

## CHAPTER 62B-49

### JOINT COASTAL PERMITS AND CONCURRENT PROCESSING OF PROPRIETARY AUTHORIZATIONS

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#### 62B-49.001 Scope.

This chapter implements the provisions of Section 161.055, F.S., by combining the regulatory requirements of the coastal construction program (Section 161.041, F.S.) with the environmental resource (or wetland resource) permit program (Part IV of Chapter 373, F.S.) to establish the joint coastal permit program. Activities that would have required both a coastal construction permit and an environmental resource (or wetland resource) permit, are now authorized by a single joint coastal permit. In addition, this chapter provides for concurrent review of any activity requiring a joint coastal permit that also requires a proprietary authorization for use of sovereign submerged lands owned by the Board of Trustees of the Internal Improvement Trust Fund. This chapter also establishes procedures for processing applications for joint coastal permits and the linked proprietary authorizations. In the event that there is a conflict between the procedural requirements of this chapter and other procedural rules promulgated pursuant to the referenced statutes, then this chapter shall govern. The standards and criteria for issuance of joint coastal permits include the criteria for environmental resource or wetland resource permits pursuant to Chapter 62-312, F.A.C., and the rules adopted under Chapter 62-330, F.A.C., the coastal construction criteria pursuant to Chapter 62B-41, F.A.C., and any specific criteria for issuance of a joint coastal permit listed in this chapter. The criteria for the associated proprietary authorizations are found in Chapters 18-18, 18-20, 18-21, F.A.C.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.002 Definitions.

For purposes of this chapter, the following definitions shall apply:

(1) “Activity” is any construction, dredge and fill, or other action that requires a permit pursuant to Section 161.041, F.S., an environmental resource or wetland resource permit pursuant to Part IV of Chapter 373, F.S., and a proprietary authorization to use sovereignty submerged lands pursuant to Chapter 253 or 258, F.S.

(2) “Agent” is any person with the written power or authority to act for the applicant for purposes of an application submitted pursuant to Section 161.041, F.S., Part IV of Chapter 373, F.S., and Chapter 253 or 258, F.S.

(3) “Applicant” is any person, firm, corporation, county, municipality, township, special district, or any public agency having authority, pursuant to Section 161.041, Chapter 253 or 258 and Part IV of Chapter 373, F.S., to request a permit and authorization to conduct activities upon sovereignty submerged lands of Florida.

(4) “Board of Trustees” or “Trustees” is the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

(5) “Bureau” is the Bureau of Beaches and Coastal Systems of the Department of Environmental Protection. The head of the Bureau is the Chief.

(6) “Coastal System” is the beach and adjacent upland dune system and vegetation; swash zone; surf zone; breaker

zone; offshore and longshore shoals; reefs and bars; tidal, wind and wave driven currents; longshore and onshore/offshore drift of sediment materials; inlets and their ebb and flood tide shoals; all other associated flora and fauna, and natural and manmade topographic features and structures.

(7) "Department" is the Florida Department of Environmental Protection. The head of the Department is the Secretary.

(8) "Environmental Resource Permit" is a standard general or individual environmental resource permit, including a short form or standard form wetland resource (dredge and fill) permit issued under Part IV of Chapter 373, F.S., but excluding noticed general environmental resource permits.

(9) "Joint Coastal Permit" or "Permit" is a document authorizing an applicant to conduct an activity pursuant to both Section 161.041, F.S., and Part IV of Chapter 373, F.S., as provided in this chapter.

(10) "Mean High-Water Line" is the intersection of the tidal plane of mean high-water (as defined in Chapter 177, F.S.) with the beach.

(11) "Notice to Proceed" is the formal notification from the Bureau authorizing a permitted activity to commence.

(12) "Permit Condition" is a statement or stipulation appearing on or referenced in a permit, compliance with which is necessary for the continued validity of the permit or the issuance of a notice to proceed.

