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**CHAPTER 62B-41  
RULES AND PROCEDURES FOR APPLICATION FOR COASTAL  
CONSTRUCTION PERMITS**

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Effective 11-17-11



**62B-41.001 Scope. (Repealed)**

Rulemaking Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.051, 161.0535, 161.054, 161.061, 161.071, 161.121, 161.131, 161.142, 161.201, 161.212 FS. History - New 8-23-92, Formerly 16B-41.001, Repealed 2-14-96.

**62B-41.002 Definitions.**

(1) "Accretion" is the buildup of land or accumulation of unconsolidated material within the coastal system caused by wind and wave action, storm surge, or tidal or littoral currents. Accretion includes:

(a) Waterward horizontal movement of the mean high-water line or beach profile.

(b) Volumetric gain of sediment to the coastal system.

(2) "Agent" is any person with the written power or authority to act on behalf of the applicant for purposes of an application submitted under Chapter 161, F.S.

(3) "Applicant" is any person, firm, corporation, county, municipality, township, special district, any public agency, or their agent, having authority pursuant to Section 161.041, F.S., to request a permit to conduct any coastal construction activities upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the State.

(4) "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 coastal system, alter the natural coastal currents or stabilize the mouths of inlets.

(5) "Beach" is the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of vegetation.

(6) "Breakwater" is a structure which has the effect of protecting shoreline areas, harbors, inlets or basins from the forces of currents and wave action.

(7) "Bulkhead" is a structure or vertical partition designed primarily to retain or prevent slumping of the upland soil mass. A bulkhead may also provide a level of protection against erosion by wave or current action.

(8) "Coastal Construction" includes any work or activity on or encroaching upon sovereignty lands of Florida, below the mean high-water line of any tidal water of the state, which is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.

(9) "Coastal System" is the beach and adjacent upland dune system and vegetation; swash zone; surf zone; breaker zone; offshore and longshore shoals; reefs

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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 structures.

(10) "Comparable alternative access" is public access provided by the applicant that is similar in size and functionality to the public access being replaced. Such access proposed by the applicant shall be within walking distance from the public access that was permanently lost due to the coastal construction project. Comparable alternative access must not expose the user to unsafe conditions, must be clearly identified, and must include authorization from the upland property owner.

(11) "Critical Habitat" is an area used by a threatened or endangered species, which has been designated by the U.S. Department of the Interior, as defined in paragraph 5, section 1532, title 16 U.S. Code, of the federal Endangered Species Act (The Act), as follows:

(a) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Act, (section 1533, title 16, U.S. Code), on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection.

(b) Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Act, (section 1533, title 16, U.S. Code), upon a determination by the Secretary of the Department of the Interior that such areas are essential for the conservation of the species.

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

(13) "Eligible Structures" are public infrastructure and private structures qualified for armoring as follows:

(a) Public infrastructure includes those roads designated as public evacuation routes, public emergency facilities, bridges, power facilities, water or wastewater facilities, other utilities, hospitals, or structures of local governmental, state, or national significance.

(b) Private structures include:

1. Non-conforming habitable structures,
2. Major non-habitable structures, which are not expendable,
3. Expendable major structures which are amenities necessary for occupation of the major structure, and
4. Expendable major structures whose failure would cause an adjacent upland non-conforming habitable structure or major non-habitable structure, which is not expendable, to become vulnerable to damage from frequent coastal storms.

(c) Eligible structures do not include minor structures.

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(14) “Environmentally Sensitive Area” is a part of the coastal system which the Department of Environmental Protection, in consultation with the Florida Fish and Wildlife Conservation Commission, according to Section 379.2431, F.S., has determined to be of such significance that application of a proposed new technology poses an unacceptable risk to the ecology.

(15) “Erosion” is the wearing away of land or the removal of consolidated or unconsolidated material from the coastal system by wind or wave action, storm surge, tidal or littoral currents or surface water runoff. Erosion includes:

(a) Landward horizontal movement of the mean high-water line or beach profile.

(b) The vertical lowering or volumetric loss of sediment from the beach and dune or the offshore profile.

(16) “Erosion Control Line” is the line determined in accordance with the provisions of Sections 161.141-.211, F.S., and recorded pursuant to Section 161.181, F.S., in connection with beach restoration projects. Where established, an erosion control line represents the landward extent of the claims of the state in its capacity as sovereign title holder of the submerged bottoms and shores of the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof.

(17) “Excavation” is any mechanical or manual removal of consolidated or unconsolidated soil or rock material from the coastal system.

(18) “Groin” is a structure built (usually perpendicular to the shoreline) to trap or alter alongshore movement of sediment or to retard erosion of the coastal system.

(19) “Impacts” are defined as follows:

(a) “Adverse Impacts” are those impacts caused by coastal construction that have a reasonable potential of causing a measurable interference with the natural functioning of the coastal system, damage to existing structures or properties, or denial or restriction of lateral beach access. The active portion of the coastal system extends offshore to the seaward limit of sediment transport and includes ebb tidal shoals and offshore bars.

(b) “Cumulative Impacts” are impacts resulting from the short-term and long-term impacts and the direct and indirect impacts the activity would cause in combination with existing structures in the area and any other similar activities already permitted or for which a permit application is pending within the same fixed coastal cell. The impact assessment shall include the anticipated effects of the construction on the coastal system and marine turtles. Each application shall be evaluated on its own merits in making a permit decision, therefore, a decision by the Department to grant a permit shall not constitute a commitment to permit additional similar construction within the same fixed coastal cell.

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(c) “De Minimis Impacts” are impacts that are insignificant and do not have a measurable adverse impact either individually or cumulatively.

(d) “Significant Adverse Impacts” are adverse impacts of such magnitude that they are expected to alter the coastal system in a manner that results in either:

1. An increase in the rate of erosion;
2. Rendering the coastal system unstable or vulnerable to the effects of coastal storms or interfere with its ability to recover from the effects of a coastal storm;

or

3. A take, as defined in subsection 62B-41.002(47), F.A.C., unless, as provided for by the provisions of paragraph 379.2431(1)(f), F.S.

(20) “Inlet”, also referred to as “Pass”, is a short narrow waterway including all related flood and ebb tidal shoals and the inlet shorelines, connecting a bay, lagoon, or similar body of water with a large parent body of water such as the Gulf of Mexico, Straits of Florida, or the Atlantic Ocean. Inlets for the purposes of this chapter are classified as follows:

(a) “Altered Inlets” also referred to as modified or improved inlets, are those where stabilizing rigid coastal structures have been constructed; or, unstabilized inlets, where inlet related structures have been constructed and maintained and the channel depth or width is greater than the inlet system would support in a natural condition.

(b) “Natural Inlets” are those which are not altered or maintained, and are shaped by natural coastal processes.

