



Florida Department of Environmental Protection (DEP)
 Division of Water Resource Management
 Bureau of Beaches and Coastal Systems
 3900 Commonwealth Boulevard, Mail Station 300
 Tallahassee, Florida 32399-3000
 (850) 488-7708

GUIDELINES FOR OBTAINING A PERMIT FOR CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE OR FIFTY-FOOT SETBACK

INTRODUCTION: The Coastal Construction Control Line (CCCL) defines that portion of the beach and dune system subject to severe fluctuations based on a 100-year storm event and establishes the landward limit of jurisdiction of the Department of Environmental Protection (DEP) along sandy beaches of the State which front on the Gulf of Mexico, Atlantic Ocean, and the Straits of Florida. Unless otherwise exempt, a permit is required from DEP for construction and excavation activities seaward of the CCCL. The CCCL is not a seaward limit for construction of upland structures (as in a setback line), but is an area wherein special siting and design considerations are necessary to protect the beach-dune system, proposed or existing structures, adjacent properties, lateral public beach access, native salt resistant coastal vegetation, and marine turtles. In sandy beach areas where no CCCL has been established pursuant to Section 161.053, Florida Statutes (F.S.), coastal construction is prohibited within 50 feet of the line of mean high water except by waiver or variance of the setback requirements pursuant to Section 161.052, F.S.

Enclosed is an application package for a permit for construction or excavation seaward of the CCCL or fifty-foot setback line. The application package consists of the Application (Form 73-100) and the Permit Fee Worksheet. Additional copies of the application package as well as copies of the following documents can be obtained from DEP by calling (850) 488-7708 or by visiting <http://www.floridadep.org/beaches/data/forms.htm>:

1. Dune Walkover Guidelines
2. Chapter 62B-33, Florida Administrative Code (F.A.C.), Rules and Procedures for Coastal Construction and Excavation
3. Chapter 161, F.S., Beach and Shore Preservation Act (2001)
4. Application for Permit Time Extension (Form 73-113)

FIELD PERMITS: Certain minor structures or activities may be authorized by field permit. Field permits are issued by DEP field representatives and are available at no cost. For more information about which structures or activities may be authorized by field permit, please contact the appropriate field representative at the number provided below.

| Field Representative | Coastal Counties Served | Contact Information |
|----------------------|--|---|
| Reginald Bradley | Escambia, Okaloosa, Santa Rosa, and Walton | <p align="center">The dispatch number is 877-314-1329 for all field representatives.</p> <p align="center">Please call and leave a message for the representative you wish to contact.</p> |
| Lori Ortega | Bay, Franklin, Gulf, and Wakulla | |
| Steve West | Manatee, Pinellas, and Sarasota | |
| Jennifer Cowart | Charlotte, Collier, and Lee | |
| Trey Hatch | Duval, Flagler, Nassau, and St. Johns | |
| John McDowell | Brevard, Indian River, and Volusia | |
| Mark Taynton | Martin, St. Lucie, and Palm Beach | |
| Wesley Cich | Broward, Dade, and Monroe | |

PERMIT PROCESSING AND CONSULTATION: Permit applications are reviewed in a timely manner pursuant to Section 120.60, F.S., which requires the applicant to be notified within 30 days if additional information is required. Once the application is complete, final agency action is taken within 90 days. To help reduce the time required to complete an application, applicants are encouraged to consult with DEP staff during the planning and design stages of the proposed project to identify informational requirements, potential adverse impacts, and any mitigation measures needed. By utilizing this consultation process, unexpected requirements from DEP may be avoided, and as a result, applications are processed more quickly.

COMPLETING THE APPLICATION FORM: Please submit one copy of the completed DEP form 73-100 entitled "Application for a Permit for Construction Seaward of the Coastal Construction Control Line or Fifty-Foot Setback," and one copy of the CCCL Permit Fee Worksheet, and all other information required by the application, to the Bureau of Beaches and Coastal Systems at the address above. The application will not be complete and final processing will not begin until all required information is submitted. If you have questions, please contact the Bureau at (850) 488-7708 (the operator will connect you with the staff member responsible for applications in the coastal county in which your project is proposed).