(13) "Proprietary Authorization" or "Authorization" is the necessary instrument providing authorization to conduct activities on sovereignty submerged land pursuant to Chapter 253, F.S. and, if applicable, Chapter 258, F.S.

(14) "Request for Additional Information" or "RAI" is a written document from the Department to an applicant identifying errors, omissions or clarifications in the application information that must be provided by the applicant.

(15) "Sovereignty Submerged Lands" means those lands including, but not limited to, tidal lands, islands, sand bars, shallow banks and lands waterward of the mean high water line, beneath tidally-influenced waters, to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, and which have not been heretofore conveyed or alienated. This also includes those lands located seaward of an established erosion control line.

(16) "Substantial Revision" is a request by the applicant to revise a pending permit application such that the proposed changes would alter the nature or extent of a proposed activity to such a degree that the Department would need additional time to reevaluate the expected performance or impacts of the project. Requested revisions that only decrease the degree or extent of impacts at the same sites, and do not require a reanalysis to confirm this decrease, would not be considered Substantial Revisions.

*Specific Authority 161.041, 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.003 Policy.

(1) Pursuant to Sections 161.055 and 373.427, F.S., if an activity requires both a permit pursuant to Section 161.041, F.S., and an environmental resource permit pursuant to Part IV of Chapter 373, F.S., a single application for the activity shall be submitted. The activity may not be undertaken until a joint coastal permit is issued, as provided in this chapter.

(2) If an activity requires both a joint coastal permit and a proprietary authorization, a single application for the activity shall be submitted. The activity may not be undertaken until a joint coastal permit and a proprietary authorization have been issued, as provided in this chapter.

(3) Any application submitted pursuant to this chapter shall not be deemed complete, and the timeframe for approval or denial shall not commence until the Department has received all information required for: a coastal construction permit under Section 161.041, F.S. and Chapter 62B-41, F.A.C.; an environmental resource permit under Part IV of Chapter 373, F.S., and Title 62, F.A.C.; and a proprietary authorization, under Chapter 253, F.S. and Chapters 18-18, 18-20 and 18-21, F.A.C.

(4) If a proposed activity is exempt from the provisions of either Section 161.041, F.S., and Chapter 62B-41, F.A.C., or Part IV of Chapter 373, F.S., and Chapters 62-312, 62-4, and 62-343, F.A.C., the provisions of this chapter shall not apply.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.004 Consultation.

(1) Prior to submitting an application for an activity to be permitted pursuant to this chapter, the applicant is encouraged to use the consultation process. This process provides preliminary review of an activity by the Department staff and helps the applicant avoid delays during the formal application process.

(2) Consultations under this chapter are limited to evaluation of data provided by the interested party, in addition to

information that is generally available to the staff. Consultations will address the specific criteria applicable to the proposed activity that are of special significance to the permitting requirements. Failure to address a specific process or criterion during the consultation process shall not preclude the issue being raised during review of the application.

(3) To obtain a consultation, the interested party must submit a written request for consultation citing this chapter. In addition the applicant is advised to provide a detailed description of the proposed activity, including:

- (a) The location of the proposed activity;
- (b) Current topographic and bathymetric surveys;
- (c) A plan view of the proposed activity;
- (d) Typical cross-sectional views of any proposed structure(s);
- (e) Maps or aerial photographs showing the current extent of submerged biological communities and wetlands (if any)

in the vicinity of the proposed activity;

(f) Geotechnical data on any borrow source and fill site; and

(g) Information required under Chapter 253, F.S., and Chapters 18-18, 18-20 and 18-21, F.A.C., Part IV of Chapter 373, and Section 161.041, F.S., to describe the proposed activity and its potential impacts.

(4) Any assistance given or representation made by the Department during consultation shall not constitute the approval of the Department, shall not bind the Department or the Board of Trustees and shall not relieve any person of the requirements of the Florida Statutes, this chapter or other applicable provisions of federal or state law or local ordinances. If a conflict exists between any staff representation and any applicable act, law, rule, code or ordinance, such act, law, rule, code or ordinance shall prevail.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.005 Application Requirements and Processing Procedures.

