constructed outside of sea turtle nesting season, projects designed and
454 constructed to reach equilibrium before sea turtle nesting season, projects within light ordinance
455 enforcement programs that is reflective of the state's model ordinance for sea turtle friendly
456 lighting, or projects with a substantial dune feature.

457 3. The overall readiness of the project to proceed in a timely manner based on the following
458 considerations:

459 a. Readiness to construct. Projects that have all of the following shall receive one point: active
460 state and federal permits, acquired necessary easements, secured local funding and established an
461 Erosion Control Line by the application deadline.

462 b. Active permits. Projects that have active state and federal permits as required for the proposed
463 project activity shall receive one point.

464 c. Easements acquired. Projects that have acquired all necessary easements for construction of
465 the project shall receive one point.

466 d. Secured local funds. Projects that have secured the local funding necessary for the project
467 shall receive one point. A signed Resolution by the local sponsor must be submitted by the
468 application deadline.

469 e. Established Erosion Control Line. Projects that have an established Erosion Control Line shall
470 receive one point.

471 If more than one project qualifies equally under the provisions of this subsection, the Department
472 shall assign funding priority to those projects shown to be most ready to proceed.

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

481 ~~(b) Threat to upland structures. The percent of shoreline containing structures at or seaward of~~
482 ~~the projected 25-year return interval storm event erosion limit within the project boundaries~~
483 ~~times ten, for a maximum total of 10 points. The Department will determine the threat to upland~~
484 ~~structures by application of the Dean CCCLa, SBEACH (Storm-induced BEACH CHange Model)~~
485 ~~or comparable numeric model using a 25-year return interval storm tide hydrograph on the most~~
486 ~~recent beach-offshore profile data at each R-monument in the project area as determined by the~~
487 ~~Department and provided in “Erosion Due to High Frequency Storm Events,” which is~~
488 ~~incorporated by reference. SBEACH results shall be supported with documentation on~~
489 ~~objectives, data used, model configuration and parameter selection, calibration/validation,~~
490 ~~applications of forcing conditions and any assumptions made in the modeling analysis. Copies~~
491 ~~of “Erosion Due to High Frequency Storm Events,” by the University of Florida, dated~~
492 ~~November 22, 1995 <http://www.flrules.org/Gateway/reference.asp?No=Ref-02423>, and the~~
493 ~~“SBEACH 32 Users Interface Manual” dated January 10, 1996~~
494 ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02424>, “SBEACH Report 1” dated July~~
495 ~~1, 1989, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02425>, “SBEACH Report 2”~~
496 ~~dated May 1 1990, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02427>, “SBEACH~~
497 ~~Report 3” dated May 1, 1993, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02428>,~~
498 ~~“SBEACH Report 4” dated April 1, 1996,~~
499 ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-02429>, and “SBEACH Report 5” dated~~
500 ~~August 1, 1998, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02430>, by the U.S.~~
501 ~~Army Corps of Engineers, which are incorporated by reference, may be obtained at the following~~
502 ~~web site: www.dep.state.fl.us/beaches.~~

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

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

517 ~~(e) Local sponsor financial and administrative commitment. Local sponsors who have a~~
518 ~~designated long term funding source for the management of a beach project as defined in a 10-~~
519 ~~year comprehensive financial plan shall receive 2 points; local sponsors who provide funding for~~
520 ~~the beach project via a funding source established by referendum or legislative authority will~~
521 ~~receive 2 points; local sponsors who provide additional funding from a third party, other than the~~
522 ~~federal government, shall receive 1 point for a 10 percent reduction or 2 points for a 25 percent~~
523 ~~reduction of the non-federal share obtained from a third party, for up to 2 points; those with a~~
524 ~~100 percent compliance record for submitting quarterly reports correctly and on time over the~~
525 ~~previous state fiscal year shall receive 2 points; local sponsors who hold active state and federal~~

526 permits for the proposed project will receive 1 point; local sponsors who have secured local
527 funds will receive 1 point, for a maximum total of 10 points.

