

PUBLIC HEARING REGULAR MEETING  
APALACHICOLA CITY COMMISSION  
TUESDAY, JUNE 4, 2024 – 4:00PM  
FORMER APALACHICOLA MUNICIPAL LIBRARY  
74 6<sup>TH</sup> STREET, APALACHICOLA, FLORIDA 32320

**AMENDED AGENDA**

You are welcome to comment on any matter under consideration by the Apalachicola City Commission when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the three-minute time limit for public comment. Comments may also be sent by email to the City Manager or to Commissioners.

**I. Call to Order**

- **Invocation**
- **Pledge of Allegiance**

**II. Agenda Adoption**

**III. Presentation: Bill Williams, FCSO, regarding Workforce/Affordable Housing Proposal**

**IV. PUBLIC HEARING: 2<sup>nd</sup> Reading Ordinance 2024-02**

**V. Public Comment**

**VI. New Business**

- 1. 1<sup>st</sup> reading: Ordinance 2024-03 Repeal Provision**
- 2. Franklin County – Sylvester Williams Park**
- 3. Holy Family Planting – Lynn Wilder**
- 4. Project Impact Grant Application Request – Nadine Kahn**
- 5. Short Term Rental Enforcement – Dan Hartman**
- 6. Resolution 2024-04 HCA Match Support**
- 7. Resolution 2024-05 Franklin County Emergency Management CEMP**
- 8. Bring Me A Book Franklin**
- 9. Critical Asset Mitigation Award**
- 10. Adaptation Plan Award**

**VII. Unfinished Business**

- 1. 2<sup>nd</sup> Reading & Adoption Decision: Ordinance 2024-02 Access Ordinance**
- 2. Grant Approval Policy**

**3. Checklists: Building, Planning, Code Enforcement**

**VIII. Mayor and Commissioner Comments**

**IX. City Manager Communications - Report Attached**

**X. Finance Director Communications - Report Attached**

**XI. Attorney Communications**

**XII. Consent Agenda**

**Commission Meeting Minutes Adoption- May 7, 2024, Public Hearing and Regular Meeting**

**XII. Department Reports – Included in Agenda Packet**

**Adjournment**

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.



# One Franklin

## “A Proposed Public-Private Partnership (P3)”



Franklin County  
Sheriff's Office  
Sheriff A.J. "Tony" Smith



Eastpoint Sewer & Water District

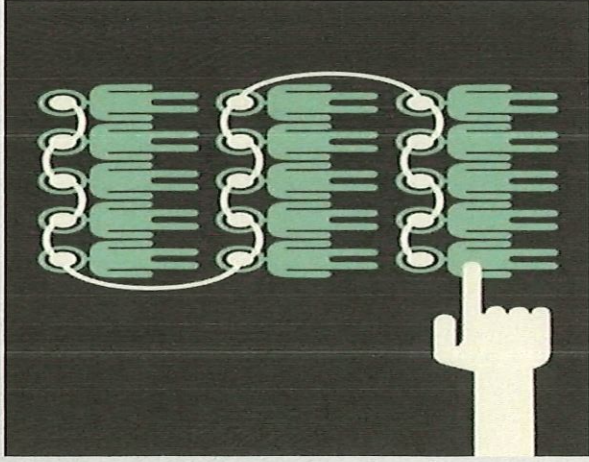


## ***The Critical Issue:***

“Unattainable” Housing Opportunity for (Critical/Essential) Public-Service Staff

### **PHASE ONE**

1. FCSD- Certified Teachers, Para-Professionals, and Support Staff
2. FCSD- Law Enforcement Deputies, Correction Deputies, Support Staff
3. BOCC- First Responders-Paramedics, EMT, Emergency Mgt., Administrative & Support Staff
4. BOCC- Weems Medical/Administrative & Clinical Support Staff
5. All Franklin County Constitutional Officers-Administrative & Support Staff
6. Municipalities-First Responders, Police Officers, Support Staff



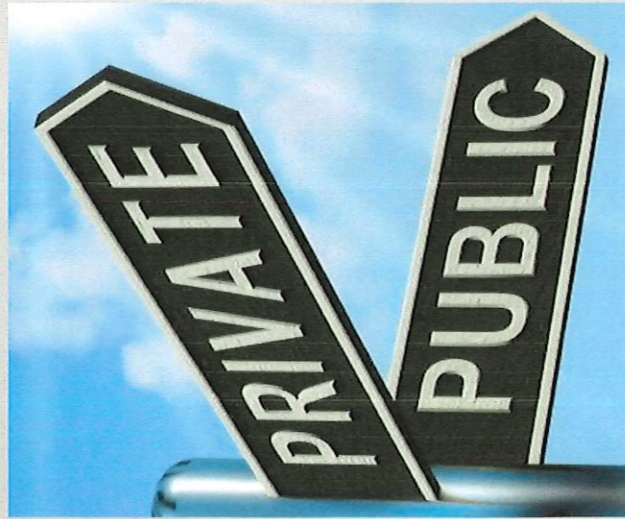


# The Solution: “One Franklin” A Collaborative (P3)

## “What is a P3-Public-Private Partnership (F.S. 255.065)

Home > Laws > 2021 Florida Statutes > Title XVIII > Chapter 255 > Section 065

### 2021 Florida Statutes (Including 2021B Session)



#### Title XVIII PUBLIC LANDS AND PROPERTY

#### Chapter 255 PUBLIC PROPERTY AND PUBLICLY OWNED BUILDINGS Entire Chapter

#### SECTION 065 Public-private partnerships; public records and public meetings exemptions.

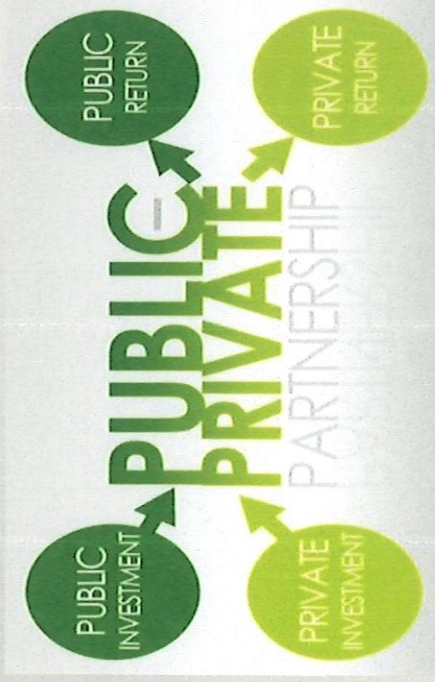
255.065 Public-private partnerships; public records and public meetings exemptions.—

- (1) DEFINITIONS.—As used in this section, the term:
  - (a) “Affected local jurisdiction” means a county, municipality, or special district in which all or a portion of a qualifying project is located.
  - (b) “Develop” means to plan, design, finance, lease, acquire, install, construct, or expand.
  - (c) “Fees” means charges imposed by the private entity of a qualifying project for use of all or a portion of such qualifying project pursuant to a comprehensive agreement.
  - (d) “Lease payment” means any form of payment, including a land lease, by a public entity to the private entity of a qualifying project for the use of the project.
  - (e) “Material default” means a nonperformance of its duties by the private entity of a qualifying project which jeopardizes adequate service to the public from the project.
  - (f) “Operator” means to finance, maintain, improve, equip, modify, or repair.
  - (g) “Private entity” means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity.
  - (h) “Proposal” means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined.
  - (i) “Qualifying project” means:
    1. A facility or project that serves a public purpose, including, but not limited to, any ferry or mass transit facility, vehicle parking facility, airport or seaport facility, rail facility or project, fuel supply facility, oil or gas pipeline, medical or nursing care facility, recreational facility, sporting or cultural facility, or educational facility or other building or facility that is used or will be used by a public educational institution, or any other public facility or infrastructure that is used or will be used by the public at large or in support of an accepted public purpose or activity;
      2. An improvement, including equipment, of a building that will be principally used by a public entity or the public at large or that supports a service delivery system in the public sector;
      3. A water, wastewater, or surface water management facility or other related infrastructure; or
      4. Notwithstanding any provision of this section, for projects that involve a facility owned or operated by the governing board of a county, district, or municipal hospital or health care system, or projects that involve a facility owned or operated by a municipal electric utility, only those projects that the governing board designates as qualifying projects pursuant to this section.
    - (j) “Responsible public entity” means a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project.
    - (k) “Revenues” means the income, earnings, user fees, lease payments, or other service payments relating to the development or operation of a qualifying project, including, but not limited to, money received as grants or otherwise from the Federal Government, a public entity, or an agency or instrumentality thereof in aid of the qualifying project.
  - (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that there is a public need for the construction or upgrade of facilities that are used predominantly for public purposes and that it is in the public’s interest to provide for the construction or upgrade of such facilities.
    - (a) The Legislature also finds that:
      1. There is a public need for timely and cost-effective acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of projects serving a public purpose, including educational facilities, transportation facilities, water or wastewater management facilities and infrastructure, technology infrastructure, roads, highways, bridges, and other public infrastructure and government facilities within the state which serve a public need and purpose, and that such public need may not be wholly satisfied by existing procurement methods.
      2. There are inadequate resources to develop new educational facilities, transportation facilities, water or wastewater management facilities and infrastructure, technology infrastructure, roads, highways, bridges, and other public infrastructure and government facilities for the benefit of residents of this state, and that a public-private partnership has demonstrated that it can meet the needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public.



## WHY A P3?

1. Collaborative government-private sector (risk-sharing), mission, asset management, and funding synergy
2. Franklin County inter-governmental decision-model board with each governmental entity having an appointed P3 board member
3. **Shared asset profile**, (property, infrastructure, housing, academic, and economic strategic visioning.
4. **Private sector partners**- financial investment, construction, engineering and design build economies of scale and ROI
5. Sheriff's (not-for-profit) foundation- operations/property management
6. **Federal/state grant, agency funding, appropriation & triumph strategic advantage**





# FRANKLIN SCHOOL DISTRICT



- 27 acres on State Rd. 65 (Infrastructure) on-site
- 3 – 4 acre designated Fleet Management (Bus-Barn)
- Maximum Housing Unit Density with BOCC Zoning Change (88) units
- Tallahassee State College-Committed CDL Program-with planned expansion to heavy equipment/diesel mechanic training center





# Tallahassee Community College-CDL & Mechanic Vocational Partner





15-08S-06W-0000-0010-0030

[Assessor](#)  
[Tax Collector](#)

Owner FRANKLIN COUNTY SCHOOL BOARD

Mailing Address 155 AVENUE E  
APALACHICOLA, FL 32320

Neighborhood N/A (000)

Use MUNICIPAL (008900)

► Description

► Buildings (0)

► Land (1)

► Sales (1)