(1) In order to make application for a joint coastal permit the applicant shall submit one signed original and two (2) paper copies of the application form and supporting documents, plus two (2) electronic copies of the full application package, to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, using the DEP Form 73-500 (effective 12-06), entitled “Joint Application for a Joint Coastal Permit and Authorization to Use Sovereignty Submerged Lands,” which is hereby incorporated by reference. Copies of the form may be obtained by writing to the above address or by downloading from the Bureau’s web page.

(2) The applicant shall provide the specific information required by this chapter, Section 161.041, Chapter 253 and, Part IV of Chapter 373, F.S., and Chapters 18-18, 18-20 and 18-21, F.A.C., as well as Chapters 62B-41, 62-330, 62-343, 62-4, and 62-312, F.A.C.

(3) Within 30 days of receipt of an application for a joint coastal permit, the Department shall review the application to determine whether all information needed for a complete evaluation of the application has been submitted. If the Department determines the application to be incomplete, the Department will make a request for additional information within 30 days after receipt of the application. Within 30 days after receipt of each submittal of additional information, the Department shall review it and may request only that information needed to clarify such additional information or to answer new questions raised by or directly related to such additional information.

(4) An application shall be denied if the applicant fails to provide additional information to the Department within six (6) months after a written request for such information has been sent to the applicant. However, if the applicant can demonstrate that he or she has been actively working on collecting or developing the requested information, and that additional time will be required to complete their response to the “RAI,” the applicant may request up to six (6) additional months to submit their response.

(5) All applications shall be processed and reviewed according to the time requirements specified by Sections 120.60, 161.055 and 373.427, Florida Statutes.

(6) A notice of receipt of a complete or substantially complete joint coastal permit application shall be provided to any persons who have filed a written request for notification of any pending applications affecting the particular area in which the proposed activity is to occur. Such request shall expire after three (3) years. The notice that is distributed by the Department shall contain: the name and address of the applicant; a brief description of the proposed activity, including any mitigation; the location of the proposed activity, including whether it is located within an Aquatic Preserve or other Outstanding Florida Water; a map identifying the location of the proposed activity; a depiction of the proposed activity; a

name or number identifying the application; and the office where the application can be inspected.

(7) Where a person has filed a written request with the Department for notification of the intended agency action for a specific joint coastal permit application, the Department shall provide that person with notice of such intended agency action on that specific application.

(8) In addition to the notice required in subsections (6) and (7) above, the Department shall require an applicant to publish in a newspaper of general circulation in the area affected by the proposed activity, a notice of receipt of the application and a separate notice of intended agency action on the application for those activities, which because of their size, potential effect on the environment or the public, controversial nature, or location, are reasonably expected by the Department to result in a heightened public concern or likelihood of request for administrative proceedings. The notice of intended agency action shall include a notice of all interested party's rights under Section 120.57, F.S. If the applicant fails to publish any notice required by the Department as provided in this chapter and to provide proof of publication the Department shall deny the application.

(9) The applicant and persons who have requested a copy of the intended agency action for a specific application shall be notified of the Department's consolidated notice of denial or intent to issue and their rights under Section 120.567 and 120.57, F.S.

(10) When the authority to take final action on a request for proprietary authorization has been delegated to the Department without the need for separate action by the Board of Trustees, the Department shall issue a consolidated notice of denial or intent to issue within 90 days of receiving a complete application under this chapter. The applicant may waive the ninety (90) day time limit specified under Sections 120.60(1), 161.055 and 373.4141, F.S., at any time.

(11) When the authority to take final action on a request for proprietary authorization has not been delegated to the Department, the Department shall review the application, issue a recommended consolidated notice of denial or intent to issue and take final agency action in accordance with the procedures in Sections 373.427(2)(a)-(c), F.S.

