

RESOLUTION NO. 2005-51

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AUTHORIZING EMERGENCY INSTALLATION OF RIGID COASTAL ARMORING STRUCTURES TO PROTECT PRIVATE STRUCTURES AND PUBLIC INFRASTRUCTURES LOCATED AT 3490, 3494, and 3498 COASTAL HIGHWAY, ST. AUGUSTINE, FLORIDA, ST. JOHNS COUNTY.

WHEREAS, Section 161.085, Florida Statutes, grants political subdivisions the power to authorize emergency installation of rigid coastal armoring structures to protect private structures and public infrastructure; and

WHEREAS, Section 161.085(5), Florida Statutes, grants the Department of Environmental Protection ("DEP") authority to adopt rules to implement s. 161.085; and

WHEREAS, DEP has implemented such rules in Florida Administrative Code ("FAC"), Section 62B-33.0051; and

WHEREAS, FAC Section 62B-33.0051 expressly recognizes that political subdivisions may authorize, by permit, private property owners to protect their private structures from coastal storms, once the political subdivision has declared an emergency pertaining to such private property; and

WHEREAS, from 1999 to present, culminating with storm events within the past thirty (30) days, ongoing coastal storm events caused significant erosion along the stretch of coast immediately seaward of Property Owners' property; and

WHEREAS, as a condition of any permit received hereunder, Property Owners must agree to accept responsibility for the entire cost of engineering, installation, maintenance, removal (if necessary), state permit costs, and any damages associated with the project including but not limited to damages to adjacent or nearby property caused by the installation, maintenance, presence, or removal of the Project:

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, that:

Section 1. There exists a state of emergency at this site, due to the vulnerability of the structures situated at that location to storm erosion or direct wave attack.

Section 2. The Director of Public Works is authorized to grant the Property Owners, or their designated agent(s), each individually, a permit to execute the emergency protection (Project"), in accordance with Section 161.085, Florida Statutes, and FAC Section 62B-33.0051, upon condition that (1) Property Owners, or their designated agent, sufficiently show that factors listed in Section 161.085(3)(a) through (e) are considered and incorporated into

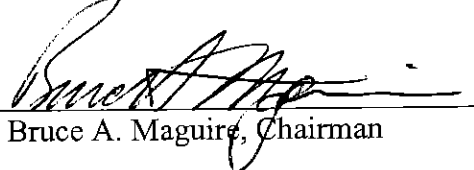
the Project; (2) Property Owners, or their designated agent, provide to the County a writing acceptable to the County Administrator indicating that the Property Owners agree to accept responsibility for the entire cost of Project engineering, installation, maintenance, removal (if necessary), state permit costs, any damages to adjacent or nearby property, and any legal expenses, fees or damages caused by the installation, maintenance, presence, or removal or the Project; (3) that properties located at 3490, 3494, and 3498 Coastal Highway shall only be allowed through said permit to relocate and stabilize the existing anti-erosion materials (rip-rap) that are currently on or immediately seaward of their property and that no new material may be added unless specifically authorized by the Director of Public Works; and, (4) prior to any permit under this Resolution, the Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, shall be notified of the Project, and said Section does not object.

Section 3. The Director of Public Works is authorized to accept reasonable changes to the Project design that fully meet the conditions in Section 2. The Director of Public Works is authorized to withdraw the permit upon reasonable evidence that conditions listed in Section 2 are not being maintained or complied with.

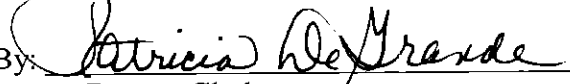
Section 4. The Property Owners, and their designated agent(s) if any, expressly bear the burden to recognize and comply with all applicable local, state, and federal laws and regulations. The granting of a permit by this Resolution shall not be deemed to ratify or condone any violation of said laws. The Property Owners, or their designated agent(s), expressly bear the burden to submit state permit applications as required by law.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 2<sup>nd</sup> day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By:   
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By:   
Deputy Clerk



RENDITION DATE 3-3-05

aph (a) or paragraph (b) action on an application permit must be as pro- 410.

life serving no public life, health, or welfare, undesirable.—

tion, or any structure breakwaters, seawalls, s if of a solid or highly reignty lands of Florida, of any tidal water of the construction or whether a ordance with this part, which is dangerous to life, health, or welfare, ble or becomes unnec- department, shall be by the abutting upland notice by the division. d by the owner with the er such notice. Adjust- required by this section t to the state. The deci- ether to adjust, alter, or on or structure shall be set a reasonable time ration, or removal shall

pland property owner any coastal construc- j groins, jetties, moles, nts, or other structures ble design upon sover- a mean high-water line, y the department in l) of this section, the r remove such coastal own expense, and the n upon the property of yner.