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

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

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

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

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

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

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

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

562 2. Projects entering the construction phase will receive 1 point,

563 3. Projects with greater than 25 percent of the shoreline length designated as commercial,
564 recreational, or public lodging establishment shall receive 1 point and projects with greater than
565 50 percent of the shoreline length designated as commercial, recreational, or public lodging
566 establishment shall receive 2 points, for a total of 2 points,

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

570 ~~5. Projects where shoreline has eroded into the design profile shall receive 1 point,~~

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

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

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

583 a. Sand reaching the inlet. Estimate of the annual quantity of beach-compatible sand reaching the
584 updrift boundary of the improved jetty or inlet channel, quantified at the rate of one point per
585 20,000 cubic yards per year for the Atlantic coast inlets and one point per 10,000 cubic yards per
586 year for the Gulf coast inlets, for a maximum of 10 points.

587 b. Severity of erosion. Projects shall receive one point per 10,000 cubic yards per year of the
588 target inlet sand bypassing quantity for Atlantic coast inlets and one point per 5,000 cubic yards
589 per year of the target inlet sand bypassing quantity for Gulf coast inlets, for a maximum of 10
590 points.

591 c. Balancing the sediment budget. Projects that provide inlet sand bypassing to adjacent beaches
592 shall receive one point for every 10 percent of the annual target inlet sand bypassing quantity to
593 be achieved by the project, for a maximum of 10 points.

594 d. Cost-effectiveness: Increased bypassing. The unmet annual bypassing objective is equal to the
595 volume of the annual bypassing objective less the current annualized bypassing volume using
596 material from within the inlet system. For the calculation of this ranking metric, the volume of
597 beach-quality sand unavailable for bypassing due to environmental constraints, such as the
598 accumulation of sand on seagrass beds within the inlet or erosion of adjacent beaches from
599 deflation of the inlet shoals, shall also be used to reduce the unmet annual bypassing objective.
600 Projects shall receive one point for every 10 percent of the unmet annual bypassing that will be
601 supplied by the proposed increased bypassing from within the inlet system. A project design
602 analysis must be submitted to demonstrate with reasonable assurance the anticipated increase in
603 bypassing.

604 e. Cost-effectiveness of using inlet sand. Cost-effectiveness is the difference in the cost per unit
605 volume of sand made available by a proposed inlet management project, and the cost per unit
606 volume of sand from an offshore source, or the cost per unit volume of sand from an inland
607 source, whichever is lower. The most cost-effective project will receive 10 points, the next cost-
608 effective project will receive nine points, and so on until a project receives one point. An opinion
609 of probable cost per unit volume of the inlet and all other sand sources, certified by a licensed
610 professional engineer, shall be submitted by the application deadline.

611 f. Inlet Management Plan (IMP).

612 1. Existing IMP. Projects that have an existing IMP or a Department-approved local-
613 government-sponsored inlet study addressing the mitigation of an inlet's erosive effects on
614 adjacent beaches shall receive five points.

615 2. Updated IMP. Projects that have an updated IMP or Department-approved local-government-
616 sponsored inlet study addressing the mitigation of an inlet's erosive effects on adjacent beaches
617 within the last five years shall receive five points.

618 3. New IMP. Projects proposing to develop a new inlet management study to be submitted to the
619 Department for adoption of an IMP shall receive 10 points.

620 g. Enhanced longevity of proximate beach projects. Projects that increase the nourishment
621 interval of proximate beach nourishment projects shall receive one point for every 10 percent of
622 the annualized beach nourishment volume supplied by the average annual volume of inlet sand
623 bypassing.

624 h. Criteria in 161.101(14) applicable to inlets. Projects that have active state and federal permits
625 as required for the proposed project activity shall receive three points. Projects where the
626 Department has previously cost shared, reviewed, and approved a feasibility or design phase
627 shall receive three points. Projects that have secured the local funding necessary for the project
628 shall receive four points. A signed Resolution by the local sponsor must be submitted by the
629 application deadline.