(12) Upon issuance of the consolidated notice of denial or intent to issue or upon issuance of the recommended consolidated notice of denial or intent to issue pursuant to subsection (11), the Department shall be deemed to be in compliance with the timeframes for approval or denial in Section 120.60(2), F.S. Failure to satisfy these timeframes shall not result in approval by default of the request for proprietary authorization.

(13) Once the Department's consolidated intent becomes final, the Department shall prepare and mail the final agency action to the applicant, affected local governments, and all persons who requested in writing, notification pursuant to Section 373.413(3), F.S., and Chapter 62-343, F.A.C. The permit shall include specific conditions necessary to help define the project or provide reasonable assurance that the project will meet applicable rules and statutes.

(14) If a substantial revision is made to an application before it is complete, the application shall be deemed amended. The amended application shall be treated in all respects as a new application and the time limits set out in Section 120.60, Florida Statutes, for processing shall begin anew.

(15) If a substantial revision to a complete application is received, the Department shall notify the applicant that an amended application cannot be accepted unless the applicant agrees in writing to restart the time periods of Section 120.60(2), Florida Statutes, and to submit a complete additional processing fee required for the project, as amended, pursuant to this chapter.

(16) If site conditions change during the processing of an application to such an extent that the data already provided can no longer be used to determine consistency as provided in this chapter, then the application shall be denied unless the applicant agrees to waive the 90 day time requirements of Chapter 120.60, Florida Statutes, and provides the additional information required to reanalyze the application.

(17) Failure to meet any timeframe in this section shall not result in an approval by default of the request for proprietary authorization.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.0535, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.006 Fees.

(1) Each application for a joint coastal permit, except those applications filed by the U.S. Army Corps of Engineers, shall be accompanied by the full application fee which is based on the sum of fees required in Rules 62-4.050, 62-312.060, 62-343.070, 62B-41.0085, 18-21.008, 18-21.009 and 18-10.010, F.A.C. Refer to the Department's Bureau of Beaches and Coastal Systems web page for an automated fee calculation tool. Severance and lease fees shall be paid prior to receipt of notice to proceed. Fees assessed pursuant to these rules are not refundable, except fees received for an activity that is

exempt and fee payments in excess of the amount required by these chapters.

(2) When an application is received without the required fee, or with a fee that is less than the amount required, the Department shall begin processing the application. The Department shall calculate the full application fee based upon the information submitted, and notify the applicant of the calculated fee in a "RAI." If the applicant fails to remit the calculated processing fee within 45 days of the subsequent response (or partial response) to the "RAI," the Department shall deny the application pursuant to Section 373.109, F.S.

(3) The cost for publishing public notice of receipt of the application and public notice of intended agency action, as described in subsection 62B-49.005(8), F.A.C., shall be borne by the applicant. If the Department incurs publication costs as a result of the applicant's failure to publish, the final permit shall not be issued until such costs are reimbursed.

*Specific Authority 161.0535, 161.055, 373.427 FS. Law Implemented 161.0535, 161.055, 373.427 FS. History--New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.008 Permit Modifications.

(1) Applications for major modifications to activities authorized under existing permits shall be processed in the same manner as new permits except that the Department shall not require any information that has already been furnished to the Department to be submitted again unless the site conditions on which the permit was issued have changed. The applicant shall submit a new application form, any changes to the permit drawings, and information demonstrating that the activity continues to meet the permitting requirements in this chapter, including physical or biological surveys that reflect the current conditions (if those surveys are pertinent to the proposed modification).

(2) Major modifications are design changes that are of such size or nature that they are expected to either increase the potential for adverse impact, have a significantly different type of environmental impact, or impact resources at new locations.

(3) Minor modifications are design changes that are not expected to either increase the potential for adverse impact or have a significantly different environmental impact than the authorized activity.

(4) Applications for major and minor modifications shall be accompanied by the full application fee, calculated and submitted according to Rule 62B-49.006, F.A.C.