(c) “Intermittent Inlets” are natural inlets that may be closed, but are subject to periodic opening under coastal processes and are inherently unstable and can be expected to close again when conditions change.

(d) “Flushing Outlets” release water from water bodies inland of the beach, and function to preserve or restore water quality by conducting the flow of water from fresh water and estuarine systems into marine systems, although during times of tidal flood, water may move from marine systems into estuarine or fresh water systems.

(21) “Landward” is the direction away from the sovereignty submerged lands of Florida toward the land above the mean high-water line.

(22) “Major Reconstruction” is the repair, replacement, or rebuilding, of an existing rigid coastal structure which is no longer capable of providing its original level of protection or which would change the alignment, design or level of protection provided by the original structure.

(23) “Marine Turtle” is any turtle, including all life stages from egg to adult, found in Florida waters or using the beach as nesting habitat, including the following species: loggerhead (*Caretta caretta*), green (*Chelonia Mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp’s ridley (*Lepidochelys kemp*).

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(24) "Mean High-Water" is the average height of the high-waters over a 19-year period. For shorter periods of observation, "mean high-water" is the average height of the high-waters after corrections are applied to eliminate known variations and to reduce the results to the equivalent of a mean 19-year value.

(25) "Mean High-Water Line" is the intersection of the tidal plane of mean high-water with the beach.

(26) "Minor Reconstruction" is the repair or routine maintenance of an existing rigid coastal structure necessary to retain the structural and functional integrity of the structure against the storm forces for which it was designed, including; cap repair, tie back replacement, landward extensions of return walls and replacement of armor stone, none of which change the original alignment, design, or level of protection.

(27) "Mitigation" is an action or series of actions taken by the applicant that will offset adverse impacts caused by a proposed or existing coastal construction project.

(28) "N.A.V.D." is the North American Vertical Datum of 1988, established by the National Ocean Survey.

(29) "Nesting Activity" is nesting beach selection, emergence of adult marine turtles from marine waters onto the beach, nest site selection, transit to and from the nest site, nest excavation, egg deposition, nest covering, incubation of eggs, hatching, hatchling emergence, orientation and the transit of hatchlings into marine waters.

(30) "New Technology" is applied science proposed to solve a specific coastal erosion or related problem in Florida, about which the staff and professional engineering community have insufficient available information to predict the performance reliability for general applications under a range of anticipated operational conditions and potential impacts to the coastal system.

(31) "N.G.V.D." is the National Geodetic Vertical Datum, as established by the National Ocean Survey (formerly called "mean sea level datum, 1929").

(32) "Nonconforming Structure" is any major habitable structure which was not constructed pursuant to a permit issued by the Department, in accordance with Section 161.052 or 161.053, F.S., on or after March 17, 1985

(33) "Notice to Proceed" is the formal notification from the Department authorizing permitted coastal construction to commence.

(34) "Permit" is the authorization issued by the Department to conduct certain specified construction, excavation or alteration activities at a specified location on state sovereignty land seaward of the mean high-water line of any tidal water.

(35) "Permit Condition" is a statement or stipulation issued with, and appearing on or referenced in, a coastal construction permit with which compliance is necessary for continued validity of the permit.

(36) "Revetment" is a sloped facing structure made of an armoring material designed to protect an escarpment or embankment, or upland structure, from erosion by wave or current action.

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(37) “Riparian Owner” is an owner of land along, bordering upon, bounded by, fronting upon, abutting or adjacent and contiguous to and in contact with the waters of the State of Florida.

(38) “Sand Bypassing” is the mechanical or natural movement of sand from one beach adjacent to an inlet or from within an inlet system, to another beach adjacent to the same inlet.

(39) “Scour” is erosion caused by waves and currents or by the interaction of waves and currents with man-made structures or natural features.

(40) “Seawall” is a structure separating land from water areas, primarily designed to prevent erosion and other damage due to wave or current action.

(41) “Seaward” is a direction toward the sovereignty submerged lands of Florida from the land above the mean high-water line.

(42) “Shoreline” is the intersection of a specified plane of water with the shore or beach.

(43) “Staff” is the staff of the Bureau of Beaches and Coastal Systems.

(44) “Storm Surge” is the rise of water above normal water level on the open coast due to a number of factors, including the action of wind stress on the water surface and the rise in water level due to atmospheric pressure reduction.

(45) “Strategic Beach Management Plan” is the adopted plan for management of the sandy beach and the related coastal system pursuant to Section 161.161, F.S.

(46) “Structure” is the composite result of putting together or building related components in an ordered scheme. For purposes of this chapter, “structure” includes:

(a) “Rigid Coastal Structures” which are structures characterized by their solid or highly impermeable design or construction. Typically included within this category are groins, breakwaters, mound structures, jetties, weirs, seawalls, bulkheads and revetments.

(b) “Flexible Coastal Structures” which are structures characterized by their frangible design or construction and ability to become freely assimilated into the coastal system by natural coastal processes. Typically included within this category are beach restoration and beach nourishment, dune restoration and revegetation.

(c) “Inlet-Related Structures” are structures typically constructed within an inlet, such as inlet bypassing systems, dredged channels, and sand traps.

(d) “Minor Coastal Structures” are structures designed to be expendable and to minimize resistance to water forces associated with high frequency coastal storms, and to break away when subjected to such forces and are of such size or design that they have a de minimis impact on the coastal system.

(e) “Major Coastal Structures” are structures whose design, location or size have the potential to cause an adverse impact to the coastal system. Major structures include:

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1. “Nonhabitable Major Structures” which are designed primarily for uses other than human occupancy and have limited potential for use as shelters. Typically included within this category are roads, bridges, storm water outfalls, bathhouses, cabanas, swimming pools and garages.

2. “Habitable Major Structures” which are designed primarily for human occupancy and are potential locations for shelter from coastal storms. Typically included within this category are residences, hotels, commercial buildings, stores and restaurants.

(f) Enumeration of the types of structures in this subsection shall not be construed as excluding from the application of this chapter any other structure which by its usage, design, dimensions, or structural configuration meet the general definition herein provided and would require engineering considerations similar to the above listed structures.

(47) “Take” is an act that actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavior patterns, such as breeding, feeding, or sheltering, as defined in paragraph 379.2431(1)(c), F.S.

(48) “Toe Scour Protection” is supplemental armoring to protect the bottom surface in front of seawall or bulkhead from scour due to wave or current action. Rulemaking Authority 161.041(1), 161.055(1), (2), 161.085(5) FS. Law Implemented 161.021(1), (6), (7), (9), 161.041(1), 161.051, 161.085(1), (2), 161.142(1), (2), (5), 161.143(1), 161.151(3), 161.161(1), 161.163, 379.2431(1) FS. History—New 8-23-92, Formerly 16B-41.002, Amended 10-23-01, 11-17-11.