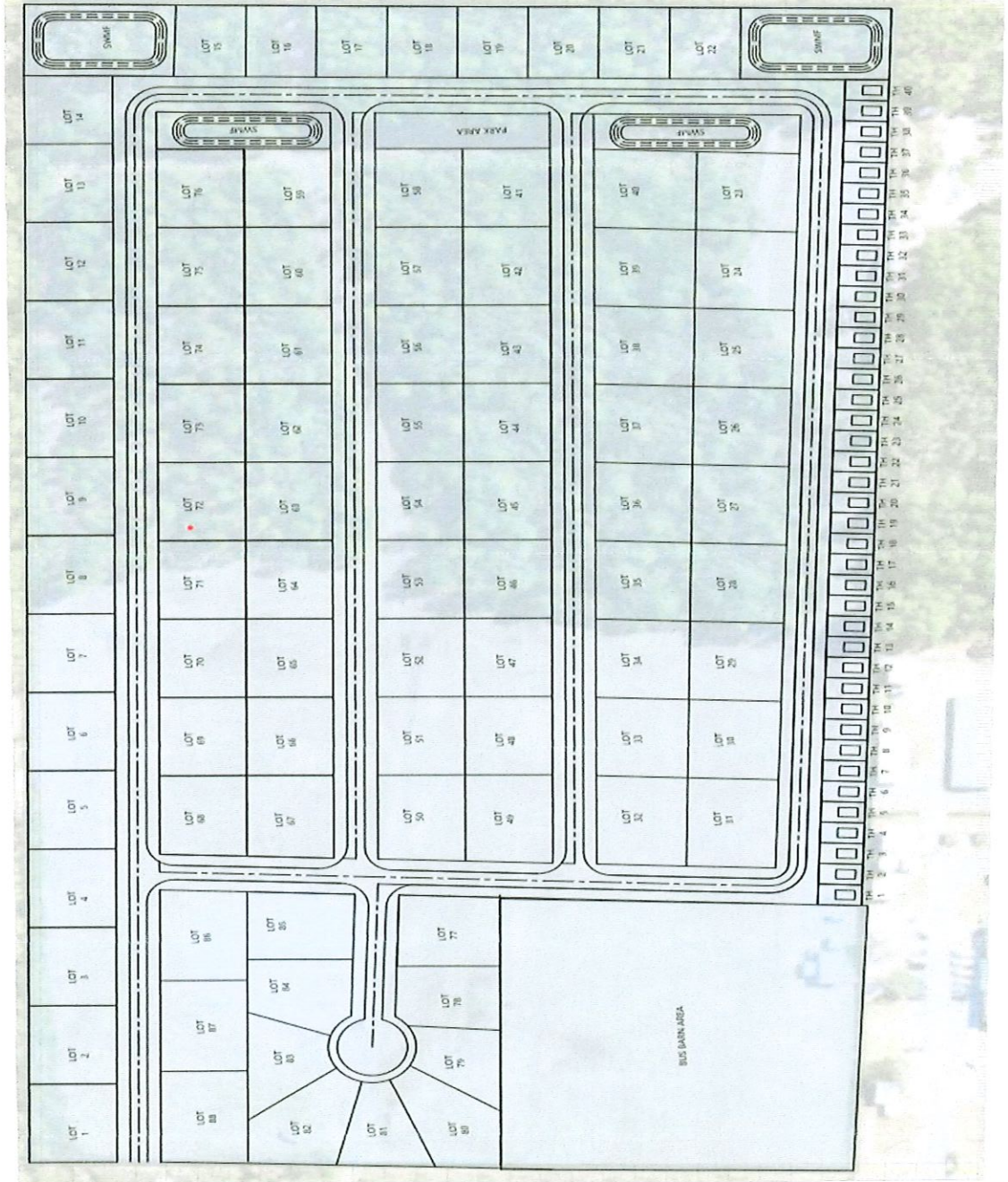




FRANKLIN COUNTY SCHOOL BOARD  
 1000 W. UNIVERSITY BLVD.  
 TALLAHASSEE, FL 32304  
 TEL: 904.224.2000  
 FAX: 904.224.2001

CONSTRUCTION DOCUMENTS  
 CONCEPTUAL SUBDIVISION LAYOUT  
 FRANKLIN COUNTY SCHOOL BOARD  
 PARCEL NUMBER: 19-000-064-000-000-0010  
 FRANKLIN COUNTY, FL.

Sheet Number  
 11

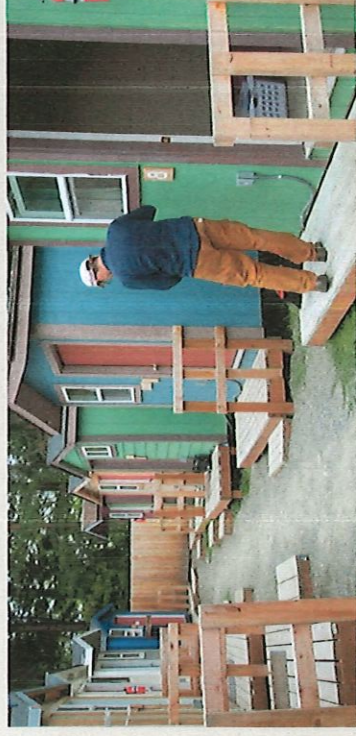


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## **FRANKLIN COUNTY SHERIFF'S OFFICE**

- 7 acres tract on backside of existing Sheriff's Office Jail Complex off State Rd. 65 (Infrastructure) on-site
- 29 Unit Density with BOCC Zoning Change
- Judicially Involved- Job Reentry Training & Workforce Housing
- Incarcerated Tx Step-Down Housing Units & Emergency Homeless Community Reentry
- On-Site Manufactured Home Assembly Plant





**MINIMUM LOT SIZE:**

NO MINIMUM LOT SIZE OR LOT AREA PER UNIT. LOT WIDTH, DEPTH, OR FRONTAGE HOWEVER, EXISTING LOTS MAY NOT BE SUBDIVIDED

**SETBACKS:**

PUBLIC FACILITIES LOCATED ADJACENT RESIDENTIAL USES SHOULD BE ADEQUATELY BUFFERED SO AS TO LESSEN THE IMPACT AND FRICTION BETWEEN THESE USES. THE TYPE OF BUFFER MAY INCLUDE PHYSICAL BARRIERS SUCH AS HEDGES, GREEN BELTS, WALLS, FENCES, AND OPEN SPACE SEPARATION LEFT IN ITS NATURAL STATE.

MAX LOT COVERAGE  
50%

MAX BUILDING HEIGHT  
NONE

**PROHIBITED USES AND STRUCTURES:**

- 1. RESIDENTIAL USES;
  - 2. ALL USES NOT SPECIFICALLY OR PROVISIONALLY PERMITTED HEREIN;
- SPECIAL EXCEPTIONS: AFTER PUBLIC NOTICE AND HEARING AND APPROPRIATE CONDITIONS AND SAFEGUARDS, THE BOARD OF ADJUSTMENT MAY PERMIT AS SPECIAL EXCEPTIONS:

- 1. USES SIMILAR TO THOSE ALLOWED AS PERMITTED USES;
- 2. A RESIDENTIAL UNIT ASSOCIATED WITH A PRINCIPAL USE IS PERMITTED AND MAY BE DEVELOPED UNDER R-2 STANDARDS;
- 3. PUBLIC UTILITY USES THAT FIT ON A SINGLE LOT, SPECIFICALLY LIMITED TO ELECTRICAL SUBSTATIONS, TELECOMMUNICATION BUILDINGS OR TOWERS, SEWER LIFT STATIONS, AND PORTABLE WATER CHLORINATION STATIONS.

CONCEPTUAL DRAWING  
DEPICTS SUBDIVISION  
UNDER R-2 STANDARDS







**CONCEPTUAL LAYOUT**

**CURRENT ZONING Z-1**

**PROPOSED RULE EXCEPTION**  
 -PROPOSE TO CHANGE THE Z-1 RULE EXCEPTION FROM R-2 STANDARDS TO MAKE R-5 MULTI-FAMILY DISTRICT RULES AVAILABLE WITHIN Z-1 ZONE

**R-S ZONING INFORMATION:**  
 MINIMUM LOT SIZE: 10,000 SF  
**SETBACKS:**  
 FRONT - 25'  
 REAR - 10'  
 SIDES - 10'  
 WETLAND/MRWL - 50'

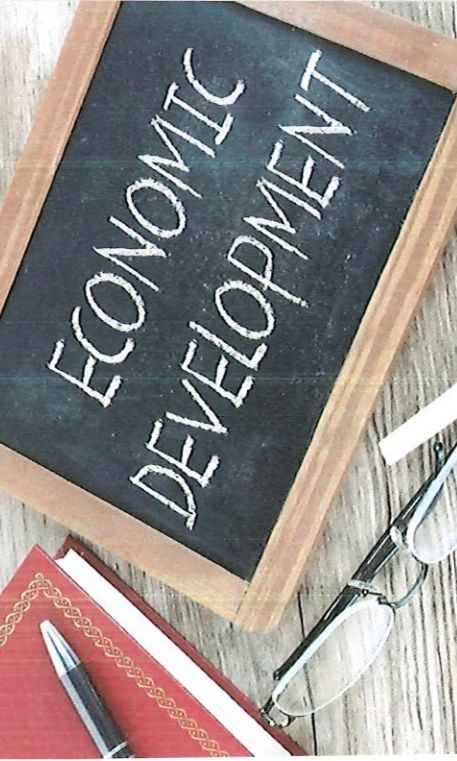
**MAX LOT COVERAGE**  
 50%

**MAX BUILDING HEIGHT**  
 47'

PK.	DATE	DESCRIPTION



## **FRANKLIN COUNTY BOCC** **ECONOMIC DEVELOPMENT CENTER**



- 55 acres tract on backside of existing Sheriff's Office Jail Complex off State Rd. 65 (Infrastructure) available
- Select Economic Development Complex- Industry/Manufacturing
- Federal Opportunity Zone-Strategies of Recruitment & Capital Gains
- DEO/Commerce, Appropriations & Triumph Funding
- (SIS) Strategic Inter-Modal Systems advocacy for I10 Connector & logistic distribution
- Potential workforce housing tracts

# Reconsidering Development





15-08S-06W-0000-0040-0000

[Assessor](#)  
[Tax Collector](#)

**Owner** FRANKLIN COUNTY

**Mailing Address** 33 MARKET STREET  
SUITE 203  
APALACHICOLA, FL 32320

**Neighborhood** COUNTY (860)

**Use** COUNTY (008600)

▶ **Description**

▶ **Buildings** (0)

▶ **Land** (1)

▶ **Sales** (0)





# **EASTPOINT WATER & SEWER DISTRICT**

- 42 acres tract on State Rd. 65 (Infrastructure) on-site
- (3 acre) New Franklin BOCC- Emergency Management Operations Center
- Potential Homeland Security/Drone & Cyber Training Center
- Potential Centralized Urgent Care & Medical Services Complex, ALF & SNF
- Strategic Housing Units for Economic Select Companies, Veterans and General Public
- Regional Staging Area FEMA & SERT





22-08S-06W-0000-0010-0000  
189 HWY 65  
EASTPOINT  
Total Acreage 42 AC

[Assessor](#)  
[Tax Collector](#)

Owner EASTPOINT WATER & SEWER DIST  
Mailing Address 40 ISLAND DRIVE  
EASTPOINT, FL 32328-3216  
Neighborhood N/A (000)  
Use WATER MANAGEMENT (008000)

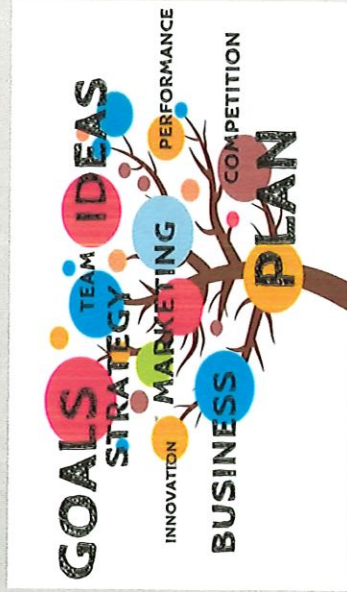
- ▶ Description
- ▶ Buildings (0)
- ▶ Land (1)
- ▶ Sales (2)





## OBJECTIVES

1. Provide P3 Concept Overview & Approve Concept Framework
2. Request Municipalities-Appoint P3 Representative
3. Request Municipalities-Direct Legal Staff & Grant Administration Staff Engagement
4. Explore Integrated Project Mgt.- Project Development, Engineering & Infrastructure Design
5. Initiate CDBG, Triumph, Grant & Agency Funding-State & Federal Agency Opportunities
6. Solidify All Legal Review and Interlocal Agreements for (P3) Construct Documents



EASTPOINT WATER &  
SEWER DISTRICT



OFFICIAL WEBSITE OF THE HISTORIC CITY OF  
**APALACHICOLA**  
FLORIDA



Franklin County  
Sheriff's Office  
Sheriff A.J. "Tony" Smith





**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: 06/04/2024**

**SUBJECT:** 1st Reading: Ordinance 2024-03 Repeal Provision

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 1  
**Department:** Administration  
**Contact:**  
**Presenter:** Attorney Hartman

**BRIEF SUMMARY:** Ordinance 2024-03: AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Approve 1st Reading and proceed with adoption process.

