CHAPTER 62B-33
RULES AND PROCEDURES FOR COASTAL CONSTRUCTION AND EXCAVATION (PERMITS FOR ACTIVITIES CONSTRUCTION SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL) AND 50 FIFTY-FOOT SETBACK)

62B-33.002 Definitions.

(1) “Agency” is an administrative division of local, municipal, county, state, or federal government.
(2) renumber (1) No change.
(3) “Alongshore” is a directional reference meaning along or approximately parallel to the shoreline; alternatively, shore parallel, or longshore.
(4) renumber (2) No change.
(5) “Armoring” is a manmade structure designed to either prevent erosion of the upland property or protect eligible structures from the effects of coastal wave and current action. Armoring includes certain rigid coastal structures such as geotextile bags or tubes, seawalls, revetments, bulkheads, retaining walls, or similar structures but does not include jetties, groins, or other construction whose purpose is to add sand to the beach and dune system, alter the natural coastal currents, or stabilize the mouths of inlets shorelines.
(6) through (7) renumber (4) through (5) No change.
(8) “Beach quality sand” is sand which is similar to the native beach sand in both coloration and grain size and is free of construction debris, rocks, clay, or other foreign matter.
(9) “Breakaway Wall” or “Frangible Wall” is a partition independent of supporting structural members that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during a 100-year storm event without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
(10) “Building Support Structure” is any shore parallel structure which supports floor, wall, or column loads and transmits them to the foundation.
(11) renumber (6) No change.
(12) “Coastal System” is the beach and adjacent upland dune system and vegetation seaward of the CCCL coastal construction control line; 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 and zones of primary tidal influence; and all other associated natural and manmade topographic features and coastal construction.
(13) “Construction” is any work or activity, including those activities specified in Sections 161.053(2), and 161.052, F.S., which may have an impact as defined in this rule, except as applicable in Rule 62B-33.004, F.A.C.
(14) “Construction Debris” is the refuse, trash, or discarded material resulting from storm damage, or the construction or demolition of a structure. For the purpose of this rule Chapter, construction debris shall not include such material which has been sorted, cleaned, and otherwise processed such that it meets the suitability criteria for armoring materials set forth in this rule Chapter.
(15) “Department” is the Florida Department of Environmental Protection. The head of the Department is the Secretary.
(16) through (23) renumber (11) through (18) No change.

(24) “Florida Building Code” (FBC) refers to Part VII of Chapter 553, F.S., the Florida Building Codes Act, effective March 1, 002.

(25) through (34) renumber (19) through (28) No change.

(29) “Marine Turtle Nesting Habitat” is all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

(35) through (40) renumber (30) through (35) No change.

(36) “Native Vegetation” is a species identified as “native” in the Atlas of Florida Vascular Plants, available at: www.florida.plantatlas.usf.edu/

(37) through (43) renumber (37) through (43) No change.

(44) “Pile Foundation” is a system of piles providing the support of a structure, including those piles terminating below grade at pile caps and those piles extending above grade to superelevate a structure.

(45) through (50) renumber as (44) through (45) No change.

(46) “Registered Professional” means a professional registered or licensed by and in the State of Florida and practicing under Chapter 471, 472, 481, or 492, F.S.

(47) “Reissued Permit” is a permit for the same structures and/or activities that were previously authorized by the Department but construction was not completed.

(48) through (53) renumber (48) through (53) No change.

(54) “Shore-normal” is a directional reference meaning approximately perpendicular to the shoreline.

(55) through (63) renumber (54) through (59) No change.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(1), (2), (3), (4), (5), (6), (7), 161.053(2), (4), (5), (6), (8), (9), (11), (12), (14), (17), (19), (21), 161.055, 161.054(1), (2), (5), 161.061(1), (2), 161.085(1), (2), (3), (4), (6), (7), (8), (9) FS. History–New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, 8-27-00, 7-1-01, 12-31-01, 6-13-04, 5-31-07, 7-17-08, ____________.

62B-33.004 Exemptions from Permit Requirements.

(1) No change.

(2) In addition to the exemptions provided in Section 161.053(11), F.S., the following are exempt from the provisions of Section 161.053, F.S., and this rule chapter:

(a) through (b) No change.

(c) Minor activities that are not part of a larger project or development, and do not cause a disturbance to any significant or primary dune, do not disturb marked or known marine turtle nests, damage existing native salt-tolerant vegetation, obstruct public access, or damage adjacent properties. Exempt minor activities include: Minor activities which do not cause an adverse impact on the coastal system and do not cause a disturbance to any significant or primary dune are exempt from the permitting requirements of this rule chapter. Such activities shall be conducted so as not to disturb marked marine turtle nests or known nest locations or damage existing native salt-tolerant vegetation. The activities which are exempt pursuant to this rule paragraph include, but are not limited to, the following:

1. through 8. No change.

9. Maintenance or repair of the structures listed below. The structure(s) must be located a minimum of 30 feet landward of the frontal dune, escarpment, or coastal armoring structure, and the maintenance or repair must not expand or enlarge the existing structure(s).

a. Streets and roads, parking areas, and other paved areas not draining, or discharging onto the beach, or changing grade, and

b. No change.

c. Swimming pool decks and spa decks.

d. Fences.
e. Replacement of deck planks, handrails, benches and stair treads, on walkovers, walkways, stairs or steps, and fishing or ocean piers.

f. Replacement of culverts, curbs, and other minor structures and performance of minor grading within road rights-of-way provided that any beach-dune vegetation removed is replaced and drainage patterns are not altered in a seaward direction.

g. Subgrade utilities located landward of an existing dwelling or other major structures within the right-of-way of paved roads, including minor and temporary excavation for the purpose of repairs to the utilities.

h. Replacement or repair of foundation piles for fishing or ocean piers.