106; s. 23, ch. 78-95; s. 23, ch.

rs to assist enforce- ys, or other prosecut- , and sheriffs and their s of this state, shall ment of this part. The upon information that ns are violating any of rt the same, together sion relating thereto, erate with the depart- ions of this part. The culing officers of the equest of the depart- i such legal proced- y out the enforcement

106; s. 24, ch. 94-356.

161.081 Powers of Department of Legal Affairs.—When a permit is required under this part and has not been issued as provided herein, any such project or physical activity shall be considered a public nuisance, and the Department of Legal Affairs may at the request of the Department of Environmental Protection institute proceedings to enjoin or abate such nuisance. History.—s. 1, ch. 65-408, ss. 11, 25, 35, ch. 69-106; s. 1, ch. 95-150.

161.082 Review of innovative technologies for beach nourishment.—The department is directed to periodically review innovative technologies for beach nourishment and, on a limited basis, authorize, through the permitting process, experimental projects that are alternatives to traditional dredge and fill projects to determine the most effective and less costly techniques for beach nourishment. History.—s. 2, ch. 93-8; s. 25, ch. 94-356; s. 6, ch. 2000-346.

161.085 Rigid coastal armoring structures.—(1) The state recognizes the need to protect private structures and public infrastructure from damage or destruction caused by coastal erosion. Until such time as the state takes measures to reduce erosion on a regional basis, this section is the state's policy on rigid coastal armoring structures, pursuant to ss. 161.041 and 161.053, for protection of private property and public infrastructure.

(2) In order to allow state and federal agencies, political subdivisions of the state, and municipalities to preplan for emergency response for the protection of private structures and public infrastructure, the department, pursuant to s. 161.041 or s. 161.053, may issue permits for the present or future installation of rigid coastal armoring structures or other emergency response measures to protect private structures, public infrastructure, and private and public property.

(a) Permits for present installations may be issued if it is determined that private structures or public infrastructure is vulnerable to damage from frequent coastal storms.

(b) Permits for future installations of coastal armoring structures may be issued contingent upon the occurrence of specified changes to the coastal system which would leave upland structures vulnerable to damage from frequent coastal storms. The department may assist agencies, political subdivisions of the state, or municipalities, at their request, in identifying areas within their jurisdictions which may require permits for future installations of rigid coastal armoring structures.

(c) Permits for present installations of coastal armoring may be issued where such installation is between and adjoins at both ends rigid coastal armoring structures, follows a continuous and uniform armoring structure construction line with existing coastal armoring structures, and is no more than 250 feet in length.

Structures built pursuant to permits granted under this subsection may be ordered removed by the department only if such structures are determined to be unnecessary or to interfere with the installation of a beach restoration project.

(3) If erosion occurs as a result of a storm event which threatens private structures or public infrastructure and a permit has not been issued pursuant to subsection (2), the agency, political subdivision, or municipality may install or authorize installation of rigid coastal armoring structures for the protection of private structures or public infrastructure, or take other measures to relieve the threat to private structures or public infrastructure as long as the following items are considered and incorporated into such emergency measures:

- (a) Protection of the beach-dune system.
(b) Siting and design criteria for the protective structure.
(c) Impacts on adjacent properties.
(d) Preservation of public beach access.
(e) Protection of native coastal vegetation and nesting marine turtles and their hatchlings.

(4) The agency, political subdivision, or municipality shall notify the department if it installs or authorizes the installation of any rigid coastal armoring structures pursuant to its authority under subsection (3).

(5) The department may adopt rules to implement the provisions of this section.

(6) A rigid coastal armoring structure or other structure constructed under the authority of subsection (3) shall be temporary, and the agency, political subdivision, municipality, or private property owner shall remove the structure or submit a permit application to the department for a permanent rigid coastal armoring structure, pursuant to s. 161.041 or s. 161.053, within 60 days after the emergency installation of the structure or other measure to relieve the threat to private structures or public infrastructure. Construction debris shall not be used in the construction of a rigid coastal armoring structure.

(7) The term "public infrastructure" means, for purposes of this section, public evacuation routes, public emergency facilities, bridges, power facilities, water or wastewater facilities, other utilities, or hospitals, or structures of local governmental, state, or national significance. History.—s. 1, ch. 95-268; s. 4, ch. 99-247.