**FUNDING SOURCE:** n/a

**ATTACHMENTS:** Ordinance 2024-03 Repeal Provision

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Approve 1<sup>st</sup> Reading and proceed with adoption process.

**ORDINANCE NO. 2024-03**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF APALACHICOLA, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COMMISSION:

Section 1. The Code entitled "Code of Ordinances, City of Apalachicola, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 115, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before October 2, 2022 and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a of not more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rule, regulation or order shall be deemed a public nuisance and may be, by the city, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after October 2, 2022, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective immediately upon final adoption.

**PASSED FIRST READING ON:** \_\_\_\_\_

**PASSED SECOND READING ON:** \_\_\_\_\_

**CITY OF APALACHICOLA**

**BY:** \_\_\_\_\_  
**Brenda Ash, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Sheneidra Cummings**  
**CITY CLERK**

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:** Franklin County – Sylvester Williams Park Proposal

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 2  
**Department:** Administration  
**Contact:** Travis Wade  
**Presenter:** Mayor Ash

**BRIEF SUMMARY:** Franklin County would like to propose taking over maintenance of Sylvester Williams Park. They would also like to enter into a long-term lease agreement for the park that would allow them to secure grant funding to make some improvements to the park.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** Sylvester Williams Park Conceptual Plan

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

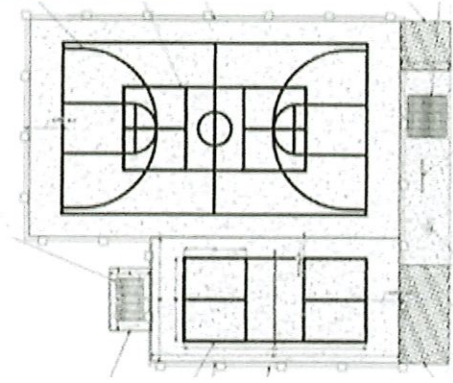
# Conceptual Plan: Sylvester Williams County Park Project

## Immediate:

- Demolish old concession/restroom stand building (Road Department)
- Demolish (Road Department) OR secure shed building (Parks and Recreation)
- Remove damaged fencing from old basketball court area (Parks and Recreation)
- Add park closes at sunset signage – to address loitering concerns and entry gates Parks and Recreation)
- Add streetlight at corner of park entrance (Duke Energy – Paid by Parks and Recreation)
- Rework infield area of baseball field (Parks and Recreation)

## Years 2-5 and funding source (by order of completion and priority):

- Repair/replace/patch chain link fencing around baseball field (Parks and Recreation)
- Refurbish Playground Equipment (Parks and Recreation)
- Improve parking area at playground (Road Department assist w/ spreading road base and stops)
- Level/rework soccer field area (Road Department assist)
- Replace roof decking on (2) Dugouts, (1) bleacher pavilion (Parks and Recreation)
- New Basketball Court with Pickleball Markings to serve as secondary court (FRDAP Grant Funding Application)
- New Pickleball Court (FRDAP Grant Funding Application)



**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: 6/4/2024**

**SUBJECT:** Plans for MLK Jr Community Improvement project  
Funded by Keep Franklin County Beautiful, Inc. (KFCB)

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 3  
**Department:** Administration  
**Contact:** Lynn Wilder, Executive Director Keep Franklin County Beautiful, Inc.  
**Presenter:** Lynn Wilder

**BRIEF SUMMARY:**

Keep Franklin County Beautiful (KFCB), the newly formed local affiliate of Keep America Beautiful, was recently awarded a Martin Luther King, Jr. Community Improvement Grant for \$20k. This grant, funded jointly by Keep America Beautiful and Diageo, serves to prevent litter, promote recycling, and provide means for beautification efforts in and around areas designated as Martin Luther King, Jr. corridors and neighborhoods.

Avenue J in Apalachicola's historic Hill neighborhood was designated as Dr. Martin Luther King, Jr. Ave. to highlight the significance of the area to local African American history and culture. In speaking with members of the community, it was determined that the Holy Family Center and surrounding property, as a significant historic site and central hub of The Hill neighborhood, was an ideal focus area for improvement and beautification projects. As the future site of the Apalachicola Museum of African American Culture and History, enhancing the appearance of the Holy Family Senior Center would also serve to support the ongoing efforts to recognize the vital contributions of the African American community to Apalachicola both past and present.

The application submitted by KFCB was one of six projects awarded out of 94+ applicants this year.

Funds were requested for:

- painting a mural (location TBD),
- replacing existing benches with newer ADA accessible ones,
- installing additional seating where outdoor grilling and cookouts take place (adjacent to kitchen exit),
- adding attractive outdoor trash cans around the building,
- installing Florida native and pollinator friendly landscaping, and
- exploring options for community cleanup activities.

- Note: similar beautification and enhancements are also proposed for Franklin Square Park should funding allow.

Details of each activity will be reviewed and approved by the African American community leaders who are spearheading the efforts to improve, educate, and spotlight African American history projects in and around the MLK corridor.

As Holy Family is the future site of the new museum, all efforts outlined in this grant are proposed for areas that will not be impacted by the new construction.

**NOTE: Grant funding requires the projects to be completed at the end of November, 2024.**

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

City Commissioners' approval of KFCB using funds to proceed with the bulleted efforts outlined above. Details of each activity will be provided to, negotiated with, and approved by the City Manager.

**FUNDING SOURCE:**

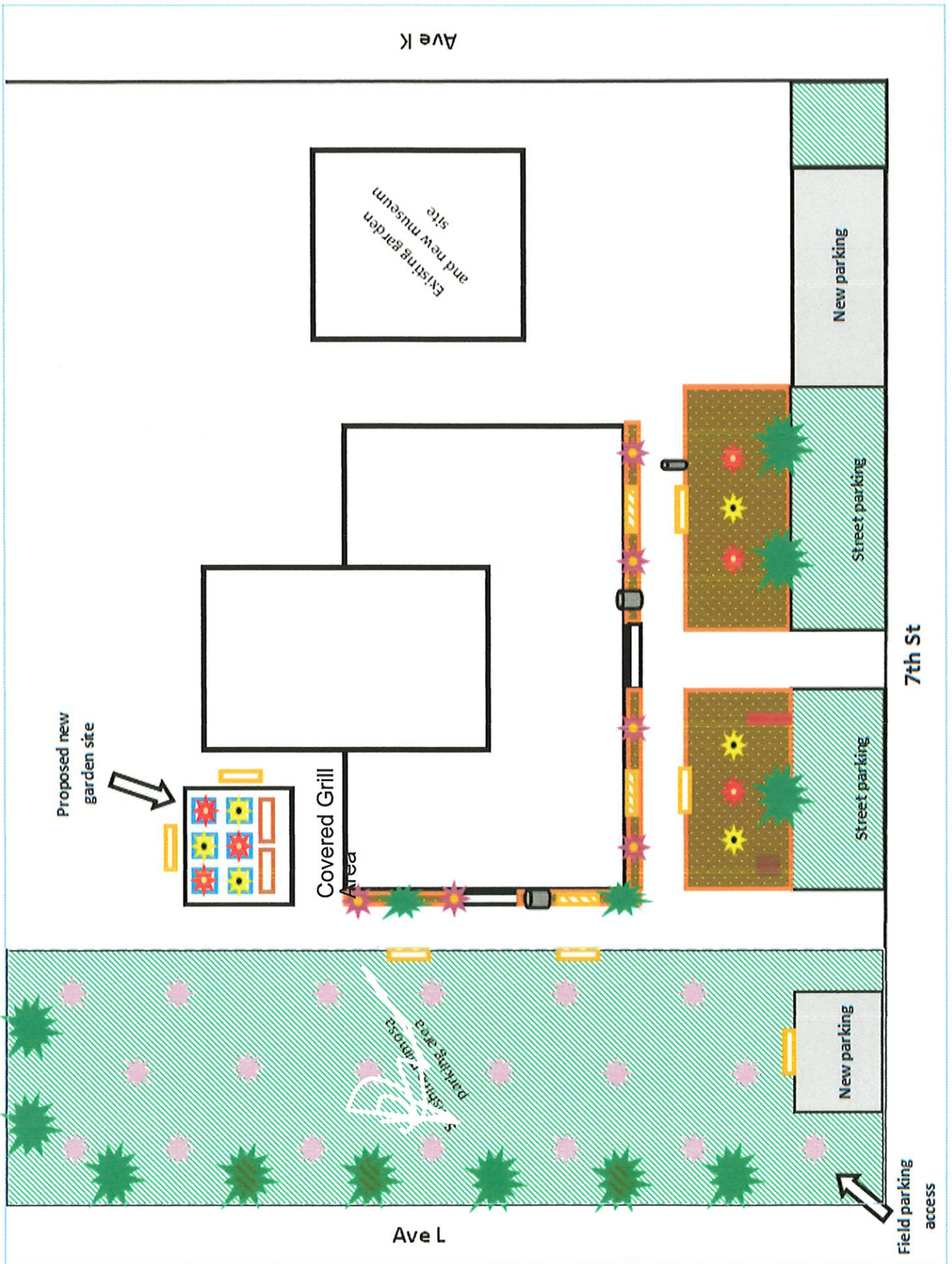
Keep Franklin County Beautiful, Inc. (a non-profit 501(c)(3) organization)

**ATTACHMENTS:**

Proposed project location diagram

**STAFF'S COMMENTS AND RECOMMENDATIONS:**







**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: 06/04/2024**

**SUBJECT:** Request to reapply for 21<sup>st</sup> CCLC Grant via RFP Application

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 4  
**Department:** Administration  
**Contact:** Nadine Kahn  
**Presenter:** Nadine Kahn, Program Director

**BRIEF SUMMARY:** To continue funding Project Impact's after-school and summer program.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Approve Staff to reapply for Dept. of Ed. 21<sup>st</sup> CCLC Grant via RFP Application.

**FUNDING SOURCE:** Department of Education, 21<sup>st</sup> CCLC Grant. No matching funds required.

**ATTACHMENTS:**

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:      Short-Term Rental – Attorney General Opinion**

**AGENDA INFORMATION:**

**Agenda Location:    New Business  
Item Number:        5  
Department:         Code Enforcement  
Presenter:            Dan Hartman**

**BRIEF SUMMARY:**

At the August 8, 2023 Board Meeting, the City Commission approved the purchase of software to assist in enforcement of the City's *Transient Lodging Ordinances* (Sec. 111-292 and Sec. 111-293).

Since that meeting, Code Enforcement has been working with Avenu Analytics, the City Attorney, the City Manager, and the City Planner to establish a system of enforcement for short-term rentals (STRs).

Currently, the City has an open code enforcement case (#24AP-00001) with the owners of the property located at 29 5<sup>th</sup> Street, which is in an R-1 zone. Our City ordinance prohibits the operation of a short-term rental in residential zones. This property has functioned as a short term rental for many years, Lured Aweigh LLC is the property owner. The City Attorney has spoken with their attorney who contends that this property is not operating as a short-term rental because they are only providing accommodations to people that are a part of their LLC. This argument has become a prevalent argument in Florida and across the country to get around short-term rental restrictions.

At the moment, the Attorney General has not been asked, nor has the office of the Attorney General rendered an opinion on the legality of 'renters' being considered as stakeholders in an LLC. City staff are concerned that if this property is able to continue to operate as a short-term rental in an R-1 zone, other property owners will follow suit, effectively opening up any zone in the city for short-term rental operation.

State statute 16.01 (3) states the Attorney General, "Notwithstanding any other provision of law, shall, on the written requisition of the Governor, a member of the Cabinet, the head of a department in the executive branch of state government, the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, or the Minority Leader of the Senate, and may, upon the written requisition of a member of the Legislature, other state officer, or officer of a county, **municipality, other unit of local government**, or political subdivision, give an official opinion and legal advice in writing on any question of law relating to the official duties of the requesting officer."

