

PINELLAS, ARMY CORPS NEARING DEAL ON BEACH RENOURISHMENT- BUT TOWNS NEED 'CUSTOMARY USE' LAWS THAT COULD INVITE LEGAL FIGHTS

BY: **Carlos Moncada**

REDINGTON SHORES—Pinellas County and the U.S. Army Corps of Engineers may finally be ending a decade-long standoff that has impeded beach renourishment along the vulnerable barrier islands.

But the breakthrough would require two coastal towns to pass ordinances affirming the public's "customary use" of their beaches — a step that could trigger costly legal challenges.

County officials say the Corps may now be willing to move forward with future renourishment projects without requiring permanent public access easements from beachfront property owners. That condition has hindered sand replenishment in recent years.

Instead, the Corps has signaled it would accept a local customary-use ordinance that guarantees public access to the dry sand for traditional recreational activities such as walking, sunbathing or building sandcastles, officials said.

County Commissioner Brian Scott said at a recent Redington Shores Town Commission workshop that meetings he's had with the Corps suggest a positive shift in attitude under new leadership.

"There's definitely a new sheriff in town at the Army Corps, and a new attitude completely," Scott said.

Since 2015, the Corps has required beachfront owners to sign perpetual public access easements before it could place sand on adjacent beaches. In areas where owners refused, nourishment projects skipped those stretches entirely.

The impasse left the county without federal renourishment funding last year. So county commissioners were forced to spend \$125.7 million in tourist tax dollars to restore beaches from Clearwater to St. Pete Beach, after back-to-back hurricanes struck the Gulf coast in 2024. The work was completed in December.

County officials have said Pinellas cannot afford another large-scale restoration on its own. On previous projects, the Corps paid up to 65 percent of the cost.

Under state law, wet sand below the mean high-water line is public, while dry sand above it can be privately owned — at times creating confusion for beachgoers and friction with waterfront property owners.



Pinellas County had to spend \$125.7 million on emergency beach renourishment in 2025 after federal funding was withheld. Photo courtesy of Pinellas County.

Last year, Gov. Ron DeSantis signed a bill that restored local governments' authority to recognize the public's customary use of Florida beaches. The longstanding principle allows access where people have historically used beaches unfettered, even if portions are privately owned.

Before Senate Bill 1622 became law, beachfront homeowners who claimed the sand in front of their properties was private had the advantage, as communities or members of the public had to prove customary use through lawsuits. The new law flips that burden, requiring homeowners to prove in court that the beaches in front of their homes have not been historically used by the public.

Scott said that if Redington Shores and Indian Shores adopt customary-use ordinances — like one already in place in Indian Rocks

Beach — the Corps indicated it would seek only temporary construction easements for the time needed to place sand.

Scott and Kelli Hammer Levy, the county's public works director, traveled last month to Washington, D.C., where they attended a Congressional hearing on Corps projects and priorities.

Scott said lawmakers pressed Corps officials about projects nationwide stalled for years by bureaucracy. He sensed a willingness to change that under the recently confirmed Assistant Secretary of the Army for Civil Works, Adam R. Telle, who last month announced a major initiative, "Building Infrastructure, Not Paperwork."

After the hearing, Scott said he met privately with Telle and urged him to break the deadlock with Pinellas before hurricane season begins June 1.

"He said, 'If it takes that long, I'm going to be upset. I want to get this done by April.' So we have a window of opportunity," Scott said.

Levy said the Indian Rocks Beach ordinance was shared with Corps officials and that their response was promising.

"What they said is that if the beach is covered by a recreational ordinance like that, then the easements that they would ask for

would be a lesser type of construction easement," she said. "They promised it wouldn't be perpetual, and that they would be willing to work with each of our residents on language that they could accept. Which is, again, something that they never offered before."

Redington Shores municipal leaders expressed interest, but voiced concern about potential legal costs. Similar ordinances in nearby communities, including Redington Beach, have faced court challenges costing millions.

Town Attorney Nancy Meyer said the town would need historical evidence showing the public has long used the beach for recreation in order to defend such an ordinance.

That could include photographs, records and testimony from longtime residents. County officials said they are willing to help gather documentation.

Scott urged the town to act quickly while federal officials appear receptive.

"If there's ever a fight worth fighting, this is it," Scott said. "We need a long-term solution. Because we cannot ever let this happen again."

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