161.088 Declaration of public policy respecting beach erosion control and beach restoration and nourishment projects.—Because beach erosion is a serious menace to the economy and general welfare of the people of this state and has advanced to emergency proportions, it is hereby declared to be a necessary governmental responsibility to properly manage and protect Florida beaches fronting on the Atlantic Ocean, Gulf of Mexico, and Straits of Florida from erosion and that the Legislature make provision for beach restoration and nourishment projects, including inlet management projects that cost-effectively provide beach-quality material for adjacent critically eroded beaches. The Legislature declares that such beach restoration and nourishment projects, as approved pursuant to s. 161.161, are in the public interest; must be in an area designated as critically eroded shoreline, or benefit an adjacent critically eroded shoreline; must have a clearly identifiable beach management benefit consistent with the state's beach management plan;

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(9) If in the immediate area a number of existing major structures have established a reasonably continuous and uniform construction line and if the existing structures have not been unduly affected by erosion, except where not allowed by the requirements of Section 161.053(6), F.S., and this rule chapter, the Department shall issue a permit for the construction of a similar structure up to that line, unless such construction would be inconsistent with subsection 62B-33.005(3), (4), (7), (8), or (10), F.A.C.

(10) In considering applications for single-family dwellings proposed to be located seaward of the 30-year erosion projection pursuant to Section 161.053(6), F.S., the Department shall require structures to meet criteria in Section 161.053(6)(c), F.S., and all other siting and design criteria established in this rule chapter.

(11) In considering project impacts to native salt-tolerant vegetation, the Department shall evaluate the type and extent of native salt-tolerant vegetation, the degree and extent of disturbance by invasive nuisance species and mechanical and other activities, the protective value to adjacent structures and natural plant communities, the protective value to the beach and dune system, and the impacts to marine turtle nesting and hatchlings. The Department shall limit disturbances to natural and intact salt-tolerant plant communities, including beach and dune, coastal strand, and maritime hammock communities that significantly interact with the coastal system. Construction shall be located, where possible, in previously disturbed areas or areas with non-native vegetation in lieu of areas of native plant communities when the placement does not increase adverse impact to the beach and dune system. Planting of invasive nuisance plants, such as listed in the Florida Exotic Pest Plant Council's 2003 List of Invasive Species – Categories I and II (published May 20, 2003), will not be authorized if the planting will result in removal or destruction of existing dune-stabilizing native vegetation or if the planting is to occur on or seaward of the dune system. A copy of this list is available on the Internet at [www.fleppc.org](http://www.fleppc.org); or can be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000; or by telephoning (850) 487-4475, extension 108. Special conditions relative to the nature, timing, and sequence of construction and the remediation of construction impacts shall be placed on permitted activities when necessary to protect native salt-tolerant vegetation and native plant communities. A construction fence, a designated location for construction access or storage of equipment and materials, and a restoration plan shall be required if necessary for protection of existing native salt-tolerant vegetation during construction.

(12) Special conditions relative to the nature, timing, and sequence of construction shall be placed on permitted activities when necessary to protect marine turtles and their habitat. In marine turtle nesting areas, all forms of lighting shall be shielded or otherwise designed so as not to disturb marine turtles. Tinted glass or similar light control measures shall be used for windows and doors which are visible from the nesting areas of the beach. The Department shall suspend any permitted construction when the permittee has not provided the required protection for marine turtles and their habitat.

*Specific Authority 161.053 FS. Law Implemented 161.052, 161.053 FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.05, 16B-33.005, Amended 9-12-96, 1-26-98, 8-27-00, 6-13-04.*

#### **62B-33.0051 Coastal Armoring and Related Structures.**

(1) General Armoring Criteria. In determining the appropriate means to protect existing private structures and public infrastructure from damage from frequent coastal storms, applicants should be aware that armoring may not be the only option for providing protection. Applicants are encouraged to evaluate other protection methods such as foundation modification, structure relocation, and dune restoration. If armoring is the selected option, the following siting, design, and construction criteria shall apply in order to minimize potential adverse impacts to the beach and dune system:

(a) Construction of armoring shall be authorized under the following conditions:

1. The proposed armoring is for the protection of an eligible structure; and

2. The structure to be protected is vulnerable. The determination of vulnerability will be made utilizing the dune erosion model contained in the report entitled "Erosion due to High Frequency Storm Events," by the University of Florida, dated November 22, 1995, which is incorporated herein by reference. Where direct application of the model shows that the structure to be protected is not vulnerable, but the construction otherwise meets the requirements of this rule chapter, an applicant may further demonstrate vulnerability by taking into account the effects of shoreline change rates, natural physical features, and existing manmade structures in accordance with the following circumstances:

a. If it is projected that the eligible structure will become vulnerable at some future date which falls within the authorized time limit of a permit, then the permit shall authorize the construction of armoring once the anticipated site condition changes occur and the structure becomes vulnerable. The permit shall allow additional time to allow for construction operations and appropriate timing to avoid construction during the marine turtle nesting season.