### **62B-41.003 General Prohibitions.**

(1) No coastal construction shall be conducted without a permit issued by the Department under this Chapter, unless it is determined that the coastal construction does not fall within the requirements of Section 161.041, F.S., or unless the interior tidal water body is exempted by the Department pursuant to subsection 161.041(1), F.S.

(2) The Department shall deny any application for a coastal construction project if, after considering any proposed mitigation plan, the proposed project as a whole will result in a significant adverse impact.

(3) No coastal construction shall interfere, except during construction, with the use by the public of any area of a beach seaward of the mean high-water line (or an established erosion control line) unless the Department determines such interference is unavoidable for purposes of protecting the beach or any endangered upland structure determined to be eligible pursuant to the criteria listed in subsection 62B-41.005(6), F.A.C. If interference with public access is unavoidable, the applicant shall provide comparable alternative access.

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(4) The Department shall deny any application for a coastal construction project that would result in a take of marine turtles, as defined in subsection 62B-41.002(47), F.A.C., unless, as provided for by the provisions of paragraph 379.2431(1)(h), F.S. Rulemaking Authority 161.041(1), 161.055(1), (2) FS. Law Implemented 161.021(1), 161.041(1), (2), 379.2431(1) FS. History—New 8-23-92, Formerly 16B-41.003, Amended 10-23-01, 11-17-11.

**62B-41.004 Exemptions from Permit Requirements.**

(1) The deepwater ports identified in subsection 403.021(9)(b), F.S., are exempt from the requirements contained in subsections 161.142(1) and (2), F.S.

(2) The following coastal construction shall be exempt from the provisions of this Chapter when it is determined by the Department that it will not have an adverse impact:

(a) Coastal construction in the interior tidal waters of the state not fronting the sandy beaches along the Atlantic Ocean, Gulf of Mexico or Straits of Florida, excluding inlets, passes, their associated ebb and flood tidal shoals and channels.

(b) Structures which do not fall within the definition of coastal construction as defined in subsection 62B-41.002(14), F.A.C.

(c) Structures having de minimus impacts as defined in paragraph 62B-41.002(21)(c), F.A.C.

Rulemaking Authority 161.041, 379.2341 FS. Law Implemented 161.041, 161.042, 161.142 FS. History - New 8-23-92, Formerly 16B-41.004, Amended 10-23-01.

**62B-41.005 Policy and Eligibility Criteria for Coastal Construction Permits.**

(1) In keeping with the intent of Chapter 161, F.S., it is the Department's policy to prevent further degradation of, and to promote restoration of existing degraded portions of, the coastal system by means of the regulation of coastal construction.

(2) Coastal construction authorized by the Department pursuant to Chapter 62B-41, F.A.C., shall have a net positive benefit to the coastal system resulting from the project's impacts, as demonstrated by the applicant, taking into account the considerations and requirements of Section 161.041, F.S., and when proposing inlet construction and maintenance, the considerations and requirements of Section 161.142, F.S.

(3) The Department will determine whether to authorize coastal construction at any coastal location upon receipt of 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, from a property or riparian owner and upon consideration of the facts or circumstances, including:

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- (a) Adequate engineering data concerning the existing coastal system, including topography, bathymetry; wave and current data; coastal processes, conditions and morphological trends;
  - (b) Design features of the proposed structures or activities;
  - (c) Such other specific information or calculations as are necessary for the evaluation of the application.

Copies of DEP Form 73-500 may be obtained by writing to Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000 or by downloading from the Bureau's web page [www.dep.state.fl.us/beaches/](http://www.dep.state.fl.us/beaches/) or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00715>.

- (4) Flexible coastal structures will be used whenever practicable to achieve coastal protection objectives.
- (5) Structures which interfere with the natural longshore and onshore/offshore movement of sediments shall not be allowed unless a net positive benefit to the coastal system can reasonably be expected to occur and mitigation is provided for any adverse impacts which may occur to the coastal system.
- (6) The Department shall not issue permits, pursuant to Section 161.041, F.S., for coastal armoring except as a last resort to provide protection to eligible structures. Construction of coastal armoring will only be considered in accordance with the following:
  - (a) The armoring is for the protection of an eligible structure;
  - (b) The structure to be protected is vulnerable to erosion from a five (5) year return interval storm event as determined by the Department based on an analysis of general and site specific physiographic features or conditions such as: storm surge hydrograph and duration, bathymetry and topography, sediment and wave characteristics, and manmade and natural structures;
  - (c) All other alternatives, including dune enhancement, beach restoration, structure relocation, and modification of the structure's foundation to make it no longer vulnerable to the erosion impacts of at least a five year return interval storm event, are determined not to be economically and physically practicable;
  - (d) Such armoring does not result in a net reduction or restriction to public access along the beach below the mean high-water line. If interference with public access is unavoidable, the applicant shall provide comparable alternative access; and
  - (e) It is demonstrated that after considering any proposed mitigation plan, the proposed project as a whole will not cause a significant adverse impact.
- (7) In the review of applications for armoring, Department staff shall consider the following:

- (a) The existence, design and condition of armoring on either side of the proposed armoring site;
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(b) The location of the structure to be protected relative to the mean high-water line, the vegetation line and the crest of the frontal dune or escarpment;

(c) The geomorphology of the coastline and active coastal processes, including historic erosion rates and sea level rise;

(d) Whether a permit for a beach restoration or nourishment project or other erosion prevention project has been applied for, which may reduce the vulnerability of the structure to be protected by the armoring; and

(e) Consistency with the statewide strategic beach management plan or an inlet management plan adopted by the Department.

(8) Minor reconstruction of existing rigid coastal structures is exempt from the provisions of subsections (6) and (7) above.

(9) An existing rigid structure whose alignment has been determined by the Department to interfere with onshore/offshore or longshore movement of sand, resulting in a significant adverse impact to the coastal system or adjacent properties as described in Section 161.041, F.S., is subject to redesign or relocation landward if in need of reconstruction, or shall be ordered removed if it is determined to be dangerous to human life, health or welfare, in accordance with Section 161.061, F.S.

(10) Where any coastal construction is authorized, any interference with the use by the public of any area of beach seaward of the mean high-water line, other than temporary interference during construction, shall be prohibited unless determined by the Department to be unavoidable to protect the beach or any upland structure. Where such interference is unavoidable, the permittee shall provide alternate access along the shoreline. The width of such alternate access may not be required to exceed the width of the access that will be obstructed as a result of the permit being granted.