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

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

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

641 ~~(d) Local sponsor financial and administrative commitment. Local sponsors who have a~~
642 ~~designated long term funding source for the management of an inlet project as defined in a 10-~~
643 ~~year comprehensive financial plan shall receive 2 points; local sponsors who provide funding for~~
644 ~~the beach project via a funding source established by referendum or legislative authority will~~
645 ~~receive 2 points; local sponsors who provide additional funding from a third party, other than the~~
646 ~~federal government, shall receive 1 point for a 10 percent reduction or 2 points for a 25 percent~~
647 ~~reduction of the non-federal share obtained from a third party, for up to 2 points; those with a~~
648 ~~100 percent compliance record for submitting quarterly reports correctly and on time over the~~
649 ~~previous state fiscal year shall receive 2 points; local sponsors who hold active state and federal~~
650 ~~permits for the proposed activities will receive 1 point; local sponsors who have entered into an~~
651 ~~interlocal agreement with regional partners for the purpose of joint inlet management will~~
652 ~~receive 1 point for a maximum total of 10 points.~~

653 ~~(e) Previous state commitment. Projects where the Department has previously cost shared,~~
654 ~~reviewed, and approved a feasibility or design phase shall receive 1 point; projects to enhance, or~~
655 ~~increase the longevity of a previously constructed project within the area of inlet influence shall~~

656 receive 3 points; projects that will nourish a previously restored shoreline within the area of inlet
657 influence shall receive 5 points; projects where previously approved appropriations for a project
658 phase could not be encumbered and were released in their entirety by the local sponsor due to the
659 project timelines shall receive 1 points, for a maximum total of 10 points.

660 (f) ~~Inlet management plan.~~

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

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

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

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

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

675 (h) ~~Availability of federal funds. Projects with United States Army Corps of Engineers Civil~~
676 ~~Works Congressional authorization for the requested project phase shall receive 5 points.~~

677 ~~Projects with a current United States Army Corps of Engineers project agreement executed for~~
678 ~~the requested project phase or projects listed in a United States Army Corps of Engineers work~~
679 ~~plan or current federal budget document shall receive 5 points; federal Emergency Management~~
680 ~~Agency projects (Category G or equivalent subsequent program for designed, constructed and~~
681 ~~routinely maintained beaches) with approved Project Worksheets shall receive 5 points.~~

682 ~~Maximum total for availability of federal funds is 10 points.~~

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

686 Rulemaking Authority 161.101(21), 161.143(6), 161.161(7) FS. Law Implemented 161.088,
687 161.091(1), 161.101(1), (2), (8), (9), (11), (12), (14), (15), (16), (17), (18), (19), (20), 161.142(1),
688 (2), (4), (5), (6), (7), 161.143(1), (2), (3), (4), (5), 161.161(1), (2), (6) FS. History—New 6-10-83,
689 Formerly 16B-36.06, 16B-36.006, Amended 12-25-03, 8-5-13.

690 62B-36.007 Project Cost Sharing.

691 (1) Until the unsatisfied demand for restoring and repairing Florida's beaches is met, the
692 Department intends to share in the costs of beach management projects with local sponsors. Cost
693 sharing will only be applied to the portion of the project necessary to benefit shoreline
694 designated by the Department as critically eroded. The Department shall cost share up to 50
695 percent of the total costs for non-federal beach management projects. The Department shall cost
696 share up to 50 percent of the non-federal share of U.S. Army Corps of Engineers Civil Works
697 projects. The Department shall cost share up to 50 percent of the non-federal and state
698 emergency fund share for projects approved to receive Federal Emergency Management Agency

