

FY 2019-2020 Beach and Shoreline Funding Request Determination Spreadsheet

Agency Name	Project Name	Agency Priority	FY 19/20 Funding Request	Determination	County Attorney Comments	CAC Comments 03/21/19
Lee County Division of Natural Resources	1 - BN - Beach Renourishment Trust Fund	NA	\$2,200,000.00	Eligible	This project would preserve, maintain and enhance the beaches and dune systems along publicly accessible, critically eroded portions of Lee County shoreline. Beach renourishment is eligible for tourist development funding.	No Comment
City of Sanibel	2 - BN - Beach and Shoreline Erosion Survey	#2	\$40,000.00	*TDC to determine legislative finding	To provide funding for this project, there must be a legislative determination that it is primarily related to promoting tourism.	No Comment
Town of Fort Myers Beach	3- BN - Beach Erosion Monitoring	#2	\$8,000.00	*TDC to determine legislative finding	To fund this project, there must be a factual determination that this facility is primarily related to and promotes tourism. This determination must show a distinct and direct relationship between expenditure of tourist development tax revenues and the promotion of tourism.	No Comment
Captiva Erosion Prevention District	4 - BN - Redfish Pass Sand Search and Borrow Area Design	#2	\$349,932.25	Eligible	Beach renourishment is an authorized expenditure of tourist development tax funds.	No Comment
City of Cape Coral	A - Maintenance - Beach Park Facility Maintenance	#1	\$211,300.00	*TDC to determine legislative finding	While maintenance of beach park facilities is an authorized expenditure of tourist development funds, the purchase of vehicles will need a legislative determination that this purchase is primarily related to the promotion of tourism in the county and will only be used for maintenance of beach park facilities.	No Comment
City of Sanibel	B - Maintenance - Facility Beach Maintenance	#1	\$1,688,000.00	Eligible	Maintenance of beach parks is an authorized expenditure of tourist development taxes.	No Comment
Captiva Erosion Prevention District	C - Maintenance - CEPD Beach Park Facility Maintenance	#1	\$130,100.00	*TDC to determine legislative finding	This project is for beach park maintenance and the construction of a parking area. Beach park maintenance is an authorized expenditure of tourist development tax funds. Tourist development tax proceeds may be used to construct the parking area if there is a legislative finding that such expenditure is directly related to and will promote tourism within the county.	No Comment
Town of Fort Myers Beach	D- Maintenance - Beach and Shoreline Maintenance	#1	\$1,135,230.00	Eligible	Beach and shoreline maintenance and protection is an authorized expenditure of tourist development funding.	No Comment
Lee County Parks and Recreation	E - Maintenance - Operation Beach and Shoreline Maintenance	#1	\$1,970,147.00	*TDC to determine legislative finding	Beach park maintenance is an authorized expenditure of tourist development tax funds. To use tourist development tax funds for purchase of two John Deere utility vehicles, there must be a legislative determination that such expenditure is directly related to and primarily promotes tourism within the county.	No Comment
Lee County Parks and Recreation	F - Maintenance - County Wide Emergency Beach Cleanup	#2	\$100,000.00	Eligible	Beach cleanup is an authorized expenditure of tourist development revenue.	No Comment
Lee County Government - Facilities Construction & Management	G - Maintenance - Beach Front Park Maintenance	#3	\$144,714.00	Eligible	Beach park maintenance is an authorized expenditure of tourist development funds.	No Comment
Barrier Island Parks Society, Inc.	H - Maintenance - Gasparilla Island Lighthouse Dune Protection, Retention and Maintenance	#2	\$16,365.00	Eligible	Protection of a dune system is an authorized expenditure of tourist development revenue.	No Comment
Barrier Island Parks Society, Inc.	I - Maintenance - Dune Retention Wall	#3	\$6,000.00	Eligible	This project would provide a convenient access to the beach by dune walkovers, the basic function of which is to protect the dunes from erosion. This project is eligible for tourist development tax funding.	No Comment
Lovers Key State Park	J - Maintenance - Lovers Key- Beach Gazebo Repairs	#1	\$50,000.00	*TDC to determine legislative finding	This project could fit into "beach park facilities". The dictionary defines "facility" as something that is built, installed, or established to serve a particular purpose. Therefore, tourist development tax funds can be used to repair the gazebo, if there is a legislative finding that such expenditure will promote tourism within the county or that fixing the gazebo will improve, maintain, or restore beach park facilities.	No Comment