(11) In addition to the other requirements of this Chapter, opening of previously existing inlets that have been recently closed due to human activity, alteration or maintenance of natural inlets, intermittent inlets and flushing outlets and stabilization of natural shorelines of existing unstabilized altered inlets will be approved upon a showing that:

(a) All impacts are avoided or minimized to the greatest extent practicable, including consideration of less impactful alternatives; and

(b) After avoidance and minimization, any adverse impacts that are reasonably likely to occur will be offset by a proposed mitigation plan. When evaluating the mitigation plan, the Department will consider the benefits of the long term sand management plan and the overall public benefit of the inlet activity including:

1. Meeting a recognized public need contained in the approved local comprehensive plan of the local government with jurisdiction over the inlet;
2. Conservation and enhancement of the supply of sand to adjacent beaches;
3. Preservation or enhancement of the natural functioning of the inlet system;

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4. Protection and enhancement of the marine and beach habitat; and
  5. Being consistent with an adopted inlet management plan and the statewide strategic beach management plan, where applicable.

(c) For the purposes of subsection 62B-41.005(11), F.A.C., previously existing inlets that have been recently closed due to human activity are areas of the coastal system that continue to exhibit geomorphic features of an inlet such as an ebb or tidal shoal, at the time an application for permit is submitted to the Department.

(12) Creation of new inlets have the potential to significantly impact the surrounding coastal system by interrupting or altering the natural drift of beach compatible sand resources, which often results in these sand resources being deposited in nearshore areas, in the inlet channel, or in the inland waterway adjacent to the inlet, instead of providing natural nourishment to the adjacent beaches. There is also a growing demand for beach compatible sand and a limited supply of such sand resources. Therefore, in addition to the criteria in subsection 62B-41.005(11) F.A.C., for projects proposing the creation of new inlets the applicant must also demonstrate that:

- (a) The inlet will be hydraulically stable under normal conditions; and
- (b) The inlet will balance the sediment budget such that beach restoration and nourishment of the adjacent beaches, or other forms of shoreline stabilization, including jetties, are not required.

(13) Maintenance of existing altered inlets and modification of existing unstabilized altered inlets are not subject to the requirements of subsections 62B-41.005(11) and 62B-41.005(12), F.A.C.

(14) All sandy sediment excavated from the coastal system shall be deposited on the adjacent beach in a location designated in the adopted inlet management plan, the adopted statewide strategic beach management plan where applicable, or in a nearshore littoral zone location approved by the Department.

(15) Any permit application for construction, excavation or maintenance of a coastal inlet and related shoals shall be consistent with the statewide strategic beach management plan for long term management of the inlet pursuant to Sections 161.142 and 161.161, F.S. Where such a plan is not available the applicant shall provide the information required in paragraph 62B-41.008(1)(m), F.A.C., and shall, as a condition of the permit, be required to provide a complete inlet management plan within a period of not less than two years from the date of issuance of the permit. The plan shall provide for continued bypassing of the sand in sufficient quantity to insure that net long term erosion or accretion rates on both sides of the inlet remain equal except in cases where unequal erosion and accretion rates can be shown to be a result of natural processes and not caused by human activities. In all cases, mitigation shall be provided for any erosion effects to the adjacent coastal system attributable to alteration of the inlet. The mitigation shall include the placement of supplemental beach compatible material as needed.

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(16) Monitoring programs shall be required for any coastal construction permitted under this chapter that is determined to have an adverse impact. Such programs shall include preconstruction, construction phase and post construction topographic, hydrographic, biological and other data collection as deemed necessary and appropriate by the Department to monitor the performance of the coastal construction and determine its impacts to the coastal system and marine turtles. Such data shall be analyzed by a qualified professional engineer or coastal geologist registered in the State of Florida and a report provided to the Department on the performance of the project and its impacts on the coastal system. Biological data shall be analyzed by a qualified biologist. Monitoring programs shall include sufficient pre-project data to establish an adequate baseline for project construction and post construction comparison.

(17) If the proposed coastal construction is reasonably likely to have adverse impacts to the coastal system, then the applicant shall revise the project design to avoid or minimize those impacts to the greatest extent practicable. After all practicable revisions have been made to avoid and minimize impacts; any remaining adverse impacts shall be offset by a mitigation plan that has been proposed the applicant.

(18) Projects which may have an impact on marine turtles, nests or their habitat shall also be subject to the provisions of Section 379.2431, F.S., and to section 6(c), of the federal Endangered Species Act.

Rulemaking Authority 161.041(1), 161.055(1), (2), 161.085(5) FS. Law Implemented 161.041(1), (2), (3), (4), 161.042, 161.051, 161.055(1), (2), 161.061(1), (2), 161.085(1), (2), 161.091, 161.142(1), (2), (5), (6), (7), 161.143(1), 161.144, 161.163, 379.2431(1) FS. History—New 8-23-92, Formerly 16B-41.005, Amended 10-23-01, 11-17-11.

#### **62B-41.0055 Protection of Marine Turtles.**

(1) Any application for a permit under this chapter for coastal construction that affects marine turtles shall be subject to conditions and requirements for marine turtle protection as part of the permitting process, pursuant to Section 379.2413, F.S.

(2) Coastal construction that results in a take, pursuant to Section 379.2413, F.S., or does not comply with the other provisions of this rule shall not be permitted. The Department will evaluate the following when making a determination:

(a) The estimated number of marine turtles and nests in the project area that would be impacted as a result of the coastal construction;

(b) The potential impacts of disturbance to marine turtles and nests as a result of the coastal construction; and

(c) The quality and suitability of the existing beach, including beach profile and substrate characteristics, for nesting within the area of the coastal construction.

(3) Beach restoration, nourishment and mechanical sand bypassing projects shall be designed to provide habitat which is suitable for successful marine turtle

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nesting activity.

(4) Coastal armoring structures shall not be constructed in federally designated critical habitat for marine turtles or between the northernmost and southernmost boundaries of the Archie Carr National Wildlife Refuge.

(5) The Department shall require appropriate measures to protect marine turtles and their habitat such as: nest surveys, nest relocation, nest marking, modification of coastal construction, measures to reduce sand compaction, and short and long term monitoring to assess the impacts of the permitted coastal construction on marine turtles and their habitat.

(6) In order to provide protection to marine turtles and their habitat, beach restoration, nourishment and mechanical sand bypassing activities which are in compliance with other provisions of this Chapter may be constructed during the main portion of the marine turtle nesting season (15 May through 15 October) if:

(a) The Department determines that appropriate measures to protect marine turtles and their habitat, such as nest surveys, nest relocation, nest marking, modification of coastal construction and measures to reduce sand compaction are to be used; and

(b) The Department determines that sufficient justification to conduct the coastal construction during the main portion of the marine turtle nesting season has been provided. Such justification for purposes of this rule includes:

1. Economic, technological, environmental, and public health, safety and welfare factors; or
2. A determination that the habitat within the area of the coastal construction does not support successful marine turtle nesting activity due to beach profile and substrate characteristics; or
3. A nest relocation program exists within the area of the coastal construction permitted by the Department for marine turtle protection reasons unrelated to the proposed coastal construction pursuant to the provisions of Chapter 62R-1, Florida Administrative Code.