699 Public Assistance funding (Category G or equivalent subsequent program for designed,
700 constructed and routinely maintained beaches). State cost share is subject to adjustment for the
701 level of public accessibility calculated for beach management projects. Project shoreline lengths
702 eligible for cost sharing are quantified at the rate of 100 units of eligibility per mile (5,280 feet)
703 or 52.8 feet per unit. A unit is defined as one automobile parking space, one rental unit in a
704 Public Lodging Establishment, one mass transit stop, or 4 bicycle parking spots. Eligible
705 shoreline lengths are calculated using the following criteria:

706 (a) Primary beach access sites shall be granted eligibility for the shoreline length of the access
707 site. Additional eligibility shall be granted at a rate of 52.8 linear feet per unit for one-half mile
708 in each shore parallel direction for the following units;

709 1. Automobile parking spaces located within one quarter mile of a primary access site may be
710 granted eligibility for that public access site at the rate of one unit, or 52.8 feet, per parking
711 space.

712 2. Bicycle parking located within one quarter mile of a primary access site may be granted
713 eligibility at the rate of one-quarter of a unit, or 13.2 feet, per designated bicycle parking spot.
714 Bicycle parking spots used for eligibility may not exceed 211.2 feet per public access site.

715 3. Mass transit, such as buses or trolleys, may be granted eligibility at the rate of one unit, or 52.8
716 feet, per bus stop located within one quarter mile of the public access site. Bus stops used for
717 eligibility may not exceed 211.2 feet per public access. In order to qualify, mass transit must be
718 accessible to the general public and operational year round.

719 (b) Beachfront public lodging establishments shall be granted eligibility based upon 52.8 feet of
720 shoreline eligibility per unit available to the public. Maximum eligibility may not exceed the
721 beach front width of the property.

722 (c) Secondary beach access sites shall be granted eligibility for the shoreline length of the access
723 site. Additional eligibility shall be granted at a rate of 52.8 linear feet per unit for up to one-
724 quarter mile in either shore parallel direction, for the following units:

725 1. Public lodging establishments not located on the beach front but located within one quarter
726 mile of a secondary public access point may contribute to the eligibility for that public access site
727 at the rate of 52.8 feet of shoreline eligibility per rental unit available to the public. Maximum
728 eligibility may not exceed the street-side frontal width of the property.

729 2. Bicycle parking located within one quarter mile of a secondary access site may be granted
730 eligibility at the rate of 13.2 feet per designated bicycle parking spot. Bicycle parking spots used
731 for eligibility may not exceed 211.2 feet per public access site.

732 3. Mass transit, such as buses or trolleys, may be granted eligibility for that public access site at
733 the rate of one unit, or 52.8 feet, per bus stop located within one quarter mile of the public access
734 site. Bus stops used for eligibility may not exceed 211.2 feet per public access. In order to
735 qualify, mass transit must be accessible to the general public and operational year round.

736 4. Automobile parking spaces located within one quarter mile of a secondary access site may be
737 granted eligibility for that public access site at the rate of one unit, or 52.8 feet, per parking
738 space.

739 (d) Eligible shoreline lengths cannot overlap.

740 (e) The sum of the eligible shoreline lengths, as defined above, is divided by the total project
741 length to determine the percentage of the total project that is eligible for cost sharing.

742 (f) The Department shall pay up to 100 percent of the costs of approved beach management
743 projects when construction and maintenance are on lands with public beach access of which the
744 state is the upland riparian owner and such lands are managed by the state.

745 (2) For inlet management projects, the Department shall cost-share 75 percent of the non-federal
746 cost with the local sponsor for initial major project construction components to mitigate
747 shoreline erosion, eligible components pursuant to Section 161.143(3), F.S. All other project
748 components will be cost shared by 50 percent of the non-federal share.

749 (3) Cost savings which occur due to the planned geographic coordination or sequencing of two
750 or more projects between local sponsors, may qualify for additional reimbursement. Geographic
751 sequencing means combining two projects together for the purpose of contracting. In order to
752 determine the increase in the state's cost share the projects shall demonstrate the cost savings of
753 combining the projects and request reimbursement for the demonstrated cost savings following
754 completion of the project phase. The cost share shall be adjusted not to exceed the state's
755 maximum cost share amount of 75 percent of the eligible costs.