b. Where there are multiple eligible structures in close proximity to each other, but not all of the structures are vulnerable and shoreline trends indicate continued erosion stress on the shoreline, and the Department determines through the use of numerical modeling and engineering analysis that the construction of armoring for only the vulnerable structures would cause the adjacent structures to become vulnerable following installation of the armoring, then all the eligible structures are considered vulnerable.

c. Where an eligible structure is located on a dune or escarpment and the dune erosion model predicts that the erosion from a 15-year return interval storm would fall landward of the existing dune crest or escarpment and seaward of the eligible structure, and where the applicant has provided the Department appropriate geotechnical analysis by a qualified professional engineer specialized

in geotechnical or foundation engineering which demonstrates that the structure would be in danger of imminent collapse following the occurrence of erosion from a 15-year return interval storm. Imminent collapse means the structure's foundation will fail due to its own weight under normal conditions, resulting in structural damage to the supported structure.

d. Where an applicant demonstrates to the Department that another site specific circumstance exists other than listed in sub-subparagraphs 62B-33.0051(1)(a)2.a. through c., F.A.C., such that the eligible structure is vulnerable; or

3. A gap exists, that does not exceed 250 feet, between a line of rigid coastal armoring that is continuous on both sides of the unarmored property. Such adjacent armoring shall not be deteriorated, dilapidated, or damaged to such a degree that it no longer provides adequate protection to the upland property. The top of the adjacent armoring must be at or above the still water level, including setup, for the design storm of a 15-year return interval storm plus the breaking wave calculated at its highest achievable level based on the maximum eroded beach profile and highest surge level combination. The adjacent armoring must be stable under the design storm of 15-year return interval storm, including maximum localized scour with adequate penetration, and must have sufficient continuity or return walls to prevent upland erosion and flooding under the design storm of 15-year return interval storm. Such installation shall:

a. Be sited no farther seaward than the adjacent armoring;

b. Close the gap between the adjacent armoring;

c. Avoid significant adverse impacts to marine turtles;

d. Not exceed the highest level of protection provided by the adjoining walls; and

e. Comply with the requirements of Section 161.053, F.S.

4. The armoring shall not result in a loss of public access along the beach without providing alternative public access;

5. The construction will not result in a significant adverse impact.

(b) Where all permit criteria of this rule have been met, but a beach nourishment, beach restoration, sand transfer, or other project which would provide protection for the vulnerable structure is scheduled for construction within nine months and all permits and funding for the project are available, then no permit for armoring shall be issued.

(c) Minor reconstruction of existing armoring is exempt from the conditions of paragraph 62B-33.0051(1)(a), F.A.C., provided that the proposed construction would not result in a significant adverse impact.

(d) Major reconstruction of existing armoring is exempt from the requirements of subparagraph 62B-33.0051(1)(a)2., F.A.C., unless the habitable structure protected by the armoring has been destroyed to the extent that it requires rebuilding.

(2) Siting and Design. Armoring shall be sited and designed to minimize adverse impacts to the beach and dune system, marine turtles, native salt-tolerant vegetation, and existing upland and adjacent structures and to minimize interference with public beach access, in accordance with the following criteria:

(a) Siting. Armoring shall be sited as far landward as practicable to minimize adverse impacts while still providing protection to the vulnerable structure. In determining the most landward practicable location, the following criteria apply:

1. Excavation shall be the minimum required to properly install the armoring and shall not result in the destabilization of the beach and dune system seaward of the armoring or have an adverse impact on upland structures.

2. If armoring must be located close to the dune escarpment in order to meet the criteria listed above and such siting would result in destabilization of the dune causing damage to the upland structure, the armoring shall be sited seaward of, and as close as possible to, the dune escarpment.

3. Armoring shall be sited a sufficient distance inside the property boundaries to prevent destabilizing the beach and dune system on adjacent properties or increasing erosion of such properties during a storm event. Return walls shall be sited as close to the building as possible while ensuring the building is not damaged and space is allowed for maintenance.

4. Existing armoring in need of major reconstruction, whose alignment either interferes with movement of sediment material along the beach or causes significant adverse impacts, shall be relocated consistent with the siting requirements of subsection 62B-33.0051(2), F.A.C.