(7) All coastal construction other than beach restoration, beach nourishment and mechanical sand bypassing, which is in compliance with other provisions of this Chapter, shall not be conducted during the main portion of the marine turtle nesting season (15 May through 31 October) if the Department determines that the proposed coastal construction will result in a significant adverse impact.

Rulemaking Authority 379.2413 FS. Law Implemented 161.041, 379.2413(1) FS.  
History - New 8-23-92, Formerly 16B-41.0055, Amended 10-23-01.

#### **62B-41.007 Design, Siting and Other Requirements.**

(1) The following requirements must be met before a permit will be approved by the Department:

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(a) All coastal construction shall be sited and designed so as to minimize any expected adverse impact to the coastal system, marine turtles and adjacent property and structures and be consistent with this Chapter.

(b) New coastal armoring structures and major reconstruction of existing structures shall be sited and designed to:

1. Provide only that level of protection authorized herein. For nonconforming habitable major structures, protection may be provided for the erosion impacts of up to a 10-year return interval storm event. When closing the gap in a line of existing armoring of 500 feet or less, protection may be provided for the erosion impacts of the lesser of the strengths of the adjacent armoring structures or a 15-year event, whichever is less. For other eligible structures, protection may be provided from the erosion impacts of up to a 25-year return interval storm event. Designated hurricane evacuation routes, public safety facilities and historical sites of national significance may be provided protection of up to a 50-year return interval storm event, if feasible;

2. Be located as close to the structure to be protected as possible, considering available construction techniques and engineering practices;

3. Be located so its construction and presence will not cause adverse impacts on the adjacent property, as a result of normal tide, wave and sediment processes;

4. Be the least impactful siting and design possible which provides the authorized level of protection; and

5. Not result in the loss of lateral public beach access.

(2) Coastal construction shall be designed in accordance with established engineering and scientific practice, and the following special guidelines:

(a) Rigid coastal structures shall be designed to withstand the hydrostatic and hydrodynamic forces associated with the design storm for which they are justified.

(b) The seaward face of rock revetments shall normally be no steeper than one foot vertical to two feet horizontal.

(c) Revetments, rubble mounds and similarly designed structures shall utilize a filter medium consistent with sound engineering practices beneath and, if appropriate, behind them to prevent settlement and the loss of unconsolidated material through and under the structure.

(d) Armor stone used in revetments and as toe scour protection shall have a minimum dry unit weight of 140 pounds per cubic foot, except under circumstances where a potential adverse impact on marine turtles may exist. In such cases armor stone shall have a minimum dry unit weight of 150 pounds per cubic foot. Armor stone units shall not be of greater size or weight than appropriate for the design wave conditions.

(e) If concrete is used as a construction material in a rigid structure, it will be designed to meet unit weight, individual component and durability requirements, as well

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as strength and corrosion standards appropriate for the coastal environment.

(f) Armor and bedding stone will be durable, hard, free from laminations, weak cleavages, and sound enough to avoid fracturing.

(g) Toe scour protection for seawalls and bulkheads shall be designed to meet both geotechnical and hydraulic criteria.

(h) Toe penetration elevations for revetments, bulkheads and seawalls shall account for the effects of wave-induced scour associated with the design storm event. However, when designing armoring there shall be no additional safety factor applied in determining the depth of penetration of the structure.

(i) Seawalls, bulkheads, revetments and toe scour protection shall be designed so as not to increase the potential for flooding impacts to upland structures from wave run up and overtopping of the structure during the authorized design storm.

(j) To protect the environmental functions of Florida's beaches only beach compatible fill shall be placed on the beach or in any associated dune system. 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 (4.0 $\phi$ ) and 4.76mm (-2.25 $\phi$ ) (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 disposal site and shall not contain:

1. Greater than 5 percent, by weight, silt, clay or colloids passing the #230 sieve (4.0 $\phi$ );
2. Greater than 5 percent, by weight, fine gravel retained on the #4 sieve (-2.25 $\phi$ );
3. Coarse gravel, cobbles or material retained on the  $\frac{3}{4}$  inch sieve in a percentage or size greater than found on the native beach;
4. Construction debris, toxic material or other foreign matter; and
5. Not result in cementation of the beach.

If rocks or other non-specified materials appear on the surface of the filled beach in excess of 50% of background in any 10,000 square foot area, then surface rock should be removed from those areas. These areas shall be tested for subsurface rock percentage and remediated as required. If the natural beach exceeds any of the limiting parameters listed above, then the fill material shall not exceed the naturally occurring level for that parameter.

(k) Pursuant to subsection 62B-41.005(15), sandy sediment derived from the maintenance of coastal navigation channels shall be deemed suitable for beach placement with up to 10% fine material passing the #230 sieve, provided that it meets the criteria contained in (j)2 through 5 above and water quality standards. If this material

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contains between 10 and 20% fine material passing the #230 sieve by weight, and it meets all other sediment and water quality standards, it shall be considered suitable for placement in the nearshore portion of the beach.

(l) Beach/dune vegetation shall be native salt-resistant vegetation suitable for beach and dune stabilization.

(m) Altered inlets may be designed for a maximum allowable depth determined by inlet stability, water quality or navigation needs plus advanced maintenance. Minimum water depths will be determined after adequate analysis of inlet hydraulics by the applicant. The minimum water depth and cross section will be selected which also insures that the inlet will remain stable under normal conditions.

(n) For safety, all coastal structures shall be marked in accordance with section 327.40, F.S.

(3) The Department reserves the right to approve deviations from the special guidelines outlined in Paragraph (2) above if those deviations would not increase the potential for adverse impacts to the coastal system or marine turtles. When requesting such deviations, the applicant shall provide fully documented evidence that would justify the deviations.

(4) The applicant shall provide the Department with certification by a professional engineer registered in the State of Florida that the design plans and specifications submitted as part of the permit application are in compliance with the standards established in this Chapter.

Rulemaking Authority 161.041, 379.2413(1) FS. Law Implemented 161.041, 327.40 379.2341(1), 379.2413(1) FS. History - New 8-23-92, Formerly 16B-41.007, Amended 10-23-01.

#### **62B-41.0075 Experimental Coastal Construction.**

(1) Permit applications for experimental coastal construction involving new technologies shall be reviewed in accordance with all applicable provisions of this Chapter and the following special criteria:

(a) The proposed location must be in an erosion area as identified in the Department's Beach Restoration Management Plan.