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City of Sanibel	K - Capital - Shoreline Stabilization at Turner Beach Park	#3	\$300,000.00	Eligible	Beach erosion control is an authorized expenditure of tourist development funding.	No Comment
City of Sanibel	L - Capital - FY 2020 Changing Room Rehab at Bowman's Beach Park	#4	\$30,000.00	*TDC to determine legislative finding	Tourist development tax funds maybe use to fund this project, if there is a legislative finding that this changing room is a beach park facility that primarily promotes tourism.	No Comment
City of Fort Myers	M - Capital - City of Fort Myers - Legacy Island Development Project	NA	\$288,343.00	Portions Eligible/ * TDC to determine legislative finding	This project proposes to develop Legacy Island in the Caloosahatchee River into a publicly-accessible waterside recreation area near the River District. There are portions of this project that are eligible for tourist development tax proceeds, there are portions that are not eligible for funding, and there are portions that need clarification. In AGO 87-16, the AGO concluded that a county may expend tourist development tax revenues to finance the improvement, maintenance, renourishment, restoration and erosion control of the public beaches on freshwater lakes if primarily related to tourism within the county. Therefore, clearing of exotic plant life for shoreline erosion control as well as shoreline stabilization, 5 foot shell paths and living shoreline are authorized expenditures of tourist development tax funds. After clarification was provided, educational signage, two gazebos and benches are eligible once a legislative finding is made that they promote tourism. The dock with mooring slips, ADA accessible terminal platform, observation platform, and BBQ grills are not eligible for funding.	No Comment
Lee County Government Facilities Construction & Management	N - Capital - Matlacha Community Park Fishing Pier Replacement	#2	\$750,000.00	Eligible	Pursuant to Florida Statutes 125.0104(5)(b), counties with less than 750,000 population may use tourist development funds for construction, remodeling or improving fishing piers that are publicly owned an operated, and open to the public.	No Comment
Lee County Government Facilities Construction & Management	O - Capital - Lynn Hall Memorial Park Dune Improvements	#1	\$92,000.00	Eligible	This project would construct four dune walkovers, reestablish dunes and fill in existing walkovers with plants. Protection of dunes is eligible for tourist development tax funds.	No Comment
"Ding" Darling Wildlife Society	P - Capital - An ADA kayak/canoe launch system and kiosk at JN "Ding" Darling National Wildlife Refuge	#1	\$47,000.00	*TDC to determine legislative finding	Florida Statutes Section 125.0104(5)(b) authorizes a county with a population of less than 750,000 to fund acquisition, construction, extension, enlargement, remodel, repair, improvement, maintenance, operation or promotion of zoological parks, fishing piers or nature centers that are publicly owned and operated as well as open to the public. While "nature center" is not defined in the statute, the plain meaning of the term can be found in the dictionary. The term refers to a protected, natural area, an area where centers offer discovery through interaction. Based on the definition JN "Ding" Darling could be considered a "nature center". Therefore, this project to install an ADA kayak/canoe launch will be eligible for tourist development funding, if the county makes the appropriate legislative determination that this project relates to and primarily promotes tourism.	No Comment
Lee Tran	Q - Other - Fort Myers Beach Expanded Tram Service	#1	\$558,928.00	*TDC to determine legislative finding	"Section 125.0104(5)(a)3., Florida Statutes, authorizes use of tourist development tax revenues for 'an activity, service, venue, or event' when one of its main purposes is to attract tourism, does not encompass funding to operate a transit system in general, but would support funding for specific transportation services that are clearly intended to attract tourism." AGO 2017-06. In general, tourist development tax revenues cannot be used to fund a public transit system for the citizens but incidentally benefit tourists. In order to use tourist development tax revenue for transportation under Section 125.0104(5)(a)3., Florida Statutes, there must be a clear and direct relationship between the promotion of tourism and the particular transportation service being offered. These transportation services should involve routes and schedules addressing the specific needs of tourists, and might include, for example, a shuttle connecting hotels and motels with county tourist attractions. AGO 2017-06. To fund this transportation project with tourist development revenues, there must be a legislative determination that this project clearly enhances the County's ability to attract tourists, and must be promoted to tourists in a way that demonstrates that tourism is one of its central purposes.	No Comment
Lovers Key State Park	R - Other - Lovers Key- Beach Camera and Weather Station	#2	\$26,000.00	Ineligible	This project is not eligible for funding under Florida Statute 125.0104. Beach cameras and weather stations do not relate to the physical preservation of the beach shoreline, estuary, lagoon, inland lake or river.	No Comment
Barrier Island Parks Society, Inc.	S - Other - Cayo Costa Volunteer/Crew Boat	#1	\$75,000.00	Ineligible	This project is not eligible for tourist development tax funds. The project would purchase a used boat and two engines to bring volunteers and park rangers to Cayo Costa State Park for daily operation of the park and the services they provide. Florida Statutes Section 125.0104 does not otherwise authorize activities which do not protect or enhance the physical nature of the beach. The use of tourist development taxes for the purchase of trucks/ATVs is distinguishable from purchasing a boat. A truck/ATV is used for the direct physical enhancement or protection of the beach.	CAC requests the County Attorney reconsider eligibility for Barrier Islands that are only accessible by boat to transport personnel that would protect and enhance the physical nature of the beach.
	TOTAL		\$10,217,059.25	*Needs legislative finding		