



FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

March 24, 2023

Mr. William Tredik, Public Works Director / City Engineer
City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, Florida 32080

Re.: Ocean Hammock Park Boardwalk
FCT # 08-018-FF8; 16-014-UA17
FRDAP # A08132

Dear Mr. Tredik:

I am the Program Manager for the Land and Recreation Grants Section of the Florida Department of Environmental Protection. You have requested an opinion on the feasibility of moving the City's FRDAP-funded boardwalk away from its present location, possibly onto the adjacent FCT project site. The Ocean Hammock Park Walkway was submitted as FRDAP application #A08132 and was awarded \$200,000 for FY 2007-2008. The FCT project site just north of the FRDAP project was awarded \$5,010,300.00 toward acquisition costs between 2010 and 2019.

The parcel upon which the FRDAP boardwalk was built was owned by the City at the time of application. Therefore, per the language of Rule 62D-5.059(1), "Land owned by the grantee, which is developed or acquired with FRDAP funds, shall be dedicated in perpetuity as an outdoor recreational site for the use and benefit of the general public." There are limited instances where grantees are allowed to replace property and facilities at their expense. Rule 62D-5.059(3) states, in full: "(3) CONVERSION. Should a grantee, within the periods set forth in subsections 62D-5.059(1) and (2), F.A.C., convert all or part of the project site to other than public outdoor recreational uses, the grantee shall replace the area, facilities, resource, or site at its own expense with project of comparable scope and quality." If the City of St. Augustine Beach intends to remove the FRDAP-funded boardwalk, the Rule states that the City must replace the area and boardwalk at its own expense.

The City has inquired with the FCT program regarding the feasibility of moving the boardwalk onto the FCT project site. Our legal counsel's opinion is that placing the FRDAP boardwalk on the FCT parcel would not meet the requirements for a conversion of use under the FRDAP rules because the city would not be replacing the site at the City's expense. Rather, the City would be utilizing a site that was, in part, purchased with state funds. Although the City's FCT grant committed to placing a nature trail on the site, that requirement would not satisfy the requirement for replacing the boardwalk. The City committed to building a nature trail in addition to the existing boardwalk. To meet the FRDAP conversion requirements, the City would need to build a comparable boardwalk on City-owned property in addition to the nature trail on the FCT site.

Thank you for contacting the FCT and FRDAP grant programs and if you have any further questions, please do not hesitate to contact us.

Sincerely:

Linda Reeves

Linda Reeves

Community Program Manager
Land and Recreation Grants Section
Division of State Lands
Florida Department of Environmental Protection