(b) The proposed location must be properly suited for a non-biased comprehensive analysis of the results of the proposed coastal construction and must include sufficient control sites where comparative monitoring data can be obtained which is not influenced by the proposed new technology.

(c) The proposed location must be situated in an area which is not considered to be an environmentally sensitive area by the Department.

(d) The project must be supported by adequate scientific, engineering and design theory or experimental data demonstrating that it has the potential to provide a

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positive benefit to the coastal system and is not expected to result in a significant adverse impact. The size and scope of the field test shall not exceed that necessary to adequately address the test plan objective. The requirement for supporting experimental data shall be waived by the Department if it finds that the proposed project has minimal potential for adverse impact.

(e) Requests for permits under this rule must be presented by a riparian property owner or governmental entity.

(2) The Department may confer with a special scientific third party consultant to assist in the review of such proposed projects, to oversee the experiments and to provide an assessment of results and appropriate recommendations.

(3) The applicant shall present a test plan to the Department for review. Such plan shall include a periodic monitoring schedule and periodic progress reporting schedule with, at a minimum, annual reporting after the test phase begins. The periodic reporting shall include project performance monitoring assessments and survey data and analyses. The test plan shall also include:

- (a) The objectives and nature of the experiment;
- (b) The effectiveness measures;
- (c) The measures of impacts to the coastal system, marine turtles, nests and their habitat, and such other measures as may be required to assess attainment of the objectives;
- (d) The procedures to be followed;
- (e) The time sequence;
- (f) The data to be collected;
- (g) The test equipment to be used;
- (h) The names and technical qualifications of the individuals performing the tests and analyzing the results;
- (i) Contingency plans; and
- (j) Such other components as may be necessary to assess the impacts and performance of the project as determined by the Department.

(4) The Department shall require assurances such as a mitigation program, financial instrument or contractual agreement to assure compliance with the permit conditions.

(5) Following initiation of the test phase and the submittal of the first year of progress reporting and monitoring data, and then annually thereafter, the Department shall make a determination based upon observed performance data and the permittee's periodic reports that:

- (a) The project as constructed has not caused a significant adverse impact and may proceed; or
- (b) The project as constructed has caused a significant adverse impact and

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must be either removed or modified by the applicant to eliminate the significant adverse impact at no cost to the Department.

(6) Experimental projects may be permitted with phases lasting up to three (3) years, including preparation of the final report. After three (3) years the project shall be evaluated by the Department to determine the feasibility of continued implementation of the project. Upon receipt of the final report the Department will review the report and make a written determination as to:

(a) The effectiveness of the experiment in addressing a coastal erosion problem;

(b) The feasibility of continued implementation of the pilot project; and

(c) Any adverse impacts caused by the experiment.

(7) If the experiment is determined to be ineffective in addressing a coastal erosion problem, or is expected to cause a significant adverse impact, all structures shall be removed. Removal or modification may also be ordered pursuant to paragraph 62B-41.015(1)(I), F.A.C.

(8) Any time the Department determines that the project must be removed under the provisions of this chapter, the permittee shall also be responsible for restoring the area of installation and any adversely affected areas to pre-project conditions. Acceptance of the permit, commits the permittee to remove any structure, object or installation relating to the project, in addition to the restoration of all affected areas, should it be determined that removal is necessary, as provided for in Section (7) above. All costs of removal and restoration shall be borne by the permittee.

(9) All new technologies shall be designed to be stable and durable in the coastal environment. Should the experimental project become dislocated or in disrepair, during or after the initial three year period, it shall be the responsibility of the permittee to have the structures repaired or removed. If the permittee fails to repair or relocate the project within 90 days from receipt of notification of the need for such from the Department, the permittee shall be ordered to remove the project.

Rulemaking Authority 161.041, 379.2341 FS. Law Implemented Section 27, Chapter 89-175, Laws of Florida, 161.031, 161.041, 161.042, 161.051, 161.061, 161.161 FS. History - New 8-23-92, Formerly 16B-41.0075, Amended 10-23-01.

#### **62B-41.008 Permit Application Requirements and Procedures.**

(1) A Joint Coastal Permit is required in order to conduct any coastal construction activities in Florida. A person required to obtain a joint coastal permit shall submit an application to the Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399. The permit application form, entitled "Joint Application for Joint Coastal Permit, Authorization to Use Sovereign Submerged lands, Federal Dredge and Fill Permit" (DEP Form 73-500 effective 6-95), is hereby incorporated by reference. Copies

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of the form may be obtained on the Department internet site, by writing to the Department of Environmental Protection, at the above address or by telephoning the Department at (850) 487-4475. All information in conjunction with an application shall only be submitted by the applicant or the duly authorized agent. The application shall contain the following specific information:

(a) Name, mailing address and telephone number of the applicant and any duly authorized agent, and the signature of the applicant.

(b) A list of the names and addresses of owners of all riparian property within 1,000 feet of the proposed coastal construction, from the latest county tax roll. If the property is under cooperative or condominium ownership, the name and mailing address of the cooperative or condominium association will be adequate.

(c) Written evidence of ownership of any property which will be used in carrying out the project, or authorization for such use from the property owner which is upland of mean high-water, or below mean high-water but not sovereign land of the State of Florida.

(d) A legal description of all property involved including sovereign submerged land used in carrying out the project.

(e) If the permit is requested by an agent for the applicant, authorization from the applicant for the agent to act on their behalf.

(f) A description of the proposed coastal construction and an analysis of its expected effect on the coastal system.

(g) Written evidence, provided by the appropriate governmental agency having jurisdiction over the coastal construction, that the proposed coastal construction, as submitted to the Department, is consistent with the state-approved Local Comprehensive Plan.

(h) Two copies of a topographic and bathymetric survey drawing of the proposed project site. The topographic and bathymetric information depicted in the drawing shall be from a survey performed within six months prior to the date of application. A more recent survey will be required in the event conditions have significantly changed. The survey drawings shall include the following specific information:

1. Topographic and bathymetric data, which shall be provided as offshore and onshore cross-sectional profiles and as a contour map. Profiles shall extend from the crest of the first dune, dune escarpment or rigid coastal structure to at least 1,000 feet seaward of the seaward extent of the proposed project or to the distance of the depth of closure, whichever is more seaward, unless a more seaward limit is specified by the Department to determine the active zone of influence of the proposed project. Profiles shall be taken at least every 500 feet along the proposed project site and for a distance up to at least 1,000 feet laterally along the shoreline adjacent to both ends of the proposed project site. If the topography and bathymetry are varied and complex,

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profile lines of a higher density, or which are longer than otherwise required shall be provided. The contour map shall include one foot contour intervals. A bathymetric survey including a one foot contour map or a contour map of sufficient resolution to adequately describe the area shall be provided for all borrow sources or areas to be excavated with profiles every fifty feet or greater and extending at least one hundred feet beyond the limits of the area to be excavated.