5. When construction of armoring interferes with public access along the beach, the permittee shall provide alternative access.

(b) Design. Armoring shall be designed to provide protection to vulnerable structures while minimizing adverse impacts and shall be designed consistent with generally accepted engineering practice. The following criteria apply:

1. Vertical cantilevered or anchored bulkheads or seawalls shall be used whenever coastal conditions permit. Sloped armoring such as a revetment or toe scour protection shall only be approved where it can be demonstrated that there is no other technically viable alternative or where there is no marine turtle habitat.

2. To minimize adverse impacts to the beach and dune system, adjacent properties, and marine turtles, the shore-normal extent of armoring which protrudes seaward of the dune escarpment, vegetation line, or onto the active beach shall be limited to minimize encroachment on the beach. In areas with viable marine turtle habitat, the highest part of any toe scour protection shall be located to minimize encroachment into marine turtle nesting habitat.

3. All armoring shall be designed to remain stable under the hydrodynamic and hydrostatic conditions for which they are proposed. Armoring shall provide a level of protection compatible with existing topography, not to exceed a 50-year design storm.

4. Armoring shall be designed to minimize interference with public access along the beach.

5. Armor stone, including that used for toe scour protection, shall have a minimum dry unit weight of 135 pounds per cubic foot. In locations where there is potential for adverse impacts on marine turtles and their habitat, armor stone, except that used for toe scour protection, shall have a minimum dry unit weight of 150 pounds per cubic foot to reduce the armoring footprint. Armor stone shall be durable, hard, and free from laminations and weak cleavages, and sound enough to avoid fracturing under the design storm forces.

6. Armoring which utilizes any construction material other than stone in the construction shall be designed to meet both the requirements outlined in subparagraph 62B-33.0051(2)(b)5., F.A.C., and the unit weight, strength, and durability requirements generally accepted by the engineering community for use in the marine environment.

(c) The applicant shall provide the Department with certification by a professional engineer licensed in the State of Florida that the design plans and specifications submitted as part of the permit application are in compliance with this rule chapter.

(3) Marine Turtle Protection. Construction of armoring shall not be conducted during the marine turtle nesting season if the Department determines that the proposed construction will result in a significant adverse impact, except as allowed under subsection 62B-33.0051(6), F.A.C., or unless under the provisions of Rule 62B-33.014, F.A.C., emergency permitting procedures are enacted. No additional armoring shall be permitted on public lands in the Archie Carr National Wildlife Refuge. For the purposes of this provision, public lands means lands owned by local, state, or federal governments, or any lands acquired for the specific purpose of allowing them to be managed as part of the refuge. This ban does not apply where armoring is necessary, and there is no reasonable alternative, to protect public infrastructure as that term is defined in Section 161.085, F.S.

(4) In addition to the requirements provided in this rule section, armoring shall meet all other applicable provisions of this rule chapter.

(5) Emergency Protection. Upon the occurrence of a coastal storm which causes erosion of the beach and dune system such that existing structures have either become damaged or vulnerable to damage from a subsequent frequent coastal storm, the agency, political subdivision, or municipality having jurisdiction over the eligible structures may provide emergency protection to protect public infrastructure and private structures within its jurisdiction. Alternatively, the agency, political subdivision, or municipality having jurisdiction over the structures may authorize by permit, pursuant to this rule chapter and other appropriate ordinances, rules, and statutes, private property owners within their jurisdiction to protect their private structures once it declares an emergency and notifies the property owners who may be affected and the Department in accordance with Section 161.085, F.S. Emergency protection shall be subject to the following:

(a) If the Department has declared a shoreline emergency pursuant to this rule chapter and affected agencies, political subdivisions, and municipalities do not provide for emergency protection permits, pursuant to Section 161.085, F.S., and this rule section, then private property owners must obtain such permits from the Department prior to construction.

(b) Emergency protection shall take place within 30 days after the initial erosion event. Delay in providing protection in excess of 30 days from the declaration of emergency shall result in a finding of no emergency, and emergency protection pursuant to this rule section shall no longer be authorized. Agencies, political subdivisions, or municipalities may extend this period up to 30 additional days upon revalidation of the emergency conditions.

(c) Measures used for temporary protection shall be the minimum required as determined by the local government pursuant to Section 161.085, F.S., to protect the structure from imminent collapse. Armoring or other measures shall be sited and designed to minimize excavation of the beach and frontal dune; impacts to existing native coastal vegetation, marine turtles, and adjacent properties; and encroachment onto the beach. Temporary protection shall be sited and designed to facilitate removal.