| Bureau Office Contacts | County Responsibilities | Phone Number |
|-------------------------------|---|----------------|
| Michael Wetherington | Coastal Armoring Projects | (850) 921-7846 |
| Rolando Gomez | Bay, Escambia, Okaloosa, Santa Rosa, and Walton | (850) 921-7841 |
| Valerie Jones | Duval, Nassau, Franklin, Gulf, and Wakulla | (850) 921-7849 |
| Dr. S. Muthuswamy (Dr. Swamy) | Charlotte, Manatee, Pinellas, and Sarasota | (850) 921-7821 |
| Celora Jackson | Dade, and Palm Beach | (850) 921-7757 |
| David Kriger | Flagler, St. Johns, and Volusia | (850) 921-7848 |
| Kristen Sella | Brevard, Indian River, Martin, and St. Lucie | (850) 921-7778 |
| Bobby Halbert | Broward, Collier, Lee and Monroe | (850) 921-7752 |

COASTAL CONSTRUCTION ITEMS OF CONCERN: The following general information is provided to alert the applicant to items of special concern to DEP. The applicant should be aware that the CCCL defines an area of extreme impact during major storm events which do not occur often, but which inevitably impact the coast on a broadly predictable basis. Not only is this area subject to be covered by water to a great depth during a hurricane or other tropical weather event, but extremely destructive waves can be anticipated to rise above the "still water" elevation and smash into the shore and against structures built along it, removing vast amounts of sand. Typically, minor structures, paved areas, and on-grade walls cannot be expected to survive such an onslaught, and it is best if they are designed and built so as to not help accelerate incoming waves or become missiles or objects likely to batter major habitable structures which are designed to survive such events. Lesser storm events will not be as destructive as a hurricane, but they occur more often and are likely to cause at least some of the damage associated with more powerful phenomena. All specific design requirements are contained in the enclosed Section 161.053, F.S., and Chapter 62B-33, F.A.C.

SITING AND FOOTPRINT: The beach and dune system are vital natural resources which provide protection to upland property and structures, recreational areas, and wildlife habitat; therefore, all proposed construction shall be sited (located) and designed to minimize both direct and cumulative adverse impacts to the beach and dune system and allow natural shoreline fluctuations and recovery following coastal storm events.

Impacts to the system may be minimized by siting structures sufficiently landward of the shoreline, vegetation line, and both the crest and landward toe of the frontal or primary dune. In addition, structures should be sited landward of the line of construction established by existing similar structures along the shoreline. Impacts may be further reduced by limiting the exposure of structures to storm water flowing across the site. This may be accomplished by keeping the shore-parallel coverage of the proposed construction to a minimum. Generally, a coverage that does not exceed 60% is sufficient for this purpose. Existing indigenous vegetation plays a significant role in stabilizing the beach and dune system and reducing the velocity and flow of water across the site. Consequently, the coverage of a structure in both shore-parallel coverage and depth and paved areas should be kept to a minimum to reduce the amount of vegetation removal and to reduce the flow and velocity of the storm waters. A ratio of pervious to impervious area coverage of no more than 50% is recommended for this purpose. Excavation, except that which is necessary for foundation construction, is generally discouraged because it destabilizes the dune system creating a weak point in the system which would reduce its protective value during certain coastal storm events.

FOUNDATION AND SLAB STRUCTURES: The least damaging impact to the natural functioning of the beach and dune system from a major structure (such as a single or multifamily residence, parking garage, or commercial facility) is achieved by placing the structure on piles, elevating the lowest horizontal structure supporting member above the design breaking wave crest, and minimizing the resistance to flow of all structural components below that level. Permanent vertical components of the structure below this level should not exceed twenty percent (20%) of the extent of the structure in the shore-parallel direction. All other structural components (including vertical walls) should be frangible in design and fail under the hydrostatic and hydrodynamic forces of the design storm event.

Excavation of material from the beach and dune system should be minimized, and any excavated beach-compatible materials should be placed on-site in a suitable location seaward of the control line. Material containing significant amounts of construction debris, organic matter, clay, or other material foreign to the natural beach area should be removed from the site and should be replaced with a like amount of beach-compatible material.

Slab on-grade and extensive use of other impervious surfaces should be avoided because they inhibit growth of vegetation and natural dune dynamics. This practice may also accelerate the loss of sand from the system by wind and water movement and may induce increased levels of over-wash, flooding, and structural damage landward of or adjacent to the structure. All such structures should be of a pervious or semi-pervious design and should fail under minimal storm stress. Any runoff from impervious surfaces should be contained or disposed of landward of the frontal dune.

The structural design will be reviewed for consistency with the Florida Building Code by the local government.