10. through 11. No change.

12. Placement of temporary water pipes or hoses utilized for flood relief, provided that any such pipes or hoses are placed on the ground surface and do not damage dune topography or native vegetation, and provided that no discharge occurs landward of the shoreline.

13. Temporary excavation for the inspection of coastal armoring structures on the seaward side, provided that it is limited to non-vegetated areas, occurs outside of marine turtle nesting season, is limited to the minimum area and volume required for the inspection, and the site is restored after the inspection. Temporary excavation for the inspection of coastal armoring structures entirely landward of the bulkhead of the seawall is limited to the minimum area and volume required for the inspection, and the site is restored after the inspection.

(3) The Department shall issue a letter of exemption pursuant to the provisions of Section 161.053(11)(b), F.S., provided that the applicant fulfills the information requirements of subsection 62B-33.008(2)(b), F.A.C., and provided that the Department determines that the proposed project will not cause a measurable interference with the natural functioning of the coastal system. Prior to commencement of work under the exemption, the applicant shall comply with the public notice requirements for the agency action of Chapter 120, F.S.

(4) If the Department determines the proposed minor construction is exempt from the provisions of Section 161.053(11)(c), F.S., the Department shall issue a notice of exemption using the DEP exemption form. The exemption form, which is entitled “Exemption Determination Pursuant to Section 161.053 or 161.052, F.S.”, is hereby incorporated by reference. A copy of the form can be obtained by contacting the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, at https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms or by telephoning (850) 245-8336. The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to Section 161.053, F.S., and this rule chapter is required.

(5) No change.

Rulemaking Authority 161.052(11), 161.053(20) FS. Law Implemented 161.052(3), (4), (6), 161.053(1), (2), (4), (9), (11) FS. History New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.004, Amended 1-26-98, 8-27-00, 5-31-07, ___________.

62B-33.005 General Criteria for Areawide and Individual Permits.

(1) The beach and dune system is an integral part of the coastal system and represents one of the most valuable natural resources in Florida, providing protection to adjacent upland properties, recreational areas, and habitat for wildlife. The coastal construction control line (CCCL) is intended to define that portion of the beach and dune system which is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other forces such as wind, wave, or water level changes. These fluctuations are a necessary part of the natural functioning of the coastal system and are essential to post-storm recovery, long term stability, and the preservation of the beach and dune system. However, imprudent human activities can adversely interfere with these natural processes and alter the integrity and functioning of the beach and dune system. The CCCL and 50-foot setback call attention to the special hazards and impacts associated with the use of such property, but do not preclude all development or alteration of coastal property seaward of such lines.

(2) through (6) No change.
(7) Only beach compatible fill shall be placed on the beach or in any associated dune system. All fill material placed seaward of the CCCL shall be sand which is similar to that already existing in the same fixed coastal cell in coloration, grain size, and composition. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Such material shall be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062mm (4.0φ) and 4.76mm (-2.25φ) (classified as sand by either the Unified Soils or the Wentworth classification), shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the existing coastal system at the placement area and shall not contain:

(a) Greater than 5 percent, by weight, silt, clay or colloids passing the #230 sieve (4.0φ);
(b) Greater than 5 percent, by weight, fine gravel retained on the #4 sieve (-2.25φ);
(c) Coarse gravel, cobbles or material retained on the 3/4 inch sieve in a percentage or size greater than found at the placement area;
(d) Construction debris, clay balls or foreign matter; or,
(e) Material that results in cementation of the beach.

The Department reserves the right to approve deviations from the above criteria, if those deviations would not increase the potential for adverse impacts to the coastal system. When requesting such deviations, the applicant shall provide fully documented evidence that would justify the deviations.

(7) renumber (8) No change.

(9)(8) All major structures, except those required for public safety, beach access, and those associated with dune restoration and special events, shall be located a sufficient distance landward of the beach and frontal dune to permit natural shoreline fluctuations, to preserve and protect beach and dune system stability, and to allow natural recovery to occur following storm-induced erosion. If such structure is proposed at a location where there is no frontal dune, but the project includes dune restoration to reestablish a frontal dune that is consistent with the frontal dune on adjacent properties, then the structure shall be located a sufficient distance landward of the beach and restored or reestablished frontal dune to permit natural shoreline fluctuations, to preserve and protect beach and dune system stability, and to allow natural recovery to occur following storm-induced erosion. Where a rigid coastal structure exists, it must be certified by an engineer licensed in the State of Florida or determined by the Department to provide protective value from a 15-year or greater return interval storm event, and the proposed major structures shall be located a sufficient distance landward of the rigid coastal structure to allow for future maintenance or repair of the rigid coastal structure. Although fishing piers shall be exempt from this provision, their foundation piles shall be located so as to allow for the maintenance and repair of any rigid coastal structure that is located in close proximity to the pier.

(9) through (10) renumber (10) through (11) No change.

(12)(11) In considering project impacts to native salt-tolerant vegetation, the Department shall evaluate:
(a) The type and extent of native salt-tolerant vegetation;
(b) The degree and extent of disturbance by invasive nuisance species and mechanical and other activities;
(c) The protective value to adjacent structures and natural plant communities;
(d) The protective value to the beach and dune system and
(e) The impacts to marine turtle nesting and hatchlings.

The Department shall restrict activities that lower the protective value of natural and intact beach and dune, coastal strand, and maritime hammock plant communities. Activities that result in the removal of protective root systems or reduce the vegetation’s sand trapping and stabilizing properties of salt-tolerant vegetation are considered to lower its protective value. Construction shall be located, where practicable, 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 those listed in the Florida Exotic Pest Plant Council’s 2005 List of Invasive Species – Categories I and II, 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; or can be obtained by contacting writing to the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400; at https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-
forms http://www.dep.state.fl.us/beaches/forms.htm or by telephoning (850) 245-8336. 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.