(5) Permit modifications shall include additional specific conditions or revisions to existing conditions that are necessary to provide reasonable assurance that the modified project will meet applicable rules and statutes.

(6) The Department shall, for good cause and after notice to potentially affected parties and an administrative hearing pursuant to Section 120.569, F.S., if requested, require the permittee to conform to new or additional conditions. An application from the permittee to modify the permit is not required for the Department to initiate such action. Upon a showing by the permittee that a specific period of time is required to comply with the new or additional conditions, the Department shall allow the permittee such time to conform to the new or additional conditions. For the purpose of this rule, good cause shall include any of the following:

(a) A showing of any change in the environment or surrounding conditions that would result in a violation of water quality standards pursuant to Rule 62-302.530, F.A.C., or would result in a significant adverse impact to the coastal system as defined in subsection 62B-41.002(6), F.A.C.;

(b) A record of non-compliance with Department permits by the permittee, the authorized agent or the contractor;

(c) Adoption or revision of Florida Statutes or Department rules/standards that necessitate the modification of a permit condition to bring the permit into compliance with the statute, rule or standard;

(d) Errors or omissions in the permit with the consent of the permittee;

(e) Submittal of incorrect, inaccurate, or incomplete information in the application;

(f) The activity or structure has become a danger to the public health or safety;

(g) Issuance of a revised Biological Opinion by the U.S. Fish & Wildlife Service or the National Marine Fisheries Service; or

(h) A change in the classification of the waterbody.

(7) Issuance of the modification shall require notice to potentially affected parties. If an administrative hearing is held, the hearing may result in further modification of the permit or a denial of the modification request.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.0535, 161.055, 373.427 FS. History--New 10-12-95, Amended 2-19-98, 5-17-07.*

62B-49.010 Transfer of Permits and Authorizations.

(1) A permit and proprietary authorization are issued to a specified applicant and are not valid for any other person unless formally transferred. A permittee must make application to the Bureau of Beaches and Coastal Systems for a transfer of the permit and sovereignty submerged lands authorization upon the transfer of ownership or control of the real property or the sale or legal transfer of a permitted facility to a new party. Payment of a fee as set forth in Rule 62B-49.006, F.A.C., shall be required. Until such transfer takes place the original permittee remains responsible for the terms and conditions of the permit and the authorization, if applicable. An application for transfer shall include a signed written request for the transfer by the transferor. The application shall also include a signed written request for the transfer by the transferee, which includes the name, address and phone number of the transferee along with proof of ownership or authorization to use the property, and a signed certificate by the transferee acknowledging acceptance of responsibility as provided in this chapter. A permit and an authorization shall not be transferred after expiration.

(2) The transferee shall comply with all the terms and conditions specified in the permit and the authorization as referenced in this chapter.

(3) If a financial assurance was previously required, such financial assurance shall be provided by the transferee as a condition of approval of the transfer.

(4) If the conditions of subsections (1)-(3) above are satisfied, the Department shall approve the transfer. The Department must approve a transfer before the transferee may commence or continue any work.

*Specific Authority 161.041, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

62B-49.011 Time Limits on Permits and Authorizations.

(1) Permits shall expire five years from the date of issuance unless a shorter period of time is requested by the applicant, the time period is limited by law or rule, as in the case of experimental coastal construction, pursuant to Chapter 62B-41, F.A.C., where the permit duration is limited to three years, or the permit authorizes an operation and maintenance phase pursuant to Section 373.416, F.S., and Chapters 62-312, 62-330 and 62-343, F.A.C. If requested by an applicant, the Department shall issue a permit and an authorization, for a longer term reasonably expected to be necessary for completion of the construction upon reasonable assurance that:

(a) The activity for which the permit is to be granted cannot reasonably be expected to be completed within five years after commencement of construction; and

(b) The impacts of the activity, considering its nature, the size of the system and any required mitigation, can be accurately assessed, and offset where appropriate, and the terms of the permit can be met for the duration of the period requested.