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** City Commission pass a motion to ask the Attorney General's office to issue a formal opinion on the legality of allowing LLC's to operate as short-term rentals in zones where such rentals are not allowed and, further, the legality of 'renters' of short-term rentals being considered as stakeholders in an LLC.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** N/A

**STAFF'S COMMENTS AND RECOMMENDATIONS:**  
City Staff recommends approval of recommended motion.

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:** Resolution of Match Support

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 6  
**Department:** Finance  
**Contact:** Sarah Bourque, Grants Coordinator  
**Presenter:** Sarah Bourque, Grants Coordinator

**BRIEF SUMMARY:**

The City of Apalachicola approved during a commission meeting on May 4th, 2024, a request to submit an application for \$350,000 in Special Category funding from the Florida Department of Historic Resources to complete Phase II repairs to the Harrison-Raney Building. The grant requires \$87,500 in combined cash and in-kind match. The required cash match for this grant is \$21,875 because the City falls within a REDI community and is eligible for a reduced cash match amount. Documentation of cash match is required for this grant; a resolution of match support will suffice. Phase II match to be funded out of unused funds budgeted by commission-approved change order authorization for additional brickwork (9-6-23).

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**Request:** Approve Resolution of Match Support

**ATTACHMENTS:**

Resolution

**Resolution 2024-04**  
**Match Support**  
**Apalachicola Board of City Commissioners**

**WHEREAS**, the Harrison-Raney building (HCA) is a valuable City-owned historic resource in the City of Apalachicola;

**WHEREAS**, the Harrison-Raney building is listed as an important historic resource on the State Master Site File (FR00339);

**WHEREAS**, the Harrison-Raney building is in need of structural repair beyond the financial assistance currently available through existing grant funds;

**WHEREAS**, the City of Apalachicola approved during a commission meeting on May 4<sup>th</sup>, 2024, a request to support submitting an application for \$350,000 in Special Category funding from the Florida Department of Historic Resources which requires \$87,500 in required cash and in-kind match;

**WHEREAS**, the City of Apalachicola is a RED! Community and is eligible for a reduced cash match amount of \$21,875 which is currently available for this project in the City budget;

**NOW, THEREFORE, BE IT RESOLVED BY THE APALACHICOLA CITY COMMISSION**, that the board supports the grant application to the Florida Department of State, Historic Preservation Grants Program for repair of the Harrison-Raney building and certifies that the required match is available.

This resolution adopted by the Apalachicola City Commission this 4<sup>th</sup> day of June 2024.

ATTEST:

\_\_\_\_\_  
Sheneidra Cummings, City Clerk

\_\_\_\_\_  
Brenda Ash, Mayor

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:** Resolution Comprehensive Emergency Management Plan

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 7  
**Department:** Administration  
**Contact:** Travis Wade  
**Presenter:** Travis Wade

**BRIEF SUMMARY:**

Franklin County Emergency Management provided the City with the attached Resolution to adopt the County's Emergency Management Plan.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**Request:** Approve CEMP Resolution adopting the Emergency Management Plan.

**ATTACHMENTS:**

Resolution

**RESOLUTION 2024-05**

**RESOLUTION ADOPTING THE FRANKLIN COUNTY COMPREHENSIVE EMERGENCY MANAGEMENT PLAN FOR THE CITY OF APALACHICOLA**

**Whereas**, Chapter 252 of the Florida Statutes, assigns to the Board of County Commissioners, and the City Commission responsibility for disaster preparedness, response, recover, and mitigation; and,

**Whereas**, being prepared for disasters means being ready to respond promptly as danger threatens to save life and protect property and to provide relief from suffering and privation; and,

**Whereas**, local services may be overburdened or inadequate and local government will have to operate effectively in different ways than in normal times to provide timely relief and minimize hardships in the event of natural and technological disasters in Franklin County and the City of Apalachicola; and,

**Whereas**, many populated areas and parts of communities may require evacuation, shelter, and food until the disaster ends, services are restored and needed supplies and materials are available; and,

**Whereas**, this plan is intended to provide the framework for the development of detailed operating procedures for all County and City forces charged with responsibility of protecting the public's health and safety from natural and technological disaster; and,

**Whereas**, Chapter 9G-6, Florida Administrative Code, requires each County and City to develop a Comprehensive Emergency Management Plan; and,

**Whereas**, Chapter 9G-6, Florida Administrative Code, furthermore, requires the governing body of the City of Apalachicola to adopt by resolution, the Franklin County Comprehensive Emergency Management Plan or their own Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Apalachicola, Florida that the City of Apalachicola adopts the Franklin County Comprehensive Emergency Management Plan.

**READ, APPROVED AND ADOPTED** this 4<sup>th</sup> day of June 2024.

ATTEST:

\_\_\_\_\_  
Sheneidra Cummings, City Clerk

\_\_\_\_\_  
Brenda Ash, Mayor

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:** Bring Me A Book Franklin

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 8  
**Department:** Administration  
**Contact:** Karen Kessel, Program Coordinator  
**Presenter:** Michaelin and Dave Watts

**BRIEF SUMMARY:** Update on events affecting tenant organization, including a change in the legal name to Bring Me a Book Forgotten Coast, Inc.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Update name of tenant in all city records.

**FUNDING SOURCE:** N/A - Private

**ATTACHMENTS:**  
BMAB-Franklin Fact Sheet

**STAFF'S COMMENTS AND RECOMMENDATIONS:**





Bring Me A Book Forgotten Coast, Inc.



## What's New With Bring Me a Book?

1. **Our new name.** In February 2024 we changed our name from Bring Me a Book Franklin, Inc. to Bring Me a Book Forgotten Coast, Inc. We have been working in Gulf County for years to provide free books for pediatricians to give out to parents at children's regular medical check-ups. The new name better reflects the geography of the area we serve. We are still the same 501(c)(3) charitable organization; the only thing different is the name.
2. **Our successful year.** In 2023, Bring Me a Book Forgotten Coast gave away nearly 5,000 books at community events and through programs like the well-checks. We also had dozens of volunteers who dedicated their time to reading to children at the Apalachicola library, the ABC school, and the Franklin County School. Reading to young children has been shown to play a critical role in helping develop the language and communication skills kids need to succeed in life.
3. **Our annual benefit.** We held our first annual Love of Literacy Winter Benefit on February 3, 2024. We had a sell-out crowd (200 tickets sold) and outstanding support from sponsors and silent auction donors. We are so grateful for the tremendous turnout from the community, since the funds raised at the benefit are necessary to make our work possible.
4. **Our expanded Book Bonanza.** In 2023 we held our first Book Bonanza with a grant from Duke Energy Foundation. We gave away books to elementary students in Franklin County at the end of the school year to ensure local kids had reading material of their own choosing to engage them over the summer. We are working to reduce the "summer slide" that young readers can experience if they spend the summer with no classroom time and no reading practice. This year we received generous grants from Duke as well as the St. Joe Community Foundation and the Beatitudes Foundation from Tallahassee, which covered the cost of giving 4 books to every elementary student in both Franklin and Gulf Counties. In May 2024 we gave away 6,336 books in Franklin and Gulf Counties, impacting 1,584 children.

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:** Critical Asset Flood Management Grant Administration Procurement Award

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 9  
**Department:** Finance  
**Contact:** Sarah Bourque, Grants Coordinator  
**Presenter:** Sarah Bourque, Grants Coordinator

**BRIEF SUMMARY:**

The City has received a Resilient Florida - Critical Asset Flood Management \$2,039,500 (24SRP65). This grant will complete identified drainage projects in the city that have been documented, but not funded by other sources. Funds will repair known nuisance flooding drainage issues in 29+ locations throughout the city. The City of Apalachicola Critical Asset Flood Mitigation Projects include the replacement and retrofit of pipe systems at multiple roadway intersections, addition of inlets, pipes, water quality vaults, crown reconstruction, and construction of roadway conveyance system. Board action Request to procure Bay Media Services to assist grant coordinator in grant administration of this project with responsibilities to include procurement and coordination with engineer/city staff to confirm project scope and general administration.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**Request:** Authorize the procurement with Bay Media Services for hourly grant admin @65 per hour for hourly as needed assistance. Funds to be paid entirely out of grant proceeds.

**ATTACHMENTS:**

N/A

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:**      Adaptation Plan Grant Procurement of Services Award

**AGENDA INFORMATION:**

**Agenda Location:**      New Business  
**Item Number:**          10  
**Department:**            Finance  
**Contact:**                Sarah Bourque, Grants Coordinator  
**Presenter:**              Sarah Bourque, Grants Coordinator

**BRIEF SUMMARY:**

The City has received a DEP Coastal Resilience Planning Grant for Adaptation Action Plan preparation \$67,000 (24PLN12). This grant will allow the City to prepare a plan of action to adapt to vulnerabilities identified in the ongoing 2024 Vulnerability Analysis update. Adaptation recommendations generally include recommendations for mitigating against infrastructure and publicly-owned facilities vulnerabilities and can include specific project recommendations and funding source research. Bay Media Services is the continuing services contractor currently preparing the Vulnerability Analysis update and is the most knowledgeable to continue the City's resilience initiatives.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**Request:** Authorize the subcontract with Bay Media Services for \$67,000. Funds to be paid entirely out of grant proceeds.

**ATTACHMENTS:**

N/A

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: 06/04/2024**

**SUBJECT:** 2<sup>nd</sup> Reading: Ordinance 2024-02 Access Ordinance

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business  
**Item Number:** 1  
**Department:** Administration  
**Contact:**  
**Presenter:** Attorney Hartman

**BRIEF SUMMARY:** Ordinance 2024-02

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Approve 2<sup>nd</sup> Reading and Adoption Decision.

**FUNDING SOURCE:**

**ATTACHMENTS:** Ordinance 2024-02 Access Ordinance

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Approval of 2<sup>nd</sup> Reading and adopt Ordinance 2024-02.

**ORDINANCE NO: 2024-02**

**AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR THE REGULATION OF ACCESS TO CITY OWNED, CONTROLLED OR LEASED PROPERTY; PROVIDING FOR PURPOSE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Article VII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

**WHEREAS**, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof;

**WHEREAS**, the purpose of this Ordinance is to provide regulations governing access to City owned, controlled or leased property throughout the City;

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA:**

**Section 1. Control of Access to City-owned, Controlled and Leased Property.**

- a. Consistent with decisions of the U.S. Supreme Court, public access to areas within enclosed facilities owned, controlled, and leased by the City of Apalachicola may be restricted depending upon whether such areas are classified as “designated public forum”, “limited designated public forum”, or “nonpublic forum”. How areas within enclosed facilities owned, controlled, and leased by the City of Apalachicola are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of City employees in the conduct of their business; there are certain areas which, while primarily intended for the use of City employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain limited areas which may be open to the public while engaging in legitimate business with

City officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

- b. The City Manager is hereby authorized to manage public access to enclosed City-owned, controlled, and leased property. In the performance of such responsibilities, the City Manager shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.
- c. Upon the classification of areas within enclosed City-owned, controlled, and leased property, the City Manager is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he deems necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to the use of physical barriers and signage. The City Manager shall also have the authority to develop and implement procedures to regulate and control public access within City-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of City employees and officers; and to minimize potential disruptions to the work of City government. Any person who engages in conduct that causes disruptions to the work of City government shall be deemed to no longer be present within the City-owned, controlled, or lease property on legitimate public business.
- d. The City Commission Chambers, non-public employee work areas and conference rooms in the City Hall are hereby declared to be nonpublic forums unless or until a public meeting is convened in such areas pursuant to public notice or by invitation. All City employees work areas within City Hall which are designated by appropriate signage as work areas shall be considered as nonpublic forums. Members of the public are prohibited from entering City employee work areas without being escorted by a City employee. All other areas of the City Hall are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with City officers or employees shall be authorized. It shall be a violation of this Ordinance to be within a nonpublic forum or a limited public forum without authorization. Unauthorized persons found by the City Manager, his designee or a City law enforcement officer to be within a nonpublic forum or a limit public forum and who refuse to leave the premises upon request, shall be considered

a trespasser. Law Enforcement at its option, at the request of the City may issue a trespass warning notice for this conduct.