(d) Other measures used for temporary protection include the following:

1. Temporary reinforcement of foundations, placement of sandbags, and construction of protective sand berms. Sand used to fill sandbags or construct protective berms shall be beach compatible material and be obtained from an upland source. Excavation of the beach face or near shore area shall require a permit from the Department, pursuant to this rule chapter. Any excavation that occurs below mean high water on sovereignty lands is subject to the provision of Section 161.041, F.S.

2. Construction of temporary wooden retaining walls, cantilever sheetpile walls (without concrete caps, tiebacks, or other reinforcement), or similar structures.

(e) Construction debris resulting from the coastal storm shall not be buried.

(f) Construction debris shall not be used for emergency protection. Any materials used for emergency protection shall either comply with the materials criteria in paragraph 62B-33.0051(2)(b), F.A.C., or shall be clean and easily removed or designed to assimilate into the natural environment without damage to the beach and dune system or marine turtles nesting habitat.

(g) Temporary structures shall be removed within 60 days of installation unless a complete application for a permit seeking authorization to retain the temporary structure or to provide alternative protection has been provided to the Department pursuant to Sections 161.053 and 161.085, F.S. In order for a temporary structure to remain in place, it must be permitted and meet all eligibility, siting, and design criteria for permanent armoring provided in this rule chapter.

(h) No activities shall result in a significant adverse impact.

(i) Under Section 161.085, F.S., if installation of a temporary emergency protection structure has caused, is causing, or has the reasonable potential to cause a significant adverse impact, the agency, political subdivision, or municipality which authorized the structure shall conduct or require appropriate action to eliminate any significant adverse impact.

(j) The Department shall require mitigation of any adverse impacts caused by emergency protection structures. In addition, the Department shall require removal of a temporary emergency protection structure if a significant adverse impact, as defined in Rule 62B-33.002, F.A.C., occurs.

(k) If installation of emergency protection structures occurs during the marine turtle nesting season, the following measures for the protection of marine turtles shall be implemented prior to siting and during installation of the emergency protection structure:

1. The Department shall be contacted for information on appropriate siting of the emergency structure to minimize impacts to marine turtles and provided with the location of any known marine turtle nests within the area of the proposed project.

2. Temporary emergency protection structures shall be sited and constructed in a manner that protects marine turtles.

3. Construction and storage of equipment or materials shall be conducted from or located at upland locations landward of the nesting beach.

4. In order to be prepared for coastal emergencies, local agencies, political subdivisions, or municipalities who anticipate installing or authorizing emergency coastal protection structures should obtain a federal Endangered Species Act, Section 10, Incidental Take authorization from the United States Fish and Wildlife Service through the development of a marine turtle habitat conservation plan.

(l) Agencies, political subdivisions, or municipalities shall notify the Department's Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, within three working days of installing or authorizing the installation of any armoring pursuant to this rule section. Notification shall include:

1. A description of the structure, including a sketch and location;

2. The name and address of the property owner; and

3. The date of installation.

(m) Other authorizations under Chapters 253, 258, 370 and 373, F.S., are necessary to conduct activities below mean high water.

(6) The provisions of this rule section shall apply until the following measures to reduce the threat of erosion damage to upland property and structures within the specific fixed coastal cells of a coastal region have been taken:

(a) The shoreline has been restored such that private structures and public infrastructure are no longer vulnerable to frequent coastal storms; and

(b) The shoreline restoration project provides authority for future nourishment to maintain the level of protection; or

(c) Where applicable, an inlet management plan has been adopted by the Department and implemented by the agency, municipality, or political subdivision having jurisdiction over the inlet.

*Specific Authority 161.053, 161.085 FS. Law Implemented 161.052, 161.053, 161.085 FS. History—New 9-12-96, Amended 1-26-98, 8-27-00, 7-1-01, 6-13-04.*

#### **62B-33.007 Structural and Other Requirements Necessary for Permit Approval.**

(1) All building permit applications submitted to the Department or to the appropriate local building department prior to March 1, 2002, the effective date of the Florida Building Code Act (Part VII, Chapter 553, F.S.), shall be governed in accordance with the standards contained within this rule section for the life of the permitted work and for any extensions granted to the permit.

(2) Upon the effective date of the Florida Building Code Act (pursuant to Sections 553.73 and 553.79, F.S.), the standards contained in this rule section shall be enforced by the local governments, except as noted in subsection 62B-33.007(1) and paragraphs 62B-33.007(4)(k) and (l), F.A.C.