2. All elevations, referenced to N.G.V.D. and, when available N.A.V.D.
3. Survey control information with all survey data, including coordinates of all survey reference monuments given in Florida state plane coordinates and azimuths for all profile lines.
4. The location, including coordinates, of all Department survey reference monuments within the project limits, including the nearest adjacent monument on either side of the project.
5. The mean high-water line, and, if applicable, the erosion control line.
6. The seaward limit of vegetation.
7. The location and areal extent of any subsurface or beach and nearshore rock outcrops or any hard bottom or reef tract which may be impacted by the proposed project.
8. All existing structures on, or adjacent to, the project area, including sufficient descriptive identification and accurate location references.
9. The scale of the drawings.
10. Designation of north direction.
11. The dates of the field surveys.
12. The signature and seal of the professional surveyor, duly registered pursuant to chapter 472, F.S., who performed the survey, accompanied by a certification that the submitted drawing accurately reflects a field survey which complies with the requirements of this section.
13. Project involving or impacting inlets shall include an accurate survey of all affected ebb and flood tidal shoals.
14. Any other site-specific information required by the staff under Paragraph (o) below.
  - (i) For rigid coastal structures, flexible coastal structures and inlet-related structures, the information required under Paragraphs 62B-41.008(1)(h), (j) and (k), F.A.C., shall be provided on 8 1/2-inch by 14-inch paper.
  - (j) An engineering description or as-built drawings, if available, of any existing structures on the project site which may be directly or indirectly affected by, or which may directly or indirectly affect, the proposed project.
  - (k) Two complete sets of construction plans and specifications for the proposed coastal construction, certified by an engineer duly registered pursuant to

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Chapter 471, Florida Statutes. The plans shall include the following:

1. A plan view of the proposed coastal construction with the mean high-water line, and the erosion control line, if established pursuant to Sections 161.141 -- 161.211, F.S., extending at least 100 feet on each side of the proposed coastal construction, and a plan view of any area of proposed excavation with inlet shorelines indicated.

2. A sufficient number of elevation views of the proposed coastal construction to adequately describe the project, with the mean high-water line and the erosion control line (if one is established) indicated.

3. Details of construction, including materials and general construction procedures and equipment to be used.

4. Permit applications for inlet excavation, beach restoration, or nourishment shall include:

(a) An analysis of the native sediment and the sediment at the proposed borrow site(s). The analysis shall demonstrate the nature of the material, quantities available, and its compatibility with the naturally occurring beach sediment pursuant to paragraph 62B-41.007(2)(j)F.A.C. The sediment analysis and volume calculations shall be performed using established industry standards and be certified by a Professional Engineer or a Professional Geologist registered in the State of Florida. Certification shall verify that a quantity of material sufficient to construct the project is available at the borrow site(s) which meets the standard in paragraph 62B-41.007(2)(j) F.A.C., and

(b) Quality control/assurance plan that will ensure that the sediment from the borrow sites to be used in the project will meet the standard in paragraph 62B-41.007(2)(j), F.A.C.

(l) An anticipated construction schedule.

(m) Demonstration of consistency with the adopted statewide strategic beach management plan, an inlet management plan, or a proposed draft inlet management plan in accordance with subsection 62B-41.005(16), F.A.C. If not included in the inlet management plan the applicant will provide the following:

1. A description of the physical characteristics of the inlet;
  2. A sediment budget for the inlet;
  3. An analysis of the stability and hydraulic characteristics of the inlet including current velocities, tidal prism and current patterns of the flood and ebb tides;
  4. A description of the wind and wave climate in the area of inlet influence;
  5. A description of the sediment characteristics of the inlet and its related shoals;
  6. The influence of existing manmade structures;
  7. The current and historic shoreline erosion and accretion trends;
  8. A statement of performance objectives and an analysis of the expected effect of proposed coastal construction on the coastal system and marine turtles within the inlet area of influence;
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9. An analysis of available alternatives to the proposed coastal construction, including the no action alternative, on meeting the stated performance objective and any related effects on the coastal system or marine turtles; and

10. A demonstration of the anticipated public benefits of the coastal construction.

(n) Written authorization for any duly-authorized member of the Department staff to enter upon any property to be used in carrying out the project, for the purpose of evaluating site conditions prior to final processing of the permit application.

(o) Information required to assess potential impacts to marine turtles, nests and their habitat.

(p) A written statement providing the need and justification for the potential impacts to the coastal system which may be caused by the proposed coastal construction.

(q) Any additional information, including topographic, bathymetric, wave and current data; coastal processes, conditions and morphological trends; and existing manmade and natural features, found by staff to be reasonably necessary for proper evaluation of the application under applicable statutory and rule criteria.

(2) Any of the requirements contained in paragraphs 62B-41.008(1)(f), (h), (i), (j), (k), (l), or (m), F.A.C., will be waived if Department determines that the information is unnecessary for a proper evaluation of the proposed work.

(3) Applications for permits, permit modifications or long-term maintenance renewals shall be accompanied by a fee, as set forth in Section 62B-41.0085, F.A.C.

(4) If the processing of the application is prolonged, or if a storm event is known to have altered the shoreline such that the staff determines that the topographic and bathymetric survey data is no longer adequate to complete its analysis, then an updated survey shall be required as specified in Paragraph (1)(h) above. In the event that an updated survey is required, the application shall be treated as an amended application pursuant to Subsection 62B-41.0085(3), F.A.C.

(5) Prior to completing the application, the applicant must obtain any easements or other authorizations necessary to conduct the coastal construction from the Department of Environmental Protection, Division of State Lands; however, for permits which must be approved by the Board of Trustees of the Internal Improvement Trust Fund, the application will be considered complete when all required information has been provided and the Division of State Land's proposed staff recommendation to the Trustees has been provided to the Office.

Rulemaking Authority 161.041, 379.2341 FS. Law Implemented 161.041, 161.054(5) FS. History - New 8-23-92, Formerly 16B-41.008, Amended 10-23-01.

**62B-41.0085 Permit Processing and Administrative Fees.**

(1) Each application for a permit to be considered by the Department

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pursuant to section 161.041, F.S., except those applications filed by agencies of government of the executive branch of the State of Florida, shall be accompanied by a fee. Monies from fees assessed pursuant to this chapter shall be deposited into the Beach Management Trust Fund. Fees assessed pursuant to this chapter are generally not refundable. However, if a fee for an activity which is exempt from the provisions of this chapter has been received, then such fee shall be refunded to the applicant pursuant to the provisions of section 120.60, F.S. Any fee payment in excess of the amount required by this chapter shall also be refunded to the applicant. All such refunds shall be requested by the applicant on the Department's Refund Claim Form (DNR Form 14-081, effective 8-23-92), hereby incorporated by reference. Copies of the form may be obtained by writing to the Department of Environmental Protection, Office of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399.

