

# REALITY, & RISK & RISING SEAS



**From tourism to transport, the economy of Florida is anchored in its coastal communities. The shifting line between water and beach has a major impact on local governments' ability to manage costs, infrastructure and liability.**

**T**here are no easy answers, and the questions keep developing. How does Florida plan for coastal infrastructure and protect properties from rising seas? When do a coastal property owner's rights supersede those of the larger community? How do we balance rights of property owners with protection of public resources like beaches and estuaries? Who pays?

Florida Sea Grant is at the leading edge of actionable research to improve the economic sustainability of the state's coastal communities. These local economies provide vital economic, social and recreational opportunities for millions of residents and a hundred million visitors to the state each year. Yet even as coastal communities have been the epicenter for dense infrastructure development, rising sea levels now cause routine flooding of urban and residential

areas at high tide and imperil lives during historic storm surge events.

Thomas Ruppert, a Florida Sea Grant coastal planning specialist and lawyer, is helping local governments in coastal communities build resilience to rising sea levels through land use planning choices and disaster preparedness.

"Businesses, citizens and leaders must engage in challenging conversations to decide how to adapt to our changing world, and how to finance that adaptation," says Ruppert.

The decision-making often falls to local governments, and by working directly with them, Ruppert is able to provide resources, information and support for coastal resilience planning.

"With some, we focus on the economic impacts of flood

insurance changes,” says Ruppert. “With others, it’s how they can improve stormwater infrastructure to decrease flooding under expected sea-level rise scenarios.”

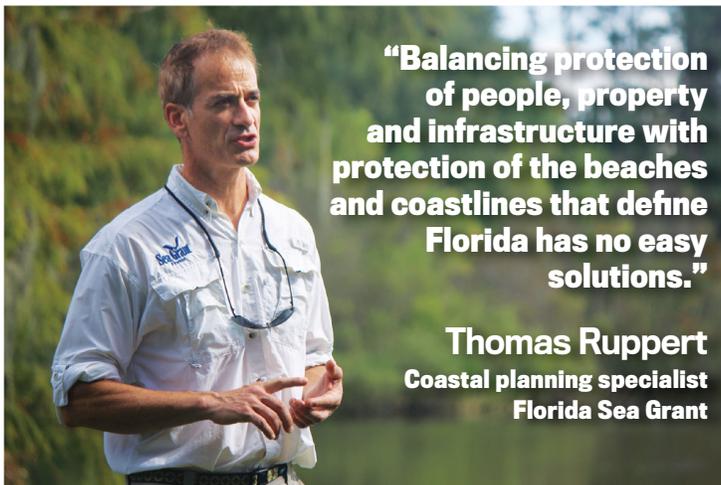
Ruppert points out that taking proactive measures for rising sea levels can spur local governments to make major infrastructure investments that may help in the short term. To pay for the investment, communities permit increased density of development, which leads to increased tax revenues.

“The downside may come when a disaster strikes and overwhelms structural defenses,” Ruppert says. “Now the losses may be greater due to more people, property and infrastructure sited in the area at risk.”

But doing nothing may carry a heavy price tag as well.

To ignore realities and do nothing can place expensive liabilities on local governments, Ruppert notes. They may be liable for failure to maintain infrastructure, or need to pay more to maintain at-risk infrastructure. Property owners may sometimes assert that the local government has a duty to provide infrastructure and services that protect their property value.

“Regardless of the balance reached between protecting individual properties and the fiscal integrity of local governments,” Ruppert says, “the long-term risk is losing our beaches and estuaries, the very resources that define coastal communities.”



**“Balancing protection of people, property and infrastructure with protection of the beaches and coastlines that define Florida has no easy solutions.”**

**Thomas Ruppert**  
Coastal planning specialist  
Florida Sea Grant

Florida Sea Grant’s Coastal Planning Program assists and provides resources for local governments addressing coastal hazards through their planning process, including land use planning, hazard mitigation planning and emergency planning.

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To learn more, visit: [www.flseagrants.org/coastalplanning](http://www.flseagrants.org/coastalplanning)



## Sensitivity to local concerns and constraints has helped Florida Sea Grant establish itself as a resilience resource for local governments in Florida.

Ruppert works with community leaders to apply legal research to policy in two key areas:

**Mitigating Liability** – The development of coastal communities is an economic driver for the entire state. Tourism is the first industry that comes to mind, but aquaculture, fishing and boating are industries that depend on our natural coastal ecosystems to generate millions of dollars in exports. Ancillary businesses are drawn to support these industries as well as residents seeking the coastal lifestyle. When storms, flooding and sea-level rise threaten the infrastructure serving these communities, residents look to the local government to fix the problem. Local governments must navigate a complex array of potential legal liability for infrastructure, and ensure that planning for development does not create potential future liability and does not interfere with property rights, all while being politically acceptable and affordable for the community.

**Providing Education** – With no simple answers, community conversations must occur to inform residents, business owners and local governments how to work together to protect residential property, economic drivers and the fragile environment that creates the beauty and supports the businesses of our coastal communities. Together, leaders must engage in planning for more sea-level rise and storm-resilient infrastructure for the short term. They must also begin thinking long term about how to address sea-level rise and proactively secure funding that local municipalities cannot afford alone. These conversations require that those involved understand legal issues related to coastal dynamics, property rights, flooding and infrastructure, among other concerns.

“Balancing protection of people, property and infrastructure with protection of the beaches and coastlines that define Florida has no easy solutions,” says Ruppert.