(13)(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 nests and nesting habitat. In marine turtle nesting
areas, all forms of lighting shall be shielded, and utilize long wavelength light sources only (e.g. 560 nanometers (nm)
or longer and absent wavelengths below 560 nm) with all lamps recessed within well shielded, full cut-off fixtures 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. Tinted glass shall be 45 percent or less
inside to outside light transmittance on all non-opaque doors, walls, balcony, deck railings, and windows. The
Department shall suspend any permitted construction when the permittee has not provided the required protection for
marine turtles and their nests and nesting habitat.

(14) Rebuilt pipelines and ocean outfalls crossing the beach and littoral zone, or the extension of existing pipelines
or ocean outfalls, shall be designed to withstand at a minimum the erosion, scour, and loads accompanying a 20-year
or greater storm event. Rebuilt pipelines and ocean outfalls shall be constructed below grade across the beach and
littoral zone.

(15) Fishing or ocean piers or the extension of existing fishing or ocean piers shall be designed to withstand at a
minimum the erosion, scour, and loads accompanying a 20-year storm event. Pile foundations shall not obstruct the
longshore sediment transport and shall be designed to minimize any impact to the shoreline or coastal processes.

62B-33.008 Permit Application Requirements and Procedures for Areawide and Individual Permits.

(1) All 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 contain all the
information required in subsection 62B-33.008(3), F.A.C.

(2) Applications received by the Department after the March 1, 2002 effective date of the Florida Building Code
Act shall not be required to comply with the provisions of paragraphs 62B-33.008(3)(j), and subsection 62B-
33.008(4), F.A.C., except as noted in subsection 62B-33.008(1), F.A.C.

(1)(3) Any person desiring to obtain a permit for construction seaward of the CCCL coastal construction control
line (CCCL) or 50-foot setback from the Department, except those persons applying pursuant to the emergency
procedures in Rule 62B-33.014, F.A.C., shall submit two (2) copies of a completed application form to the Department
at the address below. The permit application form, which is entitled “Application for a Permit for Construction
Seaward of the CCCL Coastal Construction Control Line or 50 Fifty-Foot Setback” – DEP Form #73-100 (Revised
12/06), XXXX, 2018, is hereby adopted and incorporated by reference, located here:
http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX. Copies of the form can be obtained by contacting
writing the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-
2400; at https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-
forms http://www.dep.state.fl.us/beaches/forms.htm or by telephoning (850) 245-8336. The application shall contain
the following specific information:

(a) No change.

(b) The name and mailing address of the owners of the immediately adjacent properties, exclusive of street-ends
or easements.

(c) through (e) renumber as (b) through (d) No change.

(e)(f) A Two original copies of a signed and sealed survey of the subject property. The information depicted on
the drawing shall be from a field survey conducted not more than six months prior to the date of the application. The survey shall comply with the requirements given in Rule 62B-33.0081, F.A.C.

(g) For major and rigid coastal structures, two copies of a dimensioned site plan drawn to an appropriate scale, on eight and one-half (8 1/2) inch by eleven (11) inch size paper showing property boundaries, the location of the proposed structure(s), the proposed construction limits, the location and volume of any proposed excavation or fill, and the locations of roads, adjacent dwellings, the vegetation line, and the approximate mean high water line.

(h) For major and rigid coastal structures, two copies of dimensioned cross-sections drawn to an appropriate scale, on eight and one-half (8 1/2)-inch by eleven (11)-inch paper, showing:

1. All subgrade construction or excavation with elevations referenced to NAVD 88 (U.S. survey foot).
2. Typical cross-sections of major structures and crest elevations for any proposed coastal or shore protection structure.
3. Location of the control line or, if not established, the MHWL and the 50-foot setback.
4. Typical profile of existing and proposed grade at the site.
5. The location of the contour line corresponding to elevation 0.0 NAVD 88 (U.S. survey foot).

(i) For structures with proposed permanent exterior lighting, two copies of a dimensioned marine turtle lighting plan that includes all exterior lighting drawn to an appropriate scale showing:

1. The location of all proposed permanent exterior lighting fixtures clearly marked by distinctive symbols for each model used, and
2. A table with the column headings shown below providing the specified information for each fixture model and light source used, and

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>FIXTURE (e.g., name or stock number)</th>
<th>TOTAL NUMBER OF EACH FIXTURE</th>
<th>BULB LUMENS OUTPUT AND TYPE (e.g., 420 lumens output standard incandescent yellow “bug” bulb)</th>
<th>TYPE OF MOUNT (e.g., wall, pole, bollard)</th>
<th>MOUNTING HEIGHT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fixture Label</td>
<td>Fixture Quantity</td>
<td>Fixture Mounting Type</td>
<td>Fixture Mounting Height</td>
<td>Manufacturer and Catalog No.</td>
<td>Lamp type, color and wattage</td>
</tr>
<tr>
<td>Ground Level (Level 1)</td>
<td>²Landward side of structure</td>
<td>Second Level, Third Level, etc.</td>
<td>Beachside of structure</td>
<td>Pool Deck</td>
<td>Shore-perpendicular side of structure</td>
</tr>
</tbody>
</table>

³Ground Level (Level 1)
²Landward side of structure
Second Level, Third Level, etc. Beachside of structure
Pool Deck Shore-perpendicular side of structure
Roof Top

3. A detailed description or manufacturer’s catalog sheet (cut sheet) for each fixture model used.
4. The specific tinting value on all non-opaque doors, walls, balcony railings, deck railings, windows, and Multi-family and commercial project applications shall include three copies of the items listed in rule subparagraphs 62B-33.008(13)(gi)1., through 3., F.A.C.
5. Photometric information for structures 7,000 square feet or larger with exterior lighting on parking lots, pools, and deck areas.

