

From: [George, Vincent](#)
To: [Fechter, David D](#)
Cc: [Bishop, John](#); [Mackesey, Brendan](#); [Weed, Melanie P](#); [Tillotson, Hanna](#); [Lehmann, Avery](#)
Subject: RE: Pass-A-Grille Shoreline Protection Project in Pinellas County
Date: Tuesday, March 9, 2021 11:28:11 AM

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe.

Mr. Fechter,

Please see the following that I rec'd from Ms. Desmond for you & your colleagues to feel at ease with contracting the funds for future reimbursement of county costs. Ms. Desmond has been gracious enough to agree to entertain other Qs if need be, but as stated below believes this matter to be resolved.

As we talked about a little earlier regarding the issue Pinellas County has with the indemnification language in our standard grant terms, Section 18(c) is the section that would apply to them, as both parties (us and them) are governmental entities. That section states that the county is responsible for their own negligent or wrongful acts and the Department is responsible for its own negligent or wrongful acts. Also, neither waves their sovereign immunity or consents to be sued by a third party. I don't believe any of this language is in contradiction to their County Resolution 06-70. Respectfully, it appears that the Attorney General opinions stated in their resolution may have been overturned since the resolution was adopted. For these reasons, we would not agree to take out the indemnification language in our standard grant language.

Section 18(c), Indemnification: Notwithstanding sections a. and b. above, the following is the sole indemnification provision that applies to Grantees that are governmental entities: Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, F.S. Further, nothing herein shall be construed as consent by a state agency or subdivision of the State to be sued by third parties in any matter arising out of any contract or this Agreement.

I hope this helps. Please let me know if you need anything further.
Thank you,

Angie Desmond, Senior Attorney

Florida Department of Environmental Protection
Office of the General Counsel
Waste and Contracts Section
Contracts Unit
3900 Commonwealth Blvd., M.S. 35
Tallahassee, FL 32399-3000

850-245-2261

Best regards,

Vince George

SW FL Project Manager

Beach Management Funding Assistance (BMFA) Division of Water Resource Mgmt. (DWRM)

E-mail: Vincent.George@DEP.State.FL.US

Office #: (850) 245-7601

Direct #: (850) 591-1584 (teleworking from home)

From: Fechter, David D <ddfechter@co.pinellas.fl.us>

Sent: Friday, February 26, 2021 8:06 AM

To: George, Vincent <Vincent.George@FloridaDEP.gov>

Cc: Bishop, John <jbishop@co.pinellas.fl.us>; Mackesey, Brendan <bmackesey@co.pinellas.fl.us>; Weed, Melanie P <mweed@co.pinellas.fl.us>; Tillotson, Hanna <Hanna.Tillotson@FloridaDEP.gov>; Lehmann, Avery <Avery.Lehmann@FloridaDEP.gov>

Subject: RE: Pass-A-Grille Shoreline Protection Project in Pinellas County

Thanks Vince.

David D. Fechter, AICP, CPPB
Senior Department Administrative Manager
Public Works Department
14 S Fort Harrison Avenue, 4th Floor
Clearwater, Florida 33756
727-464-3019

From: George, Vincent <Vincent.George@FloridaDEP.gov>

Sent: Thursday, February 25, 2021 7:30 PM

To: Fechter, David D <ddfechter@co.pinellas.fl.us>

Cc: Bishop, John <jbishop@co.pinellas.fl.us>; Mackesey, Brendan <bmackesey@co.pinellas.fl.us>; Weed, Melanie P <mweed@co.pinellas.fl.us>; Tillotson, Hanna <Hanna.Tillotson@FloridaDEP.gov>; Lehmann, Avery <Avery.Lehmann@FloridaDEP.gov>

Subject: RE: Pass-A-Grille Shoreline Protection Project in Pinellas County

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Dear Mr. Fechter,

I've requested an FDEP OGC review of this objection, will advise ASAP as to response.

Best regards,

Vince George

SW FL Project Manager
Beach Management Funding Assistance (BMFA) Division of Water Resource Mgmt. (DWRM)
E-mail: Vincent.George@DEP.State.FL.US
Office #: (850) 245-7601
Direct #: (850) 591-1584 (teleworking from home)

From: Fechter, David D <ddfechter@co.pinellas.fl.us>
Sent: Thursday, February 25, 2021 4:20 PM
To: George, Vincent <Vincent.George@FloridaDEP.gov>
Cc: Bishop, John <jbishop@co.pinellas.fl.us>; Mackesey, Brendan <bmackesey@co.pinellas.fl.us>;
Weed, Melanie P <mweed@co.pinellas.fl.us>
Subject: FW: Pass-A-Grille Shoreline Protection Project in Pinellas County

George – Please confirm receipt of this request and advise on when you expect to provide a response. Thanks.

David D. Fechter, AICP, CPPB
Senior Department Administrative Manager
Public Works Department
14 S Fort Harrison Avenue, 4th Floor
Clearwater, Florida 33756
727-464-3019

From: Fechter, David D
Sent: Wednesday, February 24, 2021 4:02 PM
To: Vincent.George@FloridaDEP.gov
Cc: Bishop, John <jbishop@co.pinellas.fl.us>; Mackesey, Brendan <bmackesey@co.pinellas.fl.us>
Subject: Pass-A-Grille Shoreline Protection Project in Pinellas County

George – Please refer to Section 18 of the attached Agreement. It requires Pinellas County to indemnify FDEP. This is in conflict with County Resolution 06-70 (attached). The County is requesting that FDEP revise the attached agreement to remove the indemnification provision. Please advise if FDEP will do so and provide me a revised Agreement if this is the case. If FDEP refuses, I will need an email stating such and the reasoning behind. Thanks for your assistance and cooperation.

Dave

David D. Fechter, AICP, CPPB
Senior Department Administrative Manager
Public Works Department
14 S Fort Harrison Avenue, 4th Floor
Clearwater, Florida 33756

727-464-3019

From: Bishop, John <jbishop@co.pinellas.fl.us>
Sent: Wednesday, February 24, 2021 3:56 PM
To: Fechter, David D <ddfechter@co.pinellas.fl.us>
Cc: Weed, Melanie P <mweed@co.pinellas.fl.us>
Subject: RE: Pass-A-Grille Shoreline Protection Project

George, Vincent
Vincent.George@FloridaDEP.gov

John E. Bishop, Ph.D.

Coastal Mgmt Coordinator
Pinellas County Environmental Management
22211 US Hwy. 19 N, Bldg. 10
Clearwater, FL 33765
Phone (727) 464-8766
jbishop@pinellascounty.org

Or visit our website at:

<http://www.pinellascounty.org/environment/coastalMngmt/>

From: Fechter, David D <ddfechter@co.pinellas.fl.us>
Sent: Wednesday, February 24, 2021 3:55 PM
To: Bishop, John <jbishop@co.pinellas.fl.us>
Cc: Weed, Melanie P <mweed@co.pinellas.fl.us>
Subject: Pass-A-Grille Shoreline Protection Project

John- Please provide me your contact with FDEP for the subject project. We have an issue with Indemnification (Section 18) of the Agreement. Thanks.

David D. Fechter, AICP, CPPB
Senior Department Administrative Manager
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14 S Fort Harrison Avenue, 4th Floor
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