COASTAL ARMORING: Coastal and shore-protection structures (such as seawalls, revetments, and bulkheads) inhibit the natural functioning of the beach and dune system. In doing so, they interfere with the onshore-offshore movement of sand and cause increased erosion on adjacent properties. In areas where the long-shore sand supply is limited, they may result in a loss of beach seaward of and adjacent to the structure. The state's policy on the use of rigid coastal armoring structures is restrictive and is primarily limited to protecting existing non-conforming major structures vulnerable to damage from frequent coastal storms. Structures which are properly designed and sited seldom require further protection. All requests for coastal armoring require an in-depth site specific impact assessment. To minimize impacts to nesting marine turtles, coastal armoring must be located as far landward as practicable.

TURTLE NESTING: Florida's sandy beaches are nesting sites for several species of threatened or endangered marine turtles. Activities, which interfere with the movement of turtles up or along the beach and result in a change in the basic character of the beach itself or result in improper lighting, can inhibit the successful nesting of turtles. Pursuant to Section 161.053(5)(c), F.S., DEP may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting marine turtles and hatchlings and their habitat, pursuant to Section 370.12, F.S., and to native salt-resistant vegetation and endangered plant communities. Please refer to the attached "Guidelines to Reduce Impacts to Marine Turtles" for requirements regarding permanent exterior lighting.

VEGETATION AND LANDSCAPING: Natural salt-resistant vegetation provides good protection for the dune system, helps to trap and hold sand, inhibits both wind and sand erosion, and allows the system to adjust to natural stresses. DEP policy discourages unnecessary removal of existing established native salt-resistant vegetation. The surface contours of the natural beach and dune system are the most stable and should not be altered needlessly, even landward of the frontal dune. Clearing and leveling of beach and dune areas other than the minimal amounts needed for the construction of major structures is not recommended. Restoration of damages incurred during all construction activity is required. Dune walkovers should be constructed and used for beach access where heavy foot traffic is anticipated to prevent the creation of areas barren of vegetation.

MITIGATION/ENHANCEMENT: Mitigation is action taken to reduce or offset potential adverse impacts from proposed activities and may take the form of relocating or reducing the size of the structure(s), changing the nature of the proposed design, and/or special control measures during or after construction. Dune enhancement may be required as a condition of project approval.

PLEASE NOTE: *Failure to obtain a permit from DEP prior to construction is a violation of Chapter 161, F.S.. Violators are subject to prosecution for a first or second degree misdemeanor (as appropriate), and a fine of up to \$10,000 for each day that the violation continues; and DEP has the authority to order removal of structures built in violation and restoration of damaged beach and dune areas and the vegetation growing thereon, to their pre-construction condition.*

PERMIT TIME LIMITS, TIME EXTENSIONS AND PERMIT RENEWALS

PERMIT TIME LIMITS: Permits for major structures expire three years from the date of issuance. If, as part of the application, the applicant demonstrates that the construction phase of the project cannot be completed within three years, the applicant may request that the permit be issued for a five-year period. Permits for minor structures expire one year from the date of issuance.

TIME EXTENSIONS: In order to be eligible for a time extension, a request (pursuant to paragraph 62B-33.013(3)(a), F.A.C.) must be filed in writing with the Bureau of Beaches and Coastal Systems prior to the permit expiration date. As part of the request, the applicant must demonstrate that the authorization previously provided by the applicable county or municipality will remain in effect for the duration of the extension and provide reasonable assurance that: the activity can be completed within the time extension requested, that no significant change in the shoreline conditions has occurred since the original permit was issued, and that the nature of the work has not changed. A time extension for major structures may be issued for periods of up to three (3) years. If a permit has expired and construction is incomplete and no time extension has been requested, construction must cease; however, the applicant may request a permit renewal pursuant to subsection 62B-33.013(4), F.A.C. The fee for projects that are certified by a professional engineer or architect registered in the State of Florida to be at least 50% complete is \$500. For projects with a completed foundation but are less than 50% complete, the fee is \$750 or 10% of the original application fee, whichever is greater. Form 73-113 entitled "Application for Permit Time Extension" may be used to request a time extension.

PERMIT RENEWALS: If a permit has expired and the structure(s) is under construction, the applicant may apply in writing for a renewal provided that the request is made within six months of the original permit expiration date. A permit renewal may be issued for periods of up to 24 months from the date of permit expiration. In order to obtain a renewal, the applicant must demonstrate that the authorization previously provided by the applicable county or municipality will remain in effect for the duration of the renewal and provide reasonable assurance that: the activity can be completed within the time requested, that no significant change in the shoreline conditions has occurred since the original permit was issued, and that the nature of the work has not changed. If construction is not complete after having been granted a time extension or

a permit renewal or a combination thereof; the permittee must submit a new application pursuant to Rule 62B-33.008, F.A.C. Time extensions are not available while a permit renewal is in effect. The fee for a permit renewal is \$1,000 or 10% of the original permit fee; whichever is greater.