(g) Two copies of detailed final construction plans and specifications for all proposed structures or excavation including all planned appurtenant structures, permanent exterior lighting, and utilities. For major structures, these documents shall be signed and sealed by a registered professional—an engineer or architect (as appropriate) licensed in the State of Florida, and the site plan shall include all information required in subsection 62B-33.0081(1), F.A.C.

(h) For major habitable multifamily dwelling structures, two copies of detailed foundation plans and specifications. These documents shall be signed and sealed by a registered professional an engineer or architect (as appropriate) licensed in the State of Florida.

(h) Two copies of a dimensioned site plan. The drawings shall be signed and sealed by a registered
professional an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the state of Florida. The site plan shall include:

1. through 3. No change.

4. The horizontal location of the erosion control line (if one exists).

5. The any contour lines corresponding to elevation 0.00 (NAVD).

6. The approximate contour of mean high water and the seasonal high water.

7. The horizontal location of the seaward line of vegetation and outlines of existing natural vegetation.

5. through 8. renumber 8. through 11. No change.

(i)(m) A Two copies of a dimensioned grading plan. The drawings shall be signed and sealed by a registered professional an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the State of Florida. The grading plan shall include:

1. Existing and proposed elevations, contours and spot elevations; and.

2. For any proposed excavation and/or fill volumes seaward of the CCCL, including excavation and fill associated with swimming pools and other water retention structures, and site grading:
   a. A table of all permanent, temporary, and net excavation and fill volumes seaward of the CCCL;
   b. The storage locations and description of handling methods for all temporary excavation and fill material; and
   c. Soil and geotechnical data for beach compatible imported or excavated material proposed for placement on the beach seaward of a frontal dune or on the sandy beach.

3. Certification from a registered professional that the fill material meets the specifications/criteria of subsection 62B-33.005(7), F.A.C.

4. For multifamily habitable and commercial structures only, the following information is required:
   a. A table specifying all excavation and fill volumes seaward of the CCCL associated with the project, including excavation or fill associated with the construction of foundations, basements, swimming pools and other water retention structures, and site grading;
   b. Samples of proposed fill material (either imported or excavated) shall be submitted to the Department if the fill material will be placed on the beach, within the dune system or coastal strand vegetation, or seaward of armoring; or if the fill material volume will be greater than 700 cubic yards and will be placed within 50 feet of a frontal dune, dune bluff or primary dune, whichever is more seaward;
   c. The storage locations and description of handling methods for all temporary excavation and fill material; and
   d. Geotechnical data sufficient to determine the fill material meets the standards of subsection 62B-33.005(7), F.A.C.

(j)(n) Two copies of dimensioned cross-sections. The drawings shall be signed and sealed by a registered professional an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the State of Florida. The cross-sections shall include a typical view from the mean high water line (MHWL) to the CCCL depicting all structures and building elevations, proposed and existing grades, subgrade construction, excavation, fill, and elevations for any proposed or existing rigid coastal structures.

(k)(o) For rigid coastal structures, two copies of a dimensioned site plan and detailed final construction plans and specifications for all proposed structures or excavation. These documents shall be signed and sealed by an engineer licensed in the State of Florida and shall bear the certification specified in paragraph 62B-33.0051(2)(c), F.A.C., and the site plan shall include all information required in subsection 62B-33.0081(1), F.A.C.

(l)(p) Details, including engineering design computations, for any proposed waste or storm water discharge onto, over, under, or across the beach and dune system, such as storm water runoff, swimming pool drainage, well discharge, domestic waste systems, or outfalls. For multi-family dwellings, commercial developments, paved roadways, parking lots, and any de-watering projects, the applicant shall provide two copies of a dimensioned storm water management plan or other drainage plan(s). These plans shall show all conveyance systems (pipes, swales, culverts, wells, catchbasins, outlets), retention areas, invert elevations, and surface runoff drainage arrows.

(m)(q) An anticipated construction schedule.

(n)(r) Two copies of detailed planting plans drawn to an appropriate scale. The planting plan shall include:

including the
1. The location, typical sizes, and approximate spacing of proposed plants;
2. The proposed temporary or permanent irrigation systems;
3. Existing native vegetation, and plants to be removed; and, plans shall include
4. A plant list with both scientific and common names.

(o) Planting and maintenance plans drawn to an appropriate scale shall be submitted if planting or removal of
native vegetation is proposed as part of a proposed dune restoration or enhancement project. Such plans shall include
specifications and schedules for the establishment of native plantings and the locations of:

1. The MHWL;
2. The seasonal high water line;
3. The seaward most vegetation line and existing stands of vegetation;
4. The dune crest(s);
5. The foundations of structures on the property;
6. Any proposed planting areas, including dimensions; and
7. Any dune protection elements such as construction fences, sand fences or signs.