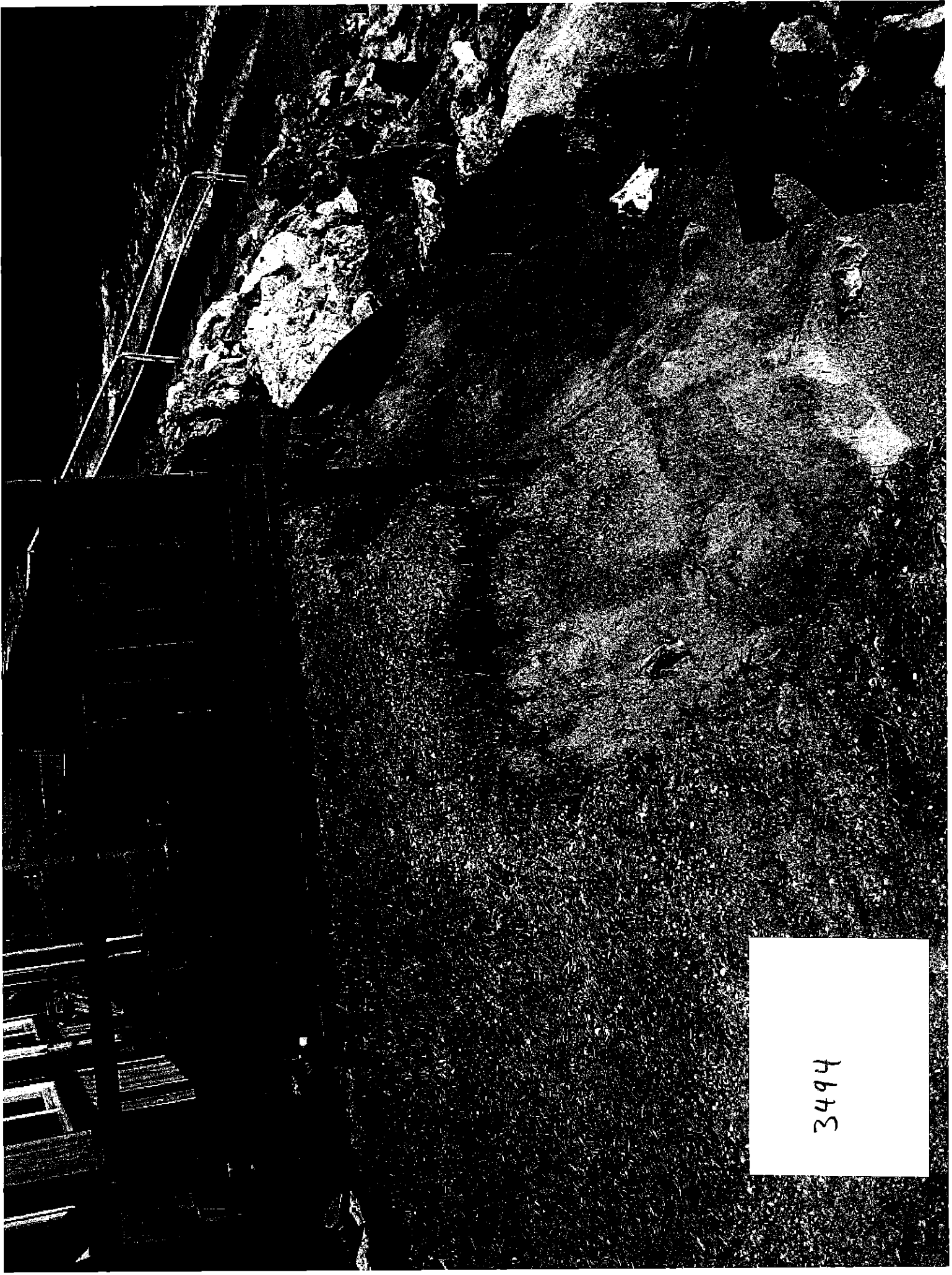
(3) Habitable major structures which extend wholly or partially seaward of the CCCL or 50-foot setback shall be designed to resist the predicted forces associated with a 100-year storm event.

(4) Major structures shall conform to the following requirements:

(a) Habitable major structures shall be designed in accordance with the FBC, pursuant to Sections 553.70 through 553.898, F.S., the Florida Building Codes Act. In the event of conflict between the requirements of this rule chapter and the above building codes or other state or federal laws, the requirements resulting in the more restrictive design for wind, wave, hydrostatic and hydrodynamic loads, and erosion conditions shall apply.