(2) Permits and authorizations for maintenance of inlets in accordance with Section 161.142, F.S., that have an adopted inlet management plan, and permits and authorizations for beach nourishment that maintain a previously authorized beach restoration template and that are consistent with the statewide strategic beach management plan pursuant to Section 161.161, F.S., shall be issued for periods up to ten (10) years unless the Department determines that a shorter duration is necessary to avoid or minimize environmental impacts or a shorter duration is requested by the applicant.

(3) Permits and authorizations shall be effective until the activity is certified complete or until expiration, whichever is earlier, unless suspended, revoked or surrendered according to Section 120.60, F.S., and Rule 62B-49.012, F.A.C. Sovereignty submerged lands authorizations shall expire upon expiration of the permit unless otherwise noted in the authorization.

(4) Once a permit or, an authorization has expired, all construction activity authorized must cease unless a new permit and authorization, are approved.

(5) The permittee or authorized agent may apply for a minor permit modification to extend the expiration date of the permit by filing a written application with the Bureau before the permit expires and paying any fees required in Rule 62B-49.006, F.A.C. An application will not be considered filed until the application is received by the Bureau. A new joint coastal permit is required to continue maintenance of a project beyond ten (10) years.

(6) In order to be eligible for a time extension the permittee must provide:

(a) Documentation that the authorized construction could not be completed within the allotted period;

(b) Reasonable assurance that the activity can be completed within the time extension requested (based on a schedule for completion included with the request); and

(c) Reasonable assurance that no significant change in shoreline conditions, including biological habitat, has occurred

since the original permit was issued.

(7) Prior to issuing a modification for a time extension, the Department shall determine that the proposed activity is consistent with the statutes and rules in effect at the time the Department takes final agency action on the requested modification. The Department shall deny an application for a time extension modification if shoreline, habitat or other conditions have changed so that the project is no longer permissible under this chapter.

(8) If the application for a permit modification to extend the permit expiration date is received prior to permit expiration, then the permit is still valid until the Department acts upon the extension request.

(9) When the Department takes final agency action on a application for a permit modification to extend the permit expiration date, the staff will notify by mail the applicant, affected local government and all persons who requested in writing notification pursuant to Section 373.413(3), F.S., and subsection 62B-49.005(7), F.A.C.

(10) The expiration date of a permit shall not be extended if application is made after expiration of the permit. No changes in the nature of the work will be considered in requests for time extensions.

(11) If a permit has expired and the permitted project is incomplete the permittee may apply for a new permit. A reapplication shall be treated as a new application.

(12) The permittee shall comply with all conditions of the permit, such as financial assurance or monitoring as specified in the permit, including those that extend past the expiration date of the permit.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.012 Suspension and Revocation.

(1) The following shall be grounds for suspension or revocation of a permit:

(a) False, misleading or inaccurate information on the application, reports or other documentation has been submitted to the Department; or

(b) Section 161.041, Chapter 253 or Part IV of Chapter 373, F.S., or Chapters 18-18, 18-20, 18-21, 62-302, 62-312, 62-330, 62-343, 62-4, or 62B-41, F.A.C., as applicable, have been violated.

(2) A permit shall be summarily suspended, revoked or modified by the Department if shoreline conditions change such that the activity could result in a significant adverse impact as defined in Rule 62B-41.002, F.A.C., or violation of state water quality standards pursuant to Chapter 62-302, F.A.C., or if the activity is determined to be inconsistent with Section 370.12, F.S., to cause or have caused conditions which endanger the public health, safety or welfare, or to render the previously authorized activity inconsistent with Sections 161.041, 161.055, Chapter 253, and Part IV of Chapter 373, F.S., Chapters 18-18, 18-20 and 18-21, F.S., 62-312, 62-330, 62-343, 62-4, or 62B-41, F.A.C., and this chapter.