(4) through (5) renumber as (2) through (3) No change.
(4)(6) The Department recognizes that the requirements specified in paragraphs 62B-33.008(1)(e) through (o)
(2)(f) through (e), and Rule 62B-33.0081, F.A.C., may not, due to the project specific circumstances, be applicable or
necessary to ensure protection to the beach and dune system. In such cases, the applicant shall, as part of the
application, identify those requirements and state the reason why they are inapplicable. The Department shall waive
requirements that do not apply.
(7) through (9) renumber (5) through (7) No change.
(8)(40) As an alternative to the above procedure, the Department issues field permits for certain minor structures
and activities if the Department determines the activity has minor impacts. The field permit form that is entitled “Field
Permit Pursuant to Section 161.053 or 161.052, F.S.,” DEP Form 73-122 (Revised 3/05) is hereby adopted and
incorporated by reference. A copy of the form can be obtained by contacting writing to the Department of
Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, at
https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms or
by telephoning (850) 245-8336.
(9)(11) Requests for the Department to determine that the proposed activity is exempt from permitting pursuant
to the provisions of Section 161.053(11)(b), F.S., shall include, at a minimum, a survey meeting the requirements of
Rule 62B-33.0081, F.A.C., and the information requirements of paragraphs 62B-33.008(1)(h), (i), (l), (n) and
(o)(3)(d), (m), (n), (p), (r), and subsection 62B-33.008(3)(s), F.A.C. The Department recognizes that the requirements
specified above may not be necessary to make an exemption determination. In such cases, the applicant shall, as part of
the request for exemption, identify those requirements and state the reason why they are inapplicable. The
Department shall waive requirements that do not apply.
(10) For reissued permits, the information specified under paragraphs 62B-33.008(1)(a) through (d), F.A.C., and
the following are required:
(a) An updated signed and sealed survey of the subject property that meets the requirements of Rule 62B-33.0081,
F.A.C.
(b) A copy of the previously approved plans, including any revisions to the approved plans to comply with current
building code requirements.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4),
161.085(1), (2), (12) FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended
8-7-86, Formerly 16B-33.008, Amended 1-26-94, 3-11-97, 6-13-04, 5-31-07, 12-30-09.

62B-33.0085 Application Permit Fees.

(1) Each application for a new permit or for a change in permit status to be considered by the Department pursuant
to Section 161.053, F.S., or this Chapter Rule 62B-33.013, F.A.C., except the applications listed in paragraphs 62B-
33.0085(1)(a) through (1)(e), F.A.C., shall be accompanied by a fee. Monies from fees assessed pursuant to this rule
A 10 percent discount to the fees in this Chapter shall be applied to applications submitted electronically pursuant to Rule 62B-33.0086, F.A.C. No fee shall be assessed for:

(a) through (c) No change.

(d) Field permits;

(e) Determination of exemptions; or

(f) Requests for permit transfer.

(2) through (3) No change.

(4) The total permit application fee shall be the sum of the fees assessed for each individual major structure plus any additional fee for minor structure. The fees for each activity, experimental project, rigid coastal structure, permit modification, time extension, permit renewal, area wide permit, or structure or addition, when any portion of the foundation or any habitable portion of such structure or addition is proposed by the applicant to extend seaward of the CCCL, shall be assessed in accordance with the following schedule:

(a) through (j) No change.

(k) Rigid Coastal Armoring Structures: $3,000 for structures up to 100 feet in length, plus $500 for each additional 50 feet of length or portion thereof. For fee payment purposes, the length of the structure shall include return walls.

(l) No change.

(m) Time Extension: $100 for minor structure permits, $200 for permits for major or armoring projects that are certified by a registered professional engineer or architect licensed in the State of Florida to be at least 75 percent complete, $500 for projects that are certified by a registered professional engineer or architect licensed in the State of Florida to be less than 75 percent complete and above the foundation, and $750 for projects in which the foundation is incomplete. In order to be eligible for a time extension, a request, pursuant to subsection 62B-33.013(3), F.A.C., must be filed in writing with the Department at CCCL@dep.state.fl.us prior to the permit expiration date.

(n) through (o) No change.

(p) Fee Schedule for Reissued Individual Permits for Previously Permitted Major Structures: For major structures that were previously permitted but not completed and the applicant is now applying for a reissued permit, the application fee shall be assessed in accordance with the following schedule:

1. For projects located on a shoreline which has experienced significant change due to storm impact or erosion, the fee shall be assessed in accordance with paragraphs 62B-33.0085(4)(a) through (g), F.A.C.

2. For projects located on a shoreline which has not experienced significant change due to storm impact or erosion, the fee shall be assessed in accordance with the following schedule:


b. Habitable major structures with a roof footprint less than 2,400 square feet for a single family dwelling: $1,000.

c. Habitable major structures with a roof footprint equal to or greater than 2,400 square feet for a single family dwelling: $2,000.

d. Habitable major structures with more than one dwelling unit (e.g., hotels, motels, apartment buildings, and condominiums): $5,000.

e. Other major habitable structures (e.g., commercial or public buildings, and restaurants): $1,500.

f. Additions to existing habitable structures for a single family dwelling: $500.

g. Additions to existing habitable structures with more than one dwelling unit: $2,500.

(p) through (q) renumber (q) through (r) No change.

Rulemaking Authority 161.052(11), 161.053(20), 161.0535 FS. Law Implemented 161.0535 FS. History–New 8-7-86, Formerly 16B-33.0085, Amended 6-16-97, 4-30-98, 8-27-00, 6-13-04, ________________.

62B-33.0086 Electronic Submittals

An electronic application (“Application for a Permit for Construction Seaward of the CCCL or 50-Foot Setback” – DEP Form 73-100), adopted and incorporated by reference in subsection 62B-33.008(1), F.A.C., must be submitted to the Department via email at CCCL@dep.state.fl.us, together with the appropriate fee listed in Rule 62B-33.0085, F.A.C., to obtain a CCCL permit. For documents and/or plans that are too large to send via E-mail (greater than 20mb),
upload documents to DEP’s external CCCL FTP site using the naming conventions outlined in the electronic submission instructions. Information saved on an electronic storage device can be mailed to 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400. If the applicant provides a written statement that the electronic submittal requirements pose a substantial technical or financial hardship, the electronic submittal requirements may be waived, and the documents may be submitted to the above address. When submitting the electronic information, the applicant shall use the following standards:

1. Submit the “Application for a Permit for Construction Seaward of the CCCL or 50-Foot Setback” (DEP Form 73-100), adopted and incorporated by reference in subsection 62B-33.008(1), F.A.C., in a searchable electronic format. The Department encourages property owners to complete their application online at the link below and submit the completed application via email following the instructions given on the website: https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms;

2. Submit geotechnical data in electronic file format;

3. Submit Geographic Information System (GIS) data (.shp, .dwg or .dxf or other GIS compatible format) that has been projected into the appropriate Florida State Plane coordinate system. Metadata shall be included using the Federal Geographic Data Committee (FGDC) standard. Metadata may be submitted in .xml format if included as part of the shapefile, in a .txt file if sent separately, or other convertible file;

4. Use electronic signatures, pursuant to Chapter 668, F.S.;

5. Use electronic professional certifications, pursuant to Section 471.025, F.S.;

6. Appendices or attachments shall be indexed to the CCCL Application; and

7. Submit the application and cover letter by email; or to a web page set up by the Department to receive electronic applications; or on an electronic storage device mailed to the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-2400.

62B-33.013 Permit Modifications, Time Extensions, and Renewals, and Reissuances.

(1) through (2) No change.

3. The permittee or authorized agent may request an extension of the permit expiration date by filing a written request with the Department prior to the permit expiration date. If a request for a time extension is completed pursuant to paragraph 62B-33.013(3)(a), F.A.C., and received prior to the permit expiration date, the permit will be valid until the Department acts upon the extension request. If a timely but incomplete request for a time extension is received, construction must cease upon the expiration date of the permit and shall not resume until the request is complete or until the Department acts upon the request. Time extensions for major structures can be issued for periods of up to three years, and for permits for minor structures or activities for up to one year. The total time extensions for permits for major structures shall not extend beyond three years from the permit’s original expiration date, and one year for minor structures or activities. The request shall be made using the time extension form entitled “Application for a Permit Time Extension Pursuant to Rule 62B-33.013, F.A.C.,” DEP Form 73-113 (Revised 7/04), which is hereby adopted and incorporated by reference. A copy of the form can be obtained by contacting the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-2400, or by telephoning (850) 245-8336.

(a) A written request for a permit time extension shall include the following items:

1. through 2. No change.

3. A copy of a valid building permit or current written evidence provided by the applicable county or municipality that the authorization previously provided under paragraph 62B-33.008(1)(c)-(d), F.A.C., shall remain in effect throughout the duration of the requested time extension,

4. through 5. No change

(b) No change.

(4) No change.
(5) If construction is not complete after having been granted additional time by means of either a time extension or a permit renewal, the permittee must submit a new application pursuant to Rule 62B-33.008, F.A.C., for a new or reissued permit.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4), 161.085(1), (2) FS. History—New 11-18-80, Amended 3-17-85, Formerly 16B-33.13, 16B-33.013, Amended 1-26-98, 8-27-00, 6-13-04, 5-31-07, _______.

62B-33.014 Emergency Procedures.

(1) No change.

(2) Once a state of emergency is declared by either Executive Order of the Governor, pursuant to Section 252.36, F.S., or by the Secretary, pursuant to Section 120.569(2)(n)(I), F.S., the following emergency procedures shall be followed:

(a) No change.

(b) Emergency field permits that are processed pursuant to this Chapter subsection 62B-33.008(11), F.A.C., may be issued for construction, including but not limited to:

1. Temporary or remedial activities to protect structures;
2. Repair or replace minor structures, including dune walkovers, retaining walls, decks, and gazebos;
3. Dune restoration with beach compatible sand; and
4. Repair or replacement of minor damages to coastal armoring structures, including bulkhead or seawall caps, return walls, tiebacks, individual sheet piles, and armor stone; and other similar activities.

(c) Emergency permit applications may be submitted for the following activities: permanent foundation repair to major structures, repair or reconstruction of major structures, or repair or reconstruction of major damages to coastal armoring structures. The request shall be submitted to the Department at CCCL@dep.state.fl.us using the form entitled “Emergency Permit Application Pursuant to Section 161.052 or 161.053, F.S.” – DEP Form 73-303 (New 12/06), which is hereby adopted and incorporated by reference;

(d) through (f) No change.

(3) Emergency permit processing procedures shall be designated for no longer than the period stated in the executive order. The Department shall authorize emergency permit processing extensions, of thirty (30) days each, not to exceed three extensions, concurrent with an emergency final order. If the Department issues a timely request for additional information the applicant shall have thirty (30) days from the request for additional information or expiration date of the emergency processing procedures, whichever occurs later, to submit that information to the Department. If an applicant requires more than thirty (30) days in which to respond to a request for additional information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for a period of up to thirty (30) additional days. An additional extension of no more than thirty (30) days from the last extension shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application.

(4) through (6) No change.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4), 161.085(1), (2), (3), (4), (6), (8) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.14, 16B-33.014, Amended 1-26-98, 5-31-07, _______.

62B-33.0155 General Permit Conditions.

(1) The following general permit conditions shall apply, unless waived by the Department or modified by the permit:

(a) through (f) No change.

(g) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed topography or vegetation shall be restored as prescribed in the permit with suitable fill material or revegetated with appropriate beach and dune
vegetation. When required for mitigation, dune vegetation will be considered successfully established if within 180
days of planting, a minimum of 80 percent of the planting units survive, a minimum of 80 percent of the planted area
is covered with native species and the vegetation is continuous without gaps along the shoreline.

(h) All fill material placed seaward of the control line CCCL shall meet the requirements of subsection 62B-
33.005(7), F.A.C., sand which is similar to that already existing on the site in both coloration and grain size. All such
fill material shall be free of construction debris, rocks, clay, or other foreign matter; and shall be obtained from a
source landward of the CCCL coastal construction control line; and shall be free of coarse gravel or cobbles.