- e. Except within the City Commission Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Ordinance, to record video and/or sound within City-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities. In addition to being a violation of this Ordinance, if anyone who is observed to be recording video and/or sound within City-owned, controlled, or leased property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease activity after being advised that such activity is prohibited under this Ordinance, such refusal shall be considered to be a disruption to the work of City government. Therefore, such persons shall be deemed to no longer be present within the City-owned, controlled, or leased property on legitimate public business. The City Manager and his designees are hereby authorized on behalf of the City of Apalachicola, Florida to request any person who refuses to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to video and/or sound recording, and refuses to immediately leave the premises following the request of the City Manager or his designee, shall be considered as a trespasser. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct.
  
- f. The City Manager and his/her designees may have cause to remove any person they determine: (1) Acts in any manner which violates or is reasonably suspected to violate any federal, state or local law, ordinance, rule or regulation; or (2) Acts in any manner which violates any City rules or policy, including but not limited to the Facility Rules; or any directive on any sign or notice at the public property. The City Manager and his designees are hereby authorized on behalf of the City of Apalachicola, Florida to warn persons of this prohibited activity and request such activity to cease. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for these violations of conduct.



- g. The City Manager and his designees are hereby authorized on behalf of the City of Apalachicola, Florida to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The City Manager, and his designees, are hereby authorized to call upon Law Enforcement to treat as trespassers any persons who refuse to depart after such a request has been made. Law Enforcement, at its option, may enforce any person's refusal to depart by means of Section 810.08 and 810.09, Florida Statutes or issue a trespass warning notice.

## **Section 2. Facility Rules.**

The following conduct is prohibited within the interior spaces of all City-owned or controlled buildings of the City of Apalachicola:

- (1) Engaging in any conduct prohibited by federal, State of Florida, or City of Apalachicola law.
- (2) Possessing any weapons, except as specifically permitted by law.
- (3) Smoking, chewing tobacco, use of e-cigarettes or vaping devices, or carrying any lighted or smoldering pipe, cigar, or cigarette.
- (4) Disruptive, harassing or unsafe behavior, including conduct which interferes with City employees or City officials in the performance of their duties, or interferes with the proper use of the City facility by others.
- (5) Abusive or harassing behavior, including use or display of obscene language, gestures, or graphics.
- (6) Blocking entrances, exits, fire exits, access areas, or otherwise interfering with the provision of services or the use of City property.
- (7) Entering or remaining in nonpublic areas without authorization. Areas inside City buildings, including offices, hallways, stairways, and elevators are open to the public only to the extent necessary to attend to City business, or attending a City-authorized function, event, or activity to which the person is an invitee, or attending a duly noticed public meeting. Otherwise, such areas are deemed nonpublic areas.
- (8) Any act which could result in substantial risk of harm to persons or property.
- (9) Disrupting City business, events, or other City sponsored or authorized activities.
- (10) Leaving unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation.
- (11) Lying down or sleeping in chairs, benches, or otherwise.

(12) Possession of illegal drugs.

(13) Posting or affixing to City property without permission from the City Manager, or his/her designee, any signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial or graphic material of any kind.

(14) Tampering with or unauthorized use of building or facility systems or devices, including electrical, plumbing, locks, doors or cameras.

(15) Audio and/or video recording anywhere inside of City buildings except during duly noticed public meetings, or as otherwise approved by the City Manager, or his/her designee. Except as otherwise approved by the City Manager, or his/her designee, audio and/or video recording may only be conducted within the City Commission Chamber, and any room, or office within which said activity has been authorized by law. Any person found to be conducting audio and/or video recording except as authorized by herein, must cease doing so immediately if any visitor, City employee or City official expresses his/her desire not to be recorded. This rule does not apply to audio and/or video recording performed by authorized law enforcement personnel engaged in the performance of their official duties. Audio and/or video recording of public meetings must be undertaken in a quiet and orderly manner so as not to interfere with the conduct of the meeting, block the view of any person attending the public meeting, or block any aisle, row, ingress or egress.

(16) Remaining in a City building after posted hours of operation or after the conclusion of an authorized "after hours" public meeting or event.

(17) Failure to cease conduct specifically prohibited in items 1 through 16 above immediately after a request by City staff to do so.

(18) A copy of the foregoing Facility Rules shall be posted in close proximity to all public entrances of City-owned or controlled buildings of the City of Apalachicola.

**Section 3. Severability.** If any portion of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

**Section 4. Effective Date:** This Ordinance shall become effective upon adoption.

First Reading on	:May 7, 2024
Second Reading and Adoption on	:June 4, 2024

ATTEST:

City Commission of the  
City of Apalachicola, Florida

By: \_\_\_\_\_  
Sheneidra Cummings, City Clerk

By: \_\_\_\_\_  
Brenda Ash, Mayor

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:** Grant Approval Policy

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business  
**Item Number:** 2  
**Department:** Administration  
**Contact:** Travis Wade  
**Presenter:** Travis Wade

**BRIEF SUMMARY:** There was a vote by the Commission at the April 5, 2022 Regular Meeting which allowed the City Manager to apply for grants if the deadline was close, and with the caveat that the City Manager would notify the Commission of the application at the next meeting. Otherwise, the City Manager would be required to obtain Commission approval prior to any grant application. I can't locate a written policy that memorializes that Commission action. However, I am requesting that the Commission modify that action by stating that the City Manager is encouraged to apply for grants and that at the meeting after the application for the grant the Commission is notified by the City Manager. If the Commission disagrees with applying for the grant, the application can be rescinded. If the Commission later disagrees with the grant and the grant has been awarded, the Commission can direct the City Manager to decline the award. After speaking with other City Managers, this seems to be the most common way that it is handled in other cities.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Motion to encourage City Manager to apply for grants, to direct Manager to notify Commission of grant application at next Commission meeting, and to memorialize this action in a policy.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** April 5, 2022 Regular Meeting Minutes page 3

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

**NEW BUSINESS**

**4. APPROVE STAFF TO APPLY FOR GRANTS IN CERTAIN CATEGORIES WITH NO MATCH**

Mayor Ash stated that there will be many grant opportunities the City may apply for in the future, and stated that staff cannot timely submit these grant applications if a meeting is required prior to each submission deadline, and recommends the below motion.

Commissioner Grove made a motion to approve that staff be allowed to review and apply for grants under the following conditions: 1) there is not a regular scheduled meeting prior to the submission deadline; 2) there is not a required monetary match, and 3) a detailed summary of the grant will be provided to each commissioner prior to submission.

Commissioner Duncan seconded with discussion and the motion carried 4-1. Opposed Commissioner George

**NEW BUSINESS**

**5. SPECIAL CATEGORIES GRANT FOR OLD CITY HALL**

Commissioner Grove made a motion to approve the two applications for the Special Categories Grant up to \$500,000 for the structural work for Old City Hall, and a Small Matching Category Grant up to \$50,000 to fund a updated survey of Apalachicola's historic structures to update the State's Master Site File of Historic Resources. Commissioner Elliott seconded with discussion and the motion carried 4-1. Opposed: Commissioner George

**NEW BUSINESS**

**6. BATTERY PARK PAYMENT KIOSK (VEN TEK) APPROVAL**

Commissioner Elliott made a motion to approve the purchase of the Battery Park Payment Kiosk in the amount of \$14,803.00, with a continued annual fee of \$1,140.00. Commissioner Duncan seconded and the motion carried 5-0.

**NEW BUSINESS**

**8. NOISE ORDINANCE**

Commissioner Elliott requested feedback from the Commission so that that the Noise Ordinance can be presented for first reading at the May 3<sup>rd</sup> Regular Meeting. Mayor Ash recommends that the Commission send their recommendations to Mr. Wade and Attorney

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: June 4, 2024**

**SUBJECT:**        **Building, Code Enforcement, and Planning Departments Checklists**

**AGENDA INFORMATION:**

**Agenda Location:**    **Unfinished Business**  
**Item Number:**        **3**  
**Department:**        **Building, Code Enforcement, and Planning**  
**Contact:**            **Travis Wade**  
**Presenter:**         **Travis Wade**

**BRIEF SUMMARY:** During the April Regular Commission Meeting staff was directed to prepare checklists of the procedures followed in the above-referenced departments. Because of the size of the document the checklists are being distributed in a separate document from the agenda. They will be accessible by an additional link on the website along with the agenda.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**

**FUNDING SOURCE:** N/A

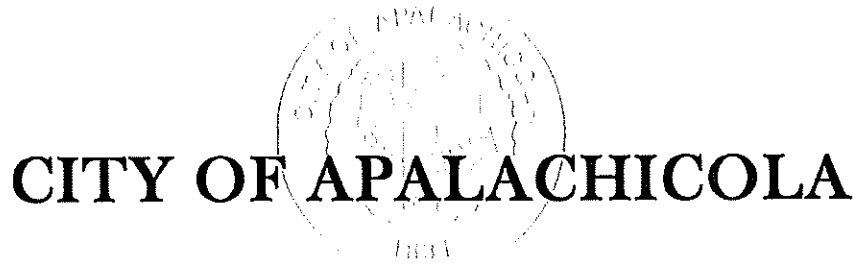
**ATTACHMENTS:**

- Building Dept: Florida Building Code Part IV: 553.79 - Permits & Procedures, etc.
- Code Enforcement: Fl. St. 162. Municipal Code Enforcement, etc.
- Planning Department: Process and Procedures, etc.

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

**Mayor**  
Brenda Ash

**Commissioners**  
Anita Grove  
Adriane Elliott  
Despina George  
Donna Duncan



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**City Manager**  
Travis Wade

**Finance Director**  
Lee Mathes

**City Clerk**  
Sheneidra Cummings

**City Attorney**  
Dan Hartman

**Bree Robinson – City Planner**

## **City Staff Report – City Commission Request April 2024**

### **Background & Report:**

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The following was requested by the City Commission at the April 2024 regular meeting:

1. **Provide checklist of department process & procedures.**
2. **Provide a list of what has been created and implemented since August 2023.**
3. **Note of any deficiencies amongst the Building Department as a whole.**

This report is based primarily on the role of the City Planner process and procedures. This position is responsible for overall planning responsibilities in the city in coordination with the building department. This position is directly responsible for administrative support to the Planning and Zoning/Architectural Review Board and Board of Adjustment. On a monthly basis, this includes:

- Speaking with applicants about possible projects, expectations, timeline, etc.
- Reviewing applications for completeness and any needed supplemental information or documents
- Assessing fees
- Creating the agendas for meetings and sending out the agenda packets
- Coordinating public notice when necessary:
  - 2x advertisements in local paper
  - Signs placed on property viewable from nearby streets
  - Letters sent out to all nearby property owners informing them of requesting comment
- Reviewing application for LDC compliance and making a staff recommendation to the board
- Taking minutes during all meetings
- Informing applicants of next steps (floodplain, building permits, etc.)
- & Routing any possible appeals in a timely manner.

This position implements the procedural tasks required to implement land development code amendments, special exceptions, variances, and replats as laid out in the City Land Development Code. This position reviews all applications, residential or commercial, for requirements of the City Land Development Code along with providing general staff service support to the City.

Since August 2023, City staff has updated and created new forms, fact sheets, and checklists for:

1. Building Department Contact Sheet
2. New Business Checklists
3. Business Tax License Application Form
4. Vacation Business Tax License Application Form & Checklist
5. Residential Vacation Rental Fact Sheet
6. Commercial/OR Vacation Rental Fact Sheet
7. P&Z Application for Development Order/Certificate of Appropriateness
8. Planning & Zoning Application for Special Exception
9. Board of Adjustment Application for Variance
10. City of Apalachicola Application for Rezoning or Land Use Change

All new forms, checklists, and fact sheets are saved amongst staff for easy editing in the event of LDC changes. This is a massive improvement from the previous forms, which were all scans of old forms and not editable. The new business checklist has become standard for incoming questions on what to expect for new businesses in town as well as the parking plan requirements that have been implemented into the business tax license application form.