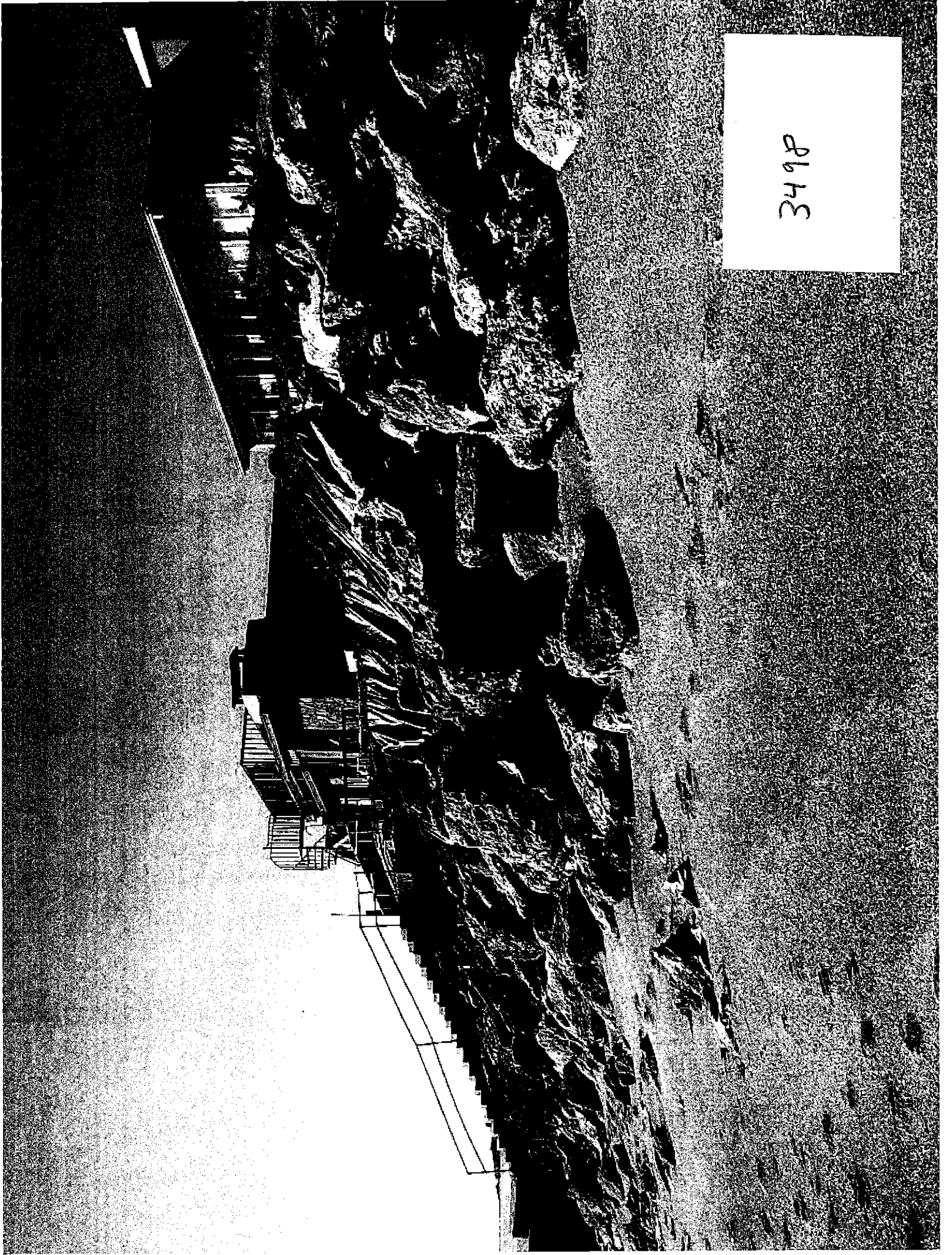
(b) All structures shall be designed in accordance with the applicable wind standards contained in Chapter 16 of the FBC, which is adopted herein by reference.

(c) All habitable major structures shall be elevated on and securely anchored to an adequate pile foundation in such a manner as to locate the building support structure above the design breaking wave crests or wave approach as superimposed on the storm surge with dynamic wave setup of a 100-year storm. The storm surge with dynamic wave setup of a 100-year storm shall be the elevation determined by the Department in studies published as a part of the CCCL establishment process. The Department will evaluate the applicant's proposed structural elevation based upon available scientific and coastal engineering data and will advise the applicant of the specific elevation requirement for the site. The Department shall authorize the construction of additions, repairs, or modifications to existing nonconforming habitable major structures that do not meet the elevation or foundation standards of this paragraph, provided that the addition, repair, or modification does not advance the seaward limits of habitable



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