(i) If surplus sand fill results from any approved excavation seaward of the control line, such material shall be
distributed seaward of the control line on the site, as directed by the Department, unless otherwise specifically
authorized by the permit. Sand fill placed seaward of the frontal dune, bluff or coastal armoring in marine turtle nesting
habitat shall be configured such that it does not interfere with marine turtle nesting

(j) through (m) No change.

(n) All non-opaque walls, balcony railings, deck railings, windows and glass doors visible from any point on the
beach must be tinted to a transmittance value (light transmission from inside to outside) of 45% percent or less through
the use of tinted glass or window film.

(o) The permit has been issued to a specified property owner and is not valid for any other person unless formally
transferred. An applicant requesting transfer of the permit shall sign two copies of the permit transfer agreement form,
agreeing to comply with all terms and conditions of the permit, and return it both copies to the Department. The
transfer request shall be provided on the form entitled “Permit Transfer Agreement” – DEP Form 73-103 (Revised 5/04), which is hereby adopted and incorporated by reference. No work shall proceed under the permit until the new
owner has received a copy of the transfer agreement approved by the Department. A copy of the transfer agreement
shall be displayed on the construction site along with the permit. An expired permit shall not be transferred. Copies
of the “Permit Transfer Agreement” form are available at the following website: https://floridadep.gov/water/coastal-
construction-control-line/content/coastal-construction-control-line-cccl-forms.

(p) No change.

(q) For permits involving major structures or activities, the permittee shall submit to the Bureau periodic progress
reports on a monthly basis beginning at the start of construction and continuing until all work has been completed. If
a permit involves either new armoring or major reconstruction of existing armoring, the reports shall be certified by
an engineer licensed in the State of Florida. The permittee or engineer, as appropriate, shall certify that as of the date
of each report all construction has been performed in compliance with the plans and project description approved as a
part of the permit and with all conditions of the permit, or shall specify any deviation from the plans, project
description, or conditions of the permit. The report shall also state the percent of completion of the project and each
major individual component. The reports shall be provided to the Bureau using the form entitled “Periodic Progress
Report” – DEP Form 73-111 (Revised 6/04), which is hereby adopted and incorporated by reference. Permits for
minor structures or activities do not require submittal of periodic reports unless required by special permit condition.

(r) renumber (q) No change.

(r) For permits involving major structures and exterior lighting on major structures, the permittee shall provide
the Department with a report by a registered professional engineer or architect licensed in the State of Florida
within thirty (30) days following completion of the work. For permits involving armoring or other rigid coastal
structures, the permittee shall provide the Department with a report by an engineer licensed in the State of Florida
within 30 days following completion of the work. The report shall state that all locations specified by the permit have
been verified and that other construction and activities authorized by the permit, including exterior lighting, have been
performed in compliance with the plans and project description approved as a part of the permit and all conditions of
the permit; or shall describe any deviations from the approved plans, project description, or permit conditions, and
any work not performed. Such report shall not relieve the permittee of the provisions of paragraph 62B-33.0155(1)(a),
F.A.C. If none of the permitted work is performed, the permittee shall inform the Department in writing no later than
30 days following expiration of the permit. The report shall be provided on the form entitled “Final Certification”
DEP Form 73-115B (Revised 9/05), which is hereby adopted and incorporated by reference. Copies of the “Final
Certification” form are available at the following website: https://floridadep.gov/water/coastal-construction-control-
62B-33.024 Thirty-Year Erosion Projection Procedures.

(1) A 30-year erosion projection (30-YEP) is the projection of long-term shoreline recession occurring over a period of 30 years based on shoreline change information obtained from historical measurements. A 30-YEP 30-year erosion projection of the location of the seasonal high water line (SHWL) shall be made by the Department on a site specific basis upon receipt of an application with the required topographic survey, pursuant to Rules 62B-33.008 and 62B-33.0081, F.A.C., for any activity affected by the requirements of Section 161.053(5), F.S., except applications for those structures located landward of a General Permit Line established under Chapter 62B-34, F.A.C. An applicant may submit a proposed 30-YEP 30-year erosion projection for a property, certified by a professional engineer licensed in the state of Florida, to the Department for consideration.

(2) A 30-YEP 30-year erosion projection shall be determined using one or more of the following procedures:

(a) The Department shall determine the 30-YEP for beaches where there is no beach nourishment or restoration project, and no coastal armoring, and for beaches that are not adjacent to an inlet, as follows: An average annual shoreline change rate (SCR) in the location of the mean high water line (MHWL) at a Department reference survey monument shall be determined as set forth in subparagraphs 62B-33.024(2)(a)1. through 3., F.A.C., and multiplied by 30 years (Calculated Erosion Distance). The location of the 30-YEP is determined by projecting the location of the existing SHWL, as depicted on the application survey, landward by the Calculated Erosion Distance (SCR x 30 years). (see Figures 1 and 3). The resulting distance shall be added landward of the SHWL located on the application survey. The rate shall be determined as follows:

1. The SCR shoreline change rate shall be derived from historical shoreline data obtained from coastal topographic surveys and maps, controlled aerial photography, and similar sources approved by the Department. Data from periods of time that clearly do not represent current prevailing coastal processes acting on or likely to act on the site shall not be used.

2. The SCR shoreline change rate shall include the zone spanned by three adjacent Department reference monuments on each side of the site. A lesser or greater number of reference monuments can be used as necessary to obtain a rate representative of the site, and a rationale for such use shall be provided.

3. In areas that the Department determines to be either stable or accreting, a minus one-foot per year SCR shoreline change rate shall be applied as a conservative estimate.