The City Planner coordinated a workshop with the Planning & Zoning Board, City Attorney, and City Manager in March of 2024 to refresh on the current LDC and discuss:

- Sunshine Law/Ethics
- Robert's Rules of Order
- Possible Conflicts
- New Resources on City Website
- Applicable Land Development Code
- How to search on Municode
- Recent Land Development Changes (signs, decks, etc.)
- Historic District Guidelines and how to utilize them.

This workshop was beneficial for all present and an open invitation was extended to the Board members to come in for questions at any time. Many members have taken staff up on this over the last year and visit the office to review the agenda packets prior to meetings. Staff attempts to resolve any issues with an application with the applicant prior to the public meetings.

The Building Department, specifically from the planning perspective, uses the Land Development Code to govern all policies and procedures. The LDC outlines the roles of the Planning & Zoning Board, Architectural Review Board, Board of Adjustment, and gives specifics on what Public Notice entails for some items, how replats should be handled, parking requirement standards, gives us the tool of the Historic District Guidelines, and provides guidance and definitions for a variety of issues. **In lieu of trying to summarize the entirety of the LDC into a checklist by leaving out details, the next section of this reports lists some highlights in the applicable code that the planning staff routinely uses to review items.** This report can be used as a quick guide search for applicable LDC.

**Noted Deficiencies:**

1. **Building Official/Building Inspector** – in multiple instances in the LDC, the Building Official is also tasked with reviewing applications for development for City LDC compliance. This could be especially helpful for large residential projects or commercial projects. The current contracted Building Official is available Mondays, Wednesdays, and Fridays and has been crucial in performing inspections, reviewing buildings plans, and aiding the Building Permit Clerk in answering building code questions. However, there is limited involvement with the Planning staff and no oversight. The Building Official is also supposed to play a large role in reviewing replats and giving a staff opinion. This has not been the case in the past. The LDC also states that the 'Building Inspector' is supposed to review all applications for Certificate of Appropriateness as well as accept applications for special exceptions. Clarity is needed there as City Planner and Building Inspector seem to be used interchangeably – in Chapter 109 it is noted that the City Planner and building



department shall review site plan applications -- this does not happen as only the City Planner reviews site plan applications for P&Z.

**Applicable Code:**

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City Staff consistently uses the City Land Development Code to review all P&Z and BOA applications and create staff reports. The following are sections heavily used by City Staff, the P&Z Board, and the Board of Adjustment.

- **Chapter 101 – GENERAL & ADMINISTRATIVE PROVISIONS**
  - **Sec. 101-8. Definitions.**
    - This section defines words, terms and phrases used in the LDC – there are many and it is important to note that several definitions have additional regulation/requirements within. Definitions are routinely used by staff to justify their review and recommendation.
  - **Sec. 101-59. City commission.**
    - This section defines the City commission as the governing body responsible for rezoning and future land use changes.
    - This section discusses the process and \$500 fee for official appeals regarding LDC – the City commission is the governing body responsible for addressing appeals.
  - **Sec. 101-60. Planning & Zoning Board.**
    - This section lists all the power and duties of the P&Z board.
    - (9) outlines proper procedure for quasi-judicial public hearing special exception requests.
  - **Sec. 101-61. Board of Adjustment.**
    - This section lists the responsibility of the Board of Adjustment.
    - (2) specifically discusses variances and gives the BOA the terms for their decision making.
- **Chapter 103 – CONCURRENCY MANAGEMENT**
  - **Sec. 103-2. Development approval.**
    - This section discusses the determination of whether the public facilities and services needed to serve the proposed development at the level of service needed are available. Required prior to permitting and development.
- **Chapter 105 – ENVIRONMENT**
  - **Sec. 105-26. Permits for removal, relocation, or substantial alteration of protected trees.**
    - This section follows the tree permit standards and gives the P&Z Board the responsibility of implementing tree protection requirements during their reviews when needed.
    - When the board is the decision maker, approval or conditional approval to remove or substantially alter a patriarch tree on a privately-owned lot shall only be made when no principal structure could be legally built on the lot taking into consideration the location of the tree and such requirements as setbacks and minimum required size for single-family dwellings. Through the variance process the board of adjustment may consider reducing setbacks or minimum dwelling size if doing so would spare the tree.
  - **Sec. 105-35. Restrictions on new wells.**
    - All new wells supplying potable water to the city water system will be required to be located at least 200 feet from any existing commercial or industrial zoning classification as shown on the official zoning map of the city. No land within the wellfield protection zone that is currently not zoned commercial or industrial will be allowed to be rezoned to a commercial or industrial classification.
- **Chapter 107 – FLOODS**
  - **Sec. 107-69. Applications and permits. & Sec. 107-74. Other duties of the floodplain administrator.**
    - Lists the steps that the Floodplain Administrator must follow for all applications and permit requests.
  - **Sec. 107-70 Substantial improvement and substantial damage determinations.**

- **Sec. 107-187. Historic buildings.**
  - Discusses possible variance from the City commission for the repair, improvement, or rehabilitation of a historic building that is determined to be eligible.
- **Sec 107-190. Conditions for issuance of variance.**
  - Outlines the steps needed for applicant to pursue a floodplain variance and determination terms for the City commission to make a decision.
- **Chapter 109 – HISTORIC PRESERVATION**
  - **Sec. 109-22. – Administration.**
    - This section of the LDC outlines the establishment of the P&Z/Architectural Review Board, organization of the board as per the City Charter, duties of the board, and zones of the City. It goes into detail on how historic buildings are to be classified, what Certificates of Appropriateness are required for, the application process, the demolition request process, and tasks the City commission with reviewing any possible appeals.
  - **Sec. 109-48. – Procedures for site plan application, review and decision.**
    - The section goes into details on the necessary steps to development within the City: pre-application conferences, application, review by city staff, a decision by the P&Z Board and the construction phase.
  - **Sec. 109-49. Fees.**
  - **Sec. 109-50. Time limit on approval.**
  - **Sec. 109-51. Site plan requirements.**
    - This section goes into specifics on what is expected from an applicant for a successful development order application, review, and approval by the board.
    - It includes additional specifications for multi-family dwellings, commercial developments, and subdivisions.
  - **Sec. 109-52. Historic Apalachicola Design Guidelines.**
    - The historic district guidelines were adopted and incorporated into the LDC for use by the P&Z Board to utilize when reviewing for Certificates of Appropriateness – available on the City website and on Municode.
- **Chapter 111 – LAND USE**
  - **Sec. 111-9. Cluster development.**
    - This section lists some requirements for cluster developments – goes into detail on lot coverage, deed restrictions, common open space, lot sizes, etc.
  - **Article II. – Subdivision of Land**
    - **Sec. 111-75 – Sec. 111 – 80** all state phases for plat approval – pre-application consultation, sketch plat approval, preliminary plat approval, and final plat approval. This process is lengthy and involves multiple approval from the P&Z Board and the City Commission.
    - **Sec. 111-104 – Sec. 111-113** gives specifics on plats for lots, blocks, street design, stormwater, management, erosion control, flood damage prevention, water facilities, wastewater management facilities, and easements for utilities.
  - **Sec. 111-267. – Schedule of district regulations. (All ZONING.)**
    - Each zone outlines the district intent, uses, development standards, applicable regulations. Zones include: R-1, R-2, R-3, R-4, O/R, C-1, C-2, C-3, C-4, RF, R/C.
  - **Sec. 111-288. In general.**
    - This section includes many supplemental regulations. All are considered, but notable topics that frequently arise include:
      - (a) Corner Lots
      - (c) Alleys
      - (e) Fences
      - (f)(1) Home Occupations
      - (h) Waterfront and adjacent area special review requirements

- (i) Parking Requirements
  - (i)(8-12) Parking Mitigation
  - (m) Architectural design, aesthetic, and safety standards for single-family dwellings.
- **Sec. 111-292. Transient Lodging.**
  - Lists dimensional requirements, number of units, lot sizes, etc.
- **Sec. 111-293 Additional regulations.**
  - States licensing must be required, reservation systems must be required, tourist tax collection is required, etc.
- **Sec. 111-294. Parking mitigation.**
  - This section allows developers to substitute payments toward off-site parking for on-site parking in C-1, C-4, and RF zones. It sets a dollar amount and procedure for processing requests for parking mitigation.
- **Sec. 111-322. Historic & nonhistoric nonconforming structures.**
  - This section sets standards for determining if a structure is a historic nonconforming structure or a nonhistoric conforming structure. There are different standards for both classifications.
- **Sec. 111-323. Nonconforming uses.**
  - The intent of this code is to permit nonconforming uses of structures until they are removed by economic forces or otherwise, but not to encourage their survival, since it has been determined that such uses are not compatible with other uses in the districts involved. This section offers standards for staff to follow for nonconforming use situations.
- **Sec. 111-324. Nonconforming lots.**
  - It is not the intent of this code to permit construction on nonconforming lots that do not meet the required lot size. However, a deeded lot that was recorded prior to December 3, 1991, shall be recognized by the city as a lawfully created lot even if it does not meet the required square footage required for development.
- **Chapter 113 – SIGN REGULATIONS**
  - **Sec. 113-1 – 147.**
    - These sections set in place standards, review criteria, permitting process steps, and enforcement protocols for signs and murals. All signs must go to P&Z before permitting.
- **Chapter 115 – STORMWATER MANAGEMENT**
  - **Sec. 115-1. City Requirements.**
    - Includes standards for residential and non-residential developments and details stormwater runoff control practices and stormwater best management practices. Sets a general design requirement of a 25-year 24 hour event.
  - **Sec. 115-2. Fill and lot grading requirements.**
    - This section sets requirements for the floodplain management permit application.

#### **Attachments - Available Forms/Information:**

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- **Building Department Contact Sheet**
  - Available on City website and used by Front Office staff to direct citizens to the appropriate contact.
- **New Business Checklist**
  - Available on City website and in Front Office for citizens. Gives an overview on what will be needed and appropriate contacts.
- **Business Tax License Application**
  - Requires parking plan and zoning confirmation.
- **Vacation Rental Business Tax License Application & Checklist**
  - Requires parking plan, zoning confirmation, and the attached checklist.
- **Residential Zones Vacation Rental Fact Sheet**
- **Commercial/OR Zones Vacation Rental Fact Sheet**



- **Planning & Zoning Application for Development Approval**
  - Site Plan and/or Certificate of Appropriateness – states fees, meeting dates, deadlines, what the site plan must include, contacts for questions, and other useful information. Includes a checklist for New Construction at the end of application for citizens to track their process – some steps may be omitted for smaller projects.
- **Planning & Zoning Application for Special Exception**
- **Board of Adjustment Application for Variance**
- **City of Apalachicola Application for Rezoning or Land Use Change**
- **City of Apalachicola Website – Planning & Development Page**
  - This page contains all applicable forms, contact information, fees, maps, Historic District Guidelines, and a Frequently Asked Questions section for basic questions.