(2) The appropriate fee is to be submitted to the Department of Environmental Protection at the time of application. No permit application will be considered to be complete until the required fee has been paid.

(3) Applications for construction and major modifications to existing structures, any part of which are sited seaward of mean high-water on sovereignty submerged lands, shall be assessed a fee in accordance with the following schedule:

(a) Rigid coastal structures: \$2,000 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.

(b) Beach restoration: \$2,000 for the first 50,000 cubic yards of fill, plus \$500 for each additional 50,000 cubic yards of fill or portion thereof.

(c) Construction and maintenance dredging of inlets: \$2,000 for the first 10,000 cubic yards of dredged material plus \$250 for each additional 10,000 cubic yards of dredged material or portion thereof if such material is placed in an upland or offshore disposal site. If such material is to be placed on the beach or in an approved nearshore area, the fee schedule shall be calculated using Paragraph (b) above, for the amount proposed to be placed on the beach.

(d) Inlet-related structures, major reconstruction and other major structures and activities: \$1,000 per structure.

(e) Minor structures and activities, minor reconstruction of existing structures, amended applications, and administrative approval of each subsequent nourishment or maintenance dredging operation shall be assessed a fee of \$500.

(f) Requests for renewal reviews for long term inlet maintenance dredging permits shall be assessed a fee of \$750.

(g) Requests for time extensions or transfer of existing permits shall be assessed a fee of \$100.

(4) Permit fees for each individual structure, except minor structures, shall be

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added together for each application.

(5) The cost for special public notice incident to issuing permits under this Chapter shall be borne by the applicant. If the Department of Environmental Protection incurs any expense, notice to proceed shall not be issued until such costs are reimbursed.

(6) For projects which are cost-shared under Chapter 62B-36, F.A.C. with the state government, the local government may request waiver of that portion of the fee above the local government pro rata share. (Example: Local share 25%, computed total fee \$10,000, waived fee is \$7,500, local pro rata share permit fee \$2,500). In no case will the local pro rata share be less than \$2,000.

(7) Experimental projects permitted under Section 62B-41.0075, F.A.C. shall be assessed a fee of \$5,000, or the permit fee specified in the appropriate fee schedule above, which ever is larger, not to exceed \$20,000.

(8) The Department is authorized to waive the permit application fees for removal, without replacement, of existing derelict coastal structures if a determination is made that they serve no public purpose, endanger human life, health or welfare, or are unnecessary or undesirable.

Rulemaking Authority 161.041, 161.0535, 161.161(8), 379.2341 FS. Law Implemented 161.041, 161.101, 161.0535, 161.161 FS. History - New 8-23-92, Formerly 16B-41.0085, Amended 10-23-01.

**62B-41.011 Consultation. (REPEALED)**

Rulemaking Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.051 FS. History - New 8-23-92, Formerly 16B-41.011, Repealed 2-14-96.

**62B-41.012 Processing Procedure. (REPEALED)**

Rulemaking Authority 161.041, 370.021(1) FS. Law Implemented 161.041, 370.021(1), 161.051 FS. History - New 8-23-92, Formerly 16B-41.012, Repealed 2-14-96.

**62B-41.0125 After-the-Fact Permits. (REPEALED)**

Rulemaking Authority 161.041, 161.131, 370.021, 370.12(1) FS. Law Implemented 161.041, 161.054(5) FS. History - New 8-23-92, Formerly 16B-41.0125, Repealed 2-14-96.

**62B-41.013 Revisions or Modifications of Approved Permits.**

(1) Applications for revisions or modifications to existing permits shall be processed in the same manner as a new permit except that items required by Section 62B-41.008, F.A.C., which have already been furnished to the Department shall be waived unless the staff determines that data to be out-of-date or inadequate to complete the assessment.

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(2) Revisions or modifications to existing permits will not result in a change to the authorized time limit of the permit.

(3) Major revisions or modifications are those which are of such magnitude or nature that they are expected to increase the potential for adverse impact and include:

(a) Changes in project purpose, construction materials, design concept, size or siting of the permitted structures or activities;

(b) Addition or elimination of permitted structures or activities;

(c) Removal of existing structures; and

(d) A seaward advancement of the project.

(4) Minor revisions or modifications are those which are determined by the Department to not increase the potential for adverse impact.

(5) If the staff determines that the request is for a major revision or modification to a project, then the request shall be considered to be a new application and all other provisions of this Chapter shall be met.

(6) Applications for major revisions shall be accompanied by a processing fee as set forth in this Chapter.

Rulemaking Authority 161.041, 379.2341, 379.2413(1) FS. Law Implemented 161.041, 161.042, 161.051, 161.061 FS. History - New 8-23-92, Formerly 16B-41.013, Amended 10-23-01.

**62B-41.014 Emergency Permits and Procedures. (REPEALED)**

Rulemaking Authority 120.63, 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.051, 161.061, 370.02(5) FS. History - New 8-23-92, Formerly 16B-41.014, Repealed 2-14-96.

**62B-41.015 Coastal Construction Permit Conditions. (REPEALED)**

Rulemaking Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.051, 161.054, 161.061, 370.021(1) FS. History - New 8-23-92, Formerly 16B-41.015, Repealed 10-23-01.

**62B-41.016 Transfer of Permits. (REPEALED)**

Rulemaking Authority 161.041, 370.021 FS. Law Implemented 161.041, 161.042, 161.051, 161.061 FS. History - New 8-23-92, Formerly 16B-41.016, Repealed 2-14-96.

**62B-41.017 Time Limits on Coastal Construction Permits. (REPEALED)**

Rulemaking Authority 161.041, 370.021 FS. Law Implemented 161.041, 370.021(1), 370.12(1) FS. History - New 8-23-92, Formerly 16B-41.017, Repealed 2-14-96.

**62B-41.019 Suspension and Revocation. (REPEALED)**

Rulemaking Authority 161.041, 370.021 FS. Law Implemented 161.041, 120.60,

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370.12(1) FS. History - New 8-23-92, Formerly 16B-41.019, Repealed 2-14-96.

**62B-41.020 Violations. (REPEALED)**

Rulemaking Authority 370.021 FS. Law Implemented 161.041, 161.054, 161.061, 161.071, 161.081, 161.121 FS. History - New 8-23-92, Formerly 16B-41.020, Repealed 2-14-96.

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Effective 11-17-11