(b) If coastal armoring is present at the site, the Department shall determine whether or not the 30-YEP 30-year erosion projection shall stop at the armoring. The applicant shall provide scientific and engineering evidence, including a report with data and supporting analysis certified by a professional engineer licensed in the state of Florida, which verifies that the armoring has been designed, constructed, and maintained to survive the effects of a 30-year storm and has the ability to stop erosion of the MHWL for 30 years. The Department shall waive the requirement for the applicant to provide scientific and engineering evidence if the Department determines the information is not necessary in order to make the erosion projection determination.

(c) Some shoreline areas, such as those adjacent to or in the vicinity of inlets without jetty structures, can experience large-scale beach-width fluctuations with or without net erosional losses. Other beach areas can fluctuate greatly due to the observed longshore movement of large masses of sand, sometimes referred to as sand waves. In these areas, a 30-YEP 30-year erosion projection shall be estimated from the available data at the SHWL landward limit of the large beach-width fluctuations within the last 100 years.
(d) Beach nourishment or restoration projects shall be considered as follows:

1. No change.

2. Existing beach nourishment or restoration projects shall be considered to be either a one-time beach construction event or a long-term series of related sand placement events along a given length of shoreline provided such projects have resulted in and will continue to result in the presence of sand seaward of the ECL. The Department shall make a determination of remaining project life for such existing beach nourishment or restoration projects based on the project performance history, the likelihood of continuing nourishments, the funding arrangements, and consistency with the Strategic Beach Management Plan adopted by the Department for managing the state’s critically eroded shoreline and the related coastal system.

3. The pre-project SCR shall be calculated as set forth in subparagraphs 62B-33.024(2)(a)1. through 3., F.A.C., derived from historical shoreline data for the time period before the first restoration occurred. The Department will use the following stepwise procedure to determine the 30-YEP on a beach with a beach restoration or nourishment project. (see Figures 2 and 3):

   a. The Department shall determine the distance between the MHWL and the SHWL, using either a pre-project survey or current locations of these lines, as appropriate. That distance will be added landward to the location of either an established ECL or pre-project surveyed MHWL, as appropriate, to establish the pre-project SHWL (PSHWL).

   b. The difference between 30 years and the expected remaining life (in years) of the existing beach nourishment project will be multiplied by the pre-project SCR to determine the projected distance of erosion. The projected distance of erosion will be added landward to the location of the PSHWL calculated under subparagraphs 62B-33.024(2)(a)1. through 3., F.A.C., and will represent the 30-YEP.

3. The MHWL to SHWL distance landward of the erosion control line (ECL) shall be determined. If the ECL is not based on a pre-project survey MHWL, then a pre-project survey MHWL shall be used instead of the ECL. The pre-project SHWL shall be located by adding the MHWL to the SHWL distance landward of the pre-project MHWL (usually the ECL). The remaining project life, which is the number of years the restored beach MHWL is expected to be seaward of the ECL, shall be subtracted from the 30 years as a credit for the nourishment project. The non-credited remaining years times the pre-project shoreline change rate for the site yields the 30-year projection distance landward of the pre-project SHWL.

4. If the Department is unable to scientifically determine a pre-project erosion rate due to a lack of pre-project data, the Department shall set the 30-YEP 30-year erosion projection along an existing, reasonably continuous, and uniform line of construction that has been shown to be not unduly affected by erosion.

   **FIGURE 1: 30-YEP Calculation for a Non-restored Beach**

   ![30-YEP Calculation](image)

   \[
   \text{30-YEP} = \text{(Historical Erosion Rate feet/year)} \times \text{(30 years) landward of the existing SHWL}
   \]
**FIGURE 2: 30-YEP for a Restored / Nourished Beach**

30-YEP = (30 Project Credit years) X (Historical Erosion Rate feet/year) landward of the Pre-Project SHWL.

**FIGURE 3: Cross-Section of Figures 1 and 2.**

(e) The 30-YEP 30-year erosion projection shall extend no farther landward than the coastal construction control line (CCCL). In the event that the plane of the seasonal high water elevation does not intercept the upland terrain on the site, the 30-YEP 30-year erosion projection shall stop at the CCCL, unless it is determined to be stopped by armoring as described in paragraph 62B-33.024(2)(b), F.A.C.

(f) When the Department approves a permit for new, repaired, or significantly modified coastal structures or activities that affect the lateral movement of sand along the shore, the change in site conditions can significantly affect the future shoreline location. In these areas, if the Department is unable to use historic data to determine a 30-YEP 30-year erosion projection, the Department shall make a 30-YEP 30-year erosion projection assessment based on the best available information and shall provide the rationale to all interested parties.

(g) If a specific SRC shoreline change rate for a 30-YEP 30-year erosion projection has not yet been determined for a given area, but the Department can determine that a proposed structure is sufficiently landward such that it will not likely be affected by a worst case erosion projection estimate, then the proposed structure shall be considered as being landward of the 30-YEP 30-year erosion projection. Such an estimate shall be based on the topography, geomorphology, the erosion experienced at the site thus far, the sand supply situation, ongoing coastal processes and coastal management, and any other applicable coastal engineering factors.

(h) In the event the Department is unable to make a site specific 30-YEP 30-year erosion projection following the
procedures in this rule section, the Department shall make an assessment based on the best available information and shall provide the rationale to all interested parties.

(3) The Department shall continue to develop, maintain, and update a database of shoreline data for assistance in making 30-YEPs 30-year erosion projections.

Rulemaking Authority 161.053(20) FS. Law Implemented 161.053(5) FS. History–New 11-10-85, Formerly 16B-33.24, 16B-33.024, Amended 1-26-98, 6-13-04, 5-31-07.