**Building Department Contact Sheet:**

SUBJECT	POINT PERSON	NEXT STEPS
AIRBNB's, RENTALS, ETC.	Code Enforcement	Call/Meeting
AIR CONDITIONING, ELECTRICAL, PLUMBING	Building Permit Clerk	Building Permit
BUILDING PERMIT	Building Permit Clerk	Building Permit
CODE VIOLATION	Code Enforcement	Call/Meeting
COMPLAINTS	Code Enforcement	Call/Meeting
CONCRETE/PAVEMENT	City Planner	P&Z Application
DECKS/PORCHES	City Planner	P&Z Application
DRIVEWAY	City Planner	P&Z Application
FENCE REPAIR or REPLACEMENT	Code Enforcement	Fence Permit Application
FILL – Landscaping, dirt, gravel etc.	Code Enforcement (Internal note: CE defer to Flood Plain Administrator if in flood zone.)	Fill Permit Application
FL BUILDING CODE Questions	Building Permit Clerk	Call/Meeting
FLOOD ZONE & ELEVATION	City Planner	Call/Meeting
FLOODING/DRAINAGE	City Manager	Call/Meeting
FOOD TRUCK	Code Enforcement-> City Planner	Business License/Food Truck Permit/Zoning
NEW DEVELOPMENT	City Planner	P&Z Application
NEW FENCE	City Planner	P&Z Application
POOL	City Planner	P&Z Application
REAL ESTATE Questions	City Planner	Call/Meeting
ROOFING	Building Permit Clerk	Roofing Permit
RV's	Code Enforcement	Call/Meeting
SHED	City Planner	P&Z Application
SIDEWALK PERMIT	Code Enforcement	Sidewalk Application
SIGNS	City Planner	P&Z Application
TREES	Code Enforcement	Tree Permit
ZONING	City Planner	P&Z Application

Bree Robinson – City Planner (850)323-0985 [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com)

Ron Nippe – Building Dept Permit Clerk (850)653-9319, ext 211, [buildingdept@cityofapalachicola.com](mailto:buildingdept@cityofapalachicola.com)

PJ Erwin – Code Enforcement Officer (850)653-8222 [perwin@cityofapalachicola.com](mailto:perwin@cityofapalachicola.com)



192 Coach Wagoner Blvd.  
Apalachicola, FL 32320  
850-653-9319/850-653-2205 (Fax)

## NEW BUSINESS CHECKLIST

- ✓ **Zoning:** Is your location properly zoned for your business?
  - Questions? Contact the City Planner.
- ✓ **Signs:** Have you applied for P&Z approval and a permit for installation of a sign?
  - Questions? Contact the City Planner.
- ✓ **Sidewalks:** Have you obtained a sidewalk permit to place items or do business on a City sidewalk?
  - Questions? Contact the City Code Enforcement Officer.
- ✓ **Parking:** Does your business meet City parking requirements? Do you have a parking plan?
  - Questions? Contact the City Planner.
- ✓ **Building Permits:** Do you need building permits for any new work on the site?
  - Questions? Contact the City Permitting Clerk.
- ✓ **Business License:** Have you obtained a City of Apalachicola Business License?
  - Questions? Contact the Front Office in City Hall.

- City Planner – Bree Robinson [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com) (850)323-0985
- Code Enforcement Officer – PJ Erwin [perwin@cityofapalachicola.com](mailto:perwin@cityofapalachicola.com) (850)653-8222
- Permitting Clerk – Ron Nippe [rnippe@cityofapalachicola.com](mailto:rnippe@cityofapalachicola.com) (850)653-7592
- City Manager – Travis Wade [twade@cityofapalachicola.com](mailto:twade@cityofapalachicola.com) (850)653-9319

**This is a basic checklist to help you navigate opening your business in City of Apalachicola!**

**It is not all inclusive – please use this as a guide and contact City staff with any questions you may have. Any changes to current buildings may require a building permit and/or change of use permit. No person or corporation shall engage or manage a business, profession, or occupation within the City of Apalachicola without obtaining a Business License.**





192 Coach Wagoner Blvd.  
 Apalachicola, FL 32320  
 850-653-9319/850-653-2205 (Fax)

New: \_\_\_\_\_  
 Renewal: \_\_\_\_\_  
 Date: \_\_\_\_\_

**BUSINESS TAX LICENSE APPLICATION**

Business Name: \_\_\_\_\_

Business Owner(s): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Location Address: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

Zoning for Business Location: \_\_\_\_\_ # of Onsite Parking Spaces: \_\_\_\_\_

(If applicable, attach a Site Plan showing location/sizes of all parking spaces and # of employees on site during peak shifts. For eating/drinking establishments, submit a seating plan showing all tables and barstools. For retail or office space, show square footage of public floor space. For marinas, show # of wet slips and # of dry slips. For dwellings, show # of rooms for rent.)

Business EIN/FID#: \_\_\_\_\_ Professional Category: \_\_\_\_\_

*I understand that this application may require additional information requested from City staff to process and issue a business tax license application. I understand that an application submitted to City staff does not guarantee an approved business tax license application. I understand that I am responsible for obtaining appropriate building permits, signage permits, sidewalk permits, and/or providing a parking plan in accordance with the City Land Development Code as needed. I understand that applications will be processed in a timely manner but may take up to 3 business days to be approved or for more information to be requested.*

\_\_\_\_\_  
 (Business Owner Signature)

\_\_\_\_\_  
 (Date Signed)

**DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY**

1. F.S. 205.023 Fictitious Name Registration required? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Registrations, Permits, Licenses Required for business/profession? \_\_\_\_\_
  - a. Is documentation provided?
  - b. Yes \_\_\_\_\_ No \_\_\_\_\_
3. Does applicant have any Exemptions? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_

1. Did applicant require a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Did applicant submit a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - b. Does the parking plan meet City LDC requirements? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the business location in an appropriate Zone? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
 (City Planner Verification Signature) (Date Signed)

\_\_\_\_\_  
 (City Clerk Verification Signature) (Date Signed)

<b>Business License #:</b> _____ <b>Business Category:</b> _____ <b>Specific Profession:</b> _____ <b>Tax Receipt Rate:</b> _____ <b>Date Paid:</b> _____
---





192 Coach Wagoner Blvd.  
 Apalachicola, FL 32320  
 850-653-9319/850-653-2205 (Fax)

New: \_\_\_\_\_  
 Renewal: \_\_\_\_\_  
 Date: \_\_\_\_\_

**VACATION RENTAL - BUSINESS TAX LICENSE APPLICATION**

Business Name: \_\_\_\_\_

Business Owner(s): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Location Address: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

Zoning for Business Location: \_\_\_\_\_ # of Onsite Parking Spaces: \_\_\_\_\_

(If applicable, attach a Site Plan showing location/sizes of all parking spaces and # of employees on site during peak shifts. For eating/drinking establishments, submit a seating plan showing all tables and barstools. For retail or office space, show square footage of public floor space. For marinas, show # of wet slips and # of dry slips. For dwellings, show # of rooms for rent.)

Business EIN/FID#: \_\_\_\_\_ Professional Category: \_\_\_\_\_

*I understand that this application may require additional information requested from City staff to process and issue a business tax license application. I understand that an application submitted to City staff does not guarantee an approved business tax license application. I understand that I am responsible for obtaining appropriate building permits, signage permits, sidewalk permits, and/or providing a parking plan in accordance with the City Land Development Code as needed. I understand that applications will be processed in a timely manner but may take up to 3 business days to be approved or for more information to be requested.*

\_\_\_\_\_  
 (Business Owner Signature)

\_\_\_\_\_  
 (Date Signed)

**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**

1. F.S. 205.023 Fictitious Name Registration required? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Registrations, Permits, Licenses Required for business/profession? \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_
  - b. Yes \_\_\_\_\_ No \_\_\_\_\_
3. Does applicant have any Exemptions? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_

1. Did applicant require a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Did applicant submit a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - b. Does the parking plan meet City LDC requirements? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the business location in an appropriate Zone? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
 (City Clerk Verification Signature) (Date Signed)

\_\_\_\_\_  
 (City Planner Verification Signature) (Date Signed)

<b>Business License #:</b> _____ <b>Business Category:</b> _____ <b>Specific Profession:</b> _____ <b>Tax Receipt Rate:</b> _____ <b>Date Paid:</b> _____
---

# City of Apalachicola Vacation Rental Business License Checklist



Applicant Checklist	Required Documents	(Office Use Only) Staff Checklist
	City of Apalachicola Business License Application	
	Florida Department of Business and Professional Regulation (DBPR) State Vacation Rental License	
	Division of Corporations Registration (if applicable)	
	Department of Revenue Proof of Registration	
	Parking Plan (1 Parking Spot per Dwelling)	
	Proof of Signage	

*This completed checklist must be submitted with your City of Apalachicola Business License Application in order to be processed.*

**Questions?**

☎ 850-653-9319

🌐 [www.cityofapalachicola.com](http://www.cityofapalachicola.com)



# City of Apalachicola Residential Zones Vacation Rental Fact Sheet



## What is a Monthly Vacation rental?



A Monthly Vacation Rental is a property used as a rental for a minimum of 30 days and a maximum of 6 months. (Residential Zones cannot be rented for a period of less than 30 days.) Monthly Vacation Rental properties are legally required to register with the State, the County (through the Florida Department of Revenue) and the City. Register with the entities below **BEFORE** listing a property on booking platform such as VRBO, Airbnb, Evolve, etc.

## Allowed Zoning Districts

Monthly Vacation Rentals are allowed in the following zoning districts:

- **R-1** Single-Family Residential
- **R-2** Multi-Family Residential
- **R-3** Mobile Home Residential
- **R-4** Mixed Use Residential

For questions about these or other topics related to Vacation Rentals, including zoning districts, contact:  
Bree Robinson, City Planner  
[brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com)  
(850-323-0985)

**Please see the  
Apalachicola Land  
Development Code  
for full details!**

## Required Registrations



### Florida Department of Business and Professional Regulation (DBPR)

- [www.myfloridalicense.com](http://www.myfloridalicense.com)
- State vacation rental license



### Division of Corporations

- <https://dos.myflorida.com/sunbiz/>
- Start a business - (needed if the property is owned by a corporation, LLC, etc.)



### Department of Revenue

- <https://floridarevenue.com>
- Franklin County Tourist Development Bed Tax is collected through the Florida Department of Revenue



### City of Apalachicola

- [www.cityofapalachicola.com](http://www.cityofapalachicola.com)
- Business Occupational License
- DBPR, Division of Corporation, and Department of Revenue licenses must be presented to receive a City of Apalachicola Business License

## Things to know:

- Vacation Rental properties must meet all appropriate zoning requirements (e.g. # of units, parking, etc.)
- Vacation Rental properties must have appropriate signage viewable by the public showing property as a Vacation Rental.

**Questions?**

850-653-9319

[www.cityofapalachicola.com](http://www.cityofapalachicola.com)



# City of Apalachicola Commercial/OR Zones Vacation Rental Fact Sheet



## What is a vacation rental?



A short-term vacation rental is a property used for nightly or weekly rentals with a maximum of a 6-month rental. Short-term properties are legally required to register with the State, the County (through the Florida Department of Revenue) and the City. Register with the entities below **BEFORE** listing a property on booking platform such as VRBO, Airbnb, Evolve, etc.

## Allowed Zoning Districts

Short-term vacation rentals are only allowed in commercial/business zoning districts:

- **C-1** General Commercial Downtown\*
- **C-2** Neighborhood Commercial\*\*
- **C-3** Highway Commercial
- **C-4** Riverfront Commercial\*\*\*
- **O/R** Office Residential

\*Short-term vacation rentals on some properties restricted to upper floors only.

\*\* By Special Exception

\*\*\*Short-term vacation rentals only on upper floors.

## Required Registrations



### Florida Department of Business and Professional Regulation (DBPR)

- [www.myfloridalicense.com](http://www.myfloridalicense.com)
- State short-term vacation rental license



### Division of Corporations

- <https://dos.myflorida.com/sunbiz/>
- Start a business - (needed if the property is owned by a corporation, LLC, etc.)



### Department of Revenue

- <https://floridarevenue.com>
- Franklin County Tourist Development Bed Tax is collected through the Florida Department of Revenue



### City of Apalachicola

- [www.cityofapalachicola.com](http://www.cityofapalachicola.com)
- Business Occupational License
- DBPR, Division of Corporation, and Department of Revenue licenses must be presented to receive a City of Apalachicola Business License

### Things to know:

- Short-term vacation rental properties must meet all appropriate zoning requirements (e.g. # of units, parking, etc.)
- Short-term vacation rental properties must have appropriate signage viewable by the public showing property as short-term rental.

For questions about these or other topics related to short-term rentals, including information about the zoning district, contact Bree Robinson, City Planner, [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com) (850-323-0985). For general questions on obtaining a City of Apalachicola Business License, please call City Hall (850)653-9319.