(3) All suspensions and revocations will be processed according to Section 120.60, Florida Statutes, and all Uniform rules as referenced in Chapter 120.54, Florida Statutes.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, 373.427 FS. History—New 10-12-95, Amended 2-19-98, 5-17-07.*

#### 62B-49.013 General Conditions.

(1) The following permit conditions shall apply to all permits issued pursuant to this chapter:

(a) All activities authorized by this permit shall be implemented as set forth in the plans and specifications approved as a part of this permit, and all conditions and requirements of this permit. The permittee shall notify the Department in writing of any anticipated deviation from the permit prior to implementation so that the Department can determine whether a modification of the permit is required pursuant to Rule 62B-49.008, Florida Administrative Code.

(b) If, for any reason, the permittee does not comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Bureau of Beaches and Coastal Systems and the appropriate District office of the Department with a written report containing the following information: a description of and cause of noncompliance; and the period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

(c) This permit does not eliminate the necessity to obtain any other applicable licenses or permits that may be required by federal, state, local or special district laws and regulations. This permit is not a waiver or approval of any other Department permit or authorization that may be required for other aspects of the total project that are not addressed in this permit.

(d) This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and

does not constitute authority for the use of sovereignty land of Florida seaward of the mean high-water line, or, if established, the erosion control line, unless herein provided and the necessary title, lease, easement, or other form of consent authorizing the proposed use has been obtained from the State. The permittee is responsible for obtaining any necessary authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to commencing activity on sovereign lands or other state-owned lands.

(e) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under Section 373.421(2), Florida Statutes, provides otherwise.

(f) This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee. The issuance of this permit does not convey any vested rights or any exclusive privileges.

(g) This permit or a copy thereof, complete with all conditions, attachments, plans and specifications, modifications, and time extensions shall be kept at the work site of the permitted activity. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.

(h) The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel with proper identification and at reasonable times, access to the premises where the permitted activity is located or conducted for the purpose of ascertaining compliance with the terms of the permit and with the rules of the Department and to have access to and copy any records that must be kept under conditions of the permit; to inspect the facility, equipment, practices, or operations regulated or required under this permit; and to sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules. Reasonable time may depend on the nature of the concern being investigated.

(i) At least forty-eight (48) hours prior to commencement of activity authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written notice of commencement of construction indicating the actual start date and the expected completion date and an affirmative statement that the permittee and the contractor, if one is to be used, have read the general and specific conditions of the permit and understand them.

(j) If historic or archaeological artifacts, such as, but not limited to, Indian canoes, arrow heads, pottery or physical remains, are discovered at any time on the project site, the permittee shall immediately stop all activities in the immediate area that disturb the soil in the immediate locale and notify the State Historic Preservation Officer and the Bureau of Beaches and Coastal Systems (JCP Compliance Officer). In the event that unmarked human remains are encountered during permitted activities, all work shall stop in the immediate area and the proper authorities notified in accordance with Section 872.02, F.S.

(k) Within 30 days after completion of construction or completion of a subsequent maintenance event authorized by this permit, the permittee shall submit to the Bureau of Beaches and Coastal Systems (JCP Compliance Officer) and the appropriate District office of the Department a written statement of completion and certification by a registered professional engineer. This certification shall state that all locations and elevations specified by the permit have been verified; the activities authorized by the permit have been performed in compliance with the plans and specifications approved as a part of the permit, and all conditions of the permit; or shall describe any deviations from the plans and specifications, and all conditions of the permit. When the completed activity differs substantially from the permitted plans, any substantial deviations shall be noted and explained on two paper copies and one electronic copy of as-built drawings submitted to the Bureau of Beaches and Coastal Systems (JCP Compliance Office).

(2) The Department shall require additional permit conditions based on site specific circumstances to insure compliance with the provisions of this chapter. Any such additional conditions will be specified in the Intent to Issue or draft permit.

*Specific Authority 161.055, 373.427 FS. Law Implemented 161.041, 161.055, , 371.421(2), 373.427, 872.02 FS. History–New 2-19-98, Amended 5-17-07.*