GUIDELINES TO REDUCE IMPACTS TO MARINE TURTLES

Marine Turtles and Lights: Each summer, Florida beaches host the largest gathering of nesting marine turtles in the United States. Female sea turtles emerge from the surf to deposit eggs in sand nests; and later, hatchlings emerge from their nests and move quickly to the ocean. Nearly all of this activity takes place under cover of darkness relying upon a natural light environment often disrupted by artificial lighting introduced by development.

Hatchlings normally emerge during hours of darkness and make their journey to the sea when sand temperatures are low and terrestrial, avian, and aquatic predators are less of a threat. Proper hatchling orientation toward the sea depends largely on a visual response to light. Under natural conditions, the ocean presents the brightest and most open horizon, helping hatchlings find the ocean. Artificial lights on the beach can disrupt the hatchlings' movement toward the sea. Instead of making their way to the ocean, hatchlings may become disoriented and wander extensively on the beach. For those hatchlings that eventually reach the ocean, unnecessary wandering increases their vulnerability to predation and expends limited energy stores. In addition, hatchlings may wander landward through beachfront property or across parking lots and highways toward light sources. Most die from dehydration, direct exposure to the morning sun, or contact with vehicles. Furthermore, beachfront lighting has been documented to negatively affect nesting females and often results in reduced or abnormal nesting activity. Visible light sources and the reflection or "glow" resulting from the cumulative effects of coastal lights contribute to this problem.

Lighting Guidelines: To prevent hatchling disorientation and adverse impacts to nesting turtles, installation of exterior lighting is strongly discouraged. If exterior lighting is proposed, the following general guidelines shall be followed. Adherence to these guidelines will help in developing an acceptable lighting plan. However, in some cases, specific site conditions may warrant more stringent lighting restrictions.

1. Lights should not be placed on the seaward side of the subject property or in any location visible from the nesting beach.
2. Lights positioned seaward of the landward toe of the dune are prohibited.
3. The light source or any reflective surface of the light fixture must not be visible from any point on the nesting beach. Illumination of any area of the nesting beach, either through direct illumination, reflective illumination, or cumulative illumination is prohibited.
4. Completely shielded down-lights without interior reflective surfaces are preferred. All proposed fixtures shall be appropriately shielded, louvered, and/or recessed.
5. Fixtures shall be low mounted through the use of low bollards, ground level fixtures, or low wall mounts.
6. Lights proposed for the seaward side of the subject property must incorporate either shielded low pressure sodium lamps or low wattage (i.e., 50W or less) "bug" type bulbs.
7. Lights for purely decorative or accent purposes shall not be used on the seaward side of the subject property and, if proposed for the landward side, shall be limited in number and intensity. The use of up-lights is strongly discouraged and in most cases cannot be approved.
8. High intensity lighting (such as that proposed for roadways) shall utilize shielded low pressure sodium lamps. The number of fixtures shall be kept to a minimum and shall be positioned and mounted in a manner such that the point source of light or any reflective surface of the fixture is not visible from any point on the nesting beach. Light emanating from these fixtures may not directly or indirectly illuminate the nesting beach.
9. Only low intensity lighting shall be utilized in parking areas that are visible from any point on the nesting beach. This lighting shall be set on a base which raises the source of light no higher than 48" off the ground and shall be positioned and shielded such that the point source of light or any reflective surface of the light fixture is not visible from any point on the nesting beach. The light emanating from such fixtures may not directly or indirectly illuminate the nesting beach.
10. Parking lots and roadways (including any paved or unpaved area upon which motorized vehicles will operate) should be designed or positioned such that vehicular headlights do not cast light toward or onto the nesting beach. Hedges, native dune vegetation, and/or other ground-level barriers should be utilized to meet this objective.
11. During construction, temporary security lighting during the main portion of the marine turtle nesting season (May 1 - October 31) is strongly discouraged. If absolutely necessary, these lights shall be limited to the fewest number necessary. Security lights shall be completely shielded and low-mounted. Low pressure sodium vapor lamps or low wattage yellow "bug" type bulbs shall be utilized. Under no circumstances shall these lights directly or indirectly illuminate any area of the nesting beach.

Visit the Florida Fish and Wildlife Conservation Commission website at www.floridaconservation.org for information regarding protection of sea turtles and other fish and wildlife.