756 (4) All costs of physical and biological monitoring required by state and federal permits are
757 eligible for cost sharing.

758 (5) A local sponsor may voluntarily agree at any time that an appropriation cannot be used and
759 provide the Department with written agreement that such funds shall be available for
760 reallocation.

761 (6) The Department will cost share for private contractual services necessary to conduct the
762 project. Services may be contracted to a local sponsor if the Department is shown evidence that
763 the local sponsor's proposal is cost effective, of sufficient professional quality, and otherwise in
764 the general public interest. In determining whether contractual services are cost effective, the
765 Department shall consider cost estimates provided by the local sponsor from fully qualified
766 private companies or individuals. Specific contractual services performed by or for local
767 governments shall be subject to specific accountability measures and audit requirements and be
768 consistent with the principles of Chapter 287, F.S., for competitive bidding and opportunity.

769 Rulemaking Authority 161.101(21), 161.143(6), 161.161(7) FS. Law Implemented 161.088,
770 161.091(1), 161.101(1), (2), (8), (9), (10), (11), (12), (14), (15), (16), (17), (18), (19), (20),
771 161.142(1), (2), (4), (5), (6), (7), 161.143(1)-(5), 161.161(1), (2), (6) FS. History—New 6-10-83,
772 Formerly 16B-36.07, Amended 4-27-86, Formerly 16B-36.007, Amended 12-25-03, 8-5-13.
773 62B-36.009 Project Agreements.

774 (1) The Department and the local sponsor will execute a project agreement when funds are
775 available and the project is ready to proceed. The project agreement shall include the following:

776 (a) The estimated costs for each eligible project item, including the amount of the local sponsor's
777 share, the Department's share, and when applicable, the federal share;

778 (b) A scope of work and estimated date of completion for each eligible project item; and,

779 (c) A periodic reporting and billing schedule.

780 (2) The Department's annual financial obligation under the agreement shall be contingent upon a
781 legislative appropriation and continued availability of funds. Funds not expended in a timely
782 manner are subject to reversion or re-appropriation.

783 (3) Local sponsors may design and construct beach management projects which are consistent
784 with this rule and Chapter 161, F.S., prior to the receipt of funding from the state pursuant to
785 Sections 161.101 and 161.161, F.S., and may subsequently apply for reimbursement from the
786 state within three years of the completion of the project pursuant to Section 161.101, F.S.,
787 provided that:

788 (a) The local sponsor has obtained from the Department approval for cost-sharing for all scopes
789 of work related to the project and has established the basis for reimbursement before the project
790 phase commences. No reimbursement shall be granted for work accomplished prior to the date of
791 the agreement unless specifically set forth in the agreement;

792 (b) The project has been subject to review by the Department in the design or construction
793 phases and the project has been found to be consistent with the intent of Chapter 161, F.S., for
794 project eligibility and cost effectiveness;

795 (c) Reimbursement shall be limited to eligible project costs as specified in the written agreement
796 referenced in paragraph (a), above, and this rule;

797 (d) The project has been prioritized as required in Sections 161.101(14) and 161.143(2), F.S.,
798 and is subject to legislative appropriation; and,

799 (e) Documentation of costs are provided to the Department, pursuant to the requirements of the
800 State's Auditor General.

801 Rulemaking Authority 161.101(21), 161.143(6), 161.161(7) FS. Law Implemented 161.088,
802 161.091(1), 161.101(1), (2), (8), (9), (10), (11), (12), (14), (15), (16), (17), (18), (19), (20),
803 161.143(2), (3), (4), 161.161(1), (2), (6), 216.181, 287.057 FS. History–New 6-10-83, Formerly
804 16B-36.09, 16B-36.009,