**Please see the  
Apalachicola Land  
Development Code  
for full details!**

## Questions?

(850) 850-653-9319

[www.cityofapalachicola.com](http://www.cityofapalachicola.com)





**PLANNING & ZONING  
APPLICATION FOR DEVELOPMENT APPROVAL**

1. Any construction that alters/changes lot coverage must go through Planning & Zoning (ex. New construction, building renovations and additions, new or materially altered fencing, sheds, decks, etc.) for development approval. This entire packet needs to be filled out and complete to be accepted, reviewed, and placed on a P&Z meeting agenda.
2. Submit a completed application with a site plan showing all surrounding streets, lot lines, lot dimensions, setbacks marked, measurements of all current and proposed lot coverage, and elevation photos showing what the proposed construction will look like, including materials to be used; especially noting the siding and roofing materials. **No building permit will be issued and no work can begin before Planning & Zoning has given approval to permit.**
3. All P&Z Application for Permit forms including all attachments, **must be received at least TEN (10) BUSINESS days prior to the scheduled P&Z meeting or it will be scheduled on the agenda for the following meeting date, no exceptions.** The application and/or a representative **MUST** be present at the scheduled meeting – if a representative is not present for questions, then your agenda item can be tabled until the next monthly meeting.
4. **Planning & Zoning Application (development order) & Certificate of Appropriateness Fees (historic district):**

Residential New Construction	\$200.00
Residential Accessory Structure/Additional Lot Coverage	\$50
Residential Fence (New or Altered)	\$0
Commercial New Construction	
• Less than 5,000SF; 2 Acres or 3 Units	\$450
• 5,000-20,000SF; 2-5 Acres or 4-24 Units	\$1,000
• 20,001-100,000SF; 5-10 Acres or 25-100 Units	\$2,000
• Over 100,001SF; over 10 Acres or 100 Units	\$3,000
Commercial Review Subsequent to 2 plan Reviews	\$300 per review
Commercial/Multifamily New & Replacement Fence	\$100

Residential Certificate of Appropriateness	
• New Construction	\$75
• Accessory Structure, Addition, Remodel	\$40
• Fence	\$25
• Other	\$25
Commercial/Multifamily	
• New Construction	\$150
• Accessory Structure, Addition, Remodel	\$80
• Fence	\$50
• Other	\$50

Payment must be submitted at time of application for P&Z approval. All submissions are reviewed by the City Planner. City Staff and/or the Planning & Zoning Board may require additional information necessary to determine if the application complies with the provision of the City's Land Development Code.

**UPCOMING 2024 P&Z DATES:**

- |                           |                         |                           |
|---------------------------|-------------------------|---------------------------|
| January 8 <sup>th</sup>   | May 13 <sup>th</sup>    | September 9 <sup>th</sup> |
| February 12 <sup>th</sup> | June 10 <sup>th</sup>   | October 14 <sup>th</sup>  |
| March 11 <sup>th</sup>    | July 8 <sup>th</sup>    | November 11 <sup>th</sup> |
| April 8 <sup>th</sup>     | August 12 <sup>th</sup> | December 9 <sup>th</sup>  |

**Meetings always take place at 74 Sixth Street in the City Meeting Room at 6PM!**

## Owners, Builders, Developers

### PLEASE NOTE:

1. If the proposed development is located within the City's Historic District; a Certificate of Appropriateness from the City's Planning & Zoning Board and Architectural Review Committee is necessary before any permitting can take place.
2. Required site plan elements and the Development Order/Certificate of Appropriateness applications are due 10 BUSINESS DAYS prior to the scheduled monthly meeting (second Monday of each month) of the Planning & Zoning Board.
3. Residential site plan approvals are valid for one year after issuance. If a building permit is not obtained within a year after receiving P&Z approval, the applicant must re-apply and receive P&Z approval again. (Commercial site plan approvals are valid for two years.)
4. After you have received your Planning & Zoning Approval and/or Certificate of Appropriateness, whichever applies, take all development documents to the Building Department at 192 Coach Wagoner Blvd, Apalachicola to apply for your building permit. A P&Z Development Order Application is not a building permit application – there will be building permit forms to fill out. Building permit issuance and all inspections will be coordinated with the Building Department Clerk. Please be advised that additional documentation may be required by the Building Clerk or Building Official. Please email [buildingdept@cityofapalachicola.com](mailto:buildingdept@cityofapalachicola.com) or call City Hall at (850)653-7592 with any permitting questions.
5. Land Development regulations can be found on the City of Apalachicola website @ [www.cityofapalachicola.com](http://www.cityofapalachicola.com).
6. Please note that if any shrubs are planted or any materials (concrete, gravel, etc.) are placed in the City Right of Way that there is a possibility of removal at no expense to the City.

*It is our intent to save you time any money in your plan preparation! The City of Apalachicola Planning & Zoning Board is a seven-member citizen board that also sits as the City's Architectural Review Board. Our responsibilities include protecting the historical character of the City. By working with the Planning & Zoning Board to obtain a Certificate of Appropriateness, your development will not only proceed more smoothly, but will also enhance the City's architectural integrity and historical character of Apalachicola.*

Bree Robinson  
City Planner  
(850)323-0985  
[brobenson@cityofapalachicola.com](mailto:brobenson@cityofapalachicola.com)

Thank you,  
PLANNING & ZONING BOARD  
CITY OF APALACHICOLA

\_\_\_\_\_  
Applicant Initial





**City of Apalachicola Planning & Zoning**  
**Application for Development/Site Plan Approval**

**Official Use Only**

Date Received: \_\_\_\_\_  
 Meeting Date: \_\_\_\_\_  
 Fees Due: \_\_\_\_\_  
 Date Fees Paid: \_\_\_\_\_

**OWNER INFORMATION**

Owner \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_

**CONTRACTOR INFORMATION**

Contractor Name \_\_\_\_\_  
 State License # \_\_\_\_\_ City License # \_\_\_\_\_  
 Email \_\_\_\_\_  
 Phone \_\_\_\_\_

**PROJECT TYPE**

- |  |   |
|--|---|
| <input type="checkbox"/> New Construction      | <input type="checkbox"/> Fence                          |
| <input type="checkbox"/> Addition              | <input type="checkbox"/> Repair                         |
| <input type="checkbox"/> Alteration/Renovation | <input type="checkbox"/> Certificate of Appropriateness |
| <input type="checkbox"/> Relocation            | <input type="checkbox"/> Other _____                    |
| <input type="checkbox"/> Demolition            |   |

**PROPERTY INFORMATION**

Street Address (911 Address): \_\_\_\_\_  
 City & State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Parcel ID #: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_ [ ] Historic District [ ] Non-Historic District  
 FEMA Flood Zone: \_\_\_\_\_

**OFFICIAL USE ONLY**

Certificate of Appropriateness Required? Y / N  
 Setback Requirements of Property:  
 Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Side: \_\_\_\_\_  
 Corner Lot? Y / N Street Sides: \_\_\_\_\_  
 Lot Coverage: \_\_\_\_\_  
 STAFF NOTES/RECOMMENDATIONS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*This development request has been approved for a Certificate of Appropriateness (if applicable), zoning, land use, and development review by the City of Apalachicola Planning & Zoning Board and a building permit is authorized to be issued.*

\_\_\_\_\_  
 City Staff  
 \_\_\_\_\_  
 Date Approved

**NOTE:** This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

\_\_\_\_\_  
 Applicant Initial



Describe the proposed project and materials. Describe the proposed project in terms of size, affected architectural elements, materials, and relationship to the existing structure(s).

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PROJECT SCOPE	MANUFACTURER	PRODUCT DESCRIPTION	FL PRODUCT APPROVAL #
Siding			
Doors			
Windows			
Roofing			
Trim			
Foundation			
Shutters			
Porch/Deck			
Fencing			
Driveways/Sidewalks			
Other			

*NOTE: Please have a site plan prepared to turn in with your application. At minimum, the site plan needs to contain: a North arrow, surrounding streets, lot lines, lot dimensions, setbacks, current structure dimensions, proposed structure dimensions, fence locations, and fence heights. Applications requiring a Certificate of Appropriateness will also need to submit renderings/elevations of any proposed structures and note the materials proposed. More information may be requested by City Staff.*

## CERTIFICATION

By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and have read and understand the following:

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
2. I/We authorize staff from the City of Apalachicola to enter onto the property in question during regular business hours in order to take photos which will be placed in the permanent file.
3. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 10 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.
4. I/We understand that, for Board review cases, an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Planning & Zoning Board Meeting.
5. I/We understand that the approval of this application by the Planning & Zoning Board or staff in NO way constitutes approval of a Building Permit for Construction from the City of Apalachicola Community and Economic Development Office.
6. I/We understand that all changes to the approved scope of work stated in a Certificate of Appropriateness or Development Order application have to be approved by the P&Z Board before work commences on those changes. There will be no charge for revisions. Making changes that have not been approved can result in a Stop Work Order being placed on the entire project and additional fees/penalties.
7. I/We understand that any decision of the P&Z Board may be appealed to the City Commission within 30 days after the decision by the P&Z Board; otherwise, the decision will be final.
8. I/We understand that a Certificate of Appropriateness is only valid for one year after issuance. They are renewable for six months without cause if requested, and for an additional six months upon showing of good cause by the applicant. The applicant must submit all requests for extensions in writing and provide appropriate support documents to City Staff, if needed.
9. I/We understand that P&Z Board approval is permission to obtain a permit for work and installation as indicated. I certify that all work will be performed to meet standards of all laws regulating construction in this jurisdiction.
10. I/We understand that there will be no issuance of a Certificate of Appropriateness without the property owner obtaining Homeowner's Association approval (if required) prior to the P&Z Board Meeting and/or before the beginning of an work and in no way authorizes work that is in violation of any association rules or regulations.

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DATE

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SIGNATURE OF APPLICANT

## BUILDING PERMIT APPLICATION CHECKLIST

(ALL STEPS MAY NOT APPLY TO SMALLER PROJECTS)

- \_\_\_\_\_ 1. Approval from City Planning & Zoning Board
- \_\_\_\_\_ 2. Complete Building Permit Application
- \_\_\_\_\_ 3. TWO COMPLETE SETS OF PLANS INCLUDING:
- Site Plan
  - Final Site Plan (New Construction) – Stormwater Management Plan
  - Signed/Sealed Structural Drawings
  - Elevations
  - Floor Plan
  - Fire Protection
  - Drawn to Scale
- \_\_\_\_\_ 4. Contractor Information
- License
  - Photo ID of License Holder
  - COI: Workers Comp/General Liability
  - Letter of Authorization
- \_\_\_\_\_ 5. Contract Scope of Work
- \_\_\_\_\_ 6. Energy Forms
- \_\_\_\_\_ 7. Notice of Commencement (All permits valued at \$2,500 or more)
- \_\_\_\_\_ 8. Flood Elevation Certificate
- \_\_\_\_\_ 9. Fill Permit Application
- \_\_\_\_\_ 10. Floodplain Management Application (NOT if Flood Zone X)
- \_\_\_\_\_ 11. Water/Sewer Impact Fees Receipt (if applicable)

\_\_\_\_\_  
Applicant Name, Signature

\_\_\_\_\_  
Date

City of Apalachicola Building Department  
192 Coach Wagoner Blvd. Apalachicola, FL 32320  
(850)653-9319





**City of Apalachicola Planning & Zoning**  
**Application for Special Exception**

**Official Use Only**

Date Received: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_  
Fees Due: \_\_\_\_\_  
Date Fees Paid: \_\_\_\_\_

**OWNER INFORMATION**

Owner \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_

**REPRESENTATIVE INFORMATION**

Name \_\_\_\_\_  
Email \_\_\_\_\_  
Phone \_\_\_\_\_

**PROJECT TYPE**

Special Exception

**REQUEST STATEMENT: (State your special exception request in one sentence.)**

\_\_\_\_\_  
\_\_\_\_\_

**PROPERTY INFORMATION**

Street Address (911 Address): \_\_\_\_\_  
City & State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Parcel ID #: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Zoning District: \_\_\_\_\_ [ ] Historic District [ ] Non-Historic District  
FEMA Flood Zone: \_\_\_\_\_

**OFFICIAL USE ONLY**

Current Zoning: \_\_\_\_\_  
Current Land Use: \_\_\_\_\_  
STAFF NOTES/RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FEES**

**Quasi-Judicial Special Exception Request** **\$1,600**

**NOTE:** Please state in writing the full nature of the use or structure for which the special exception is being sought. Submit this application, statement, and any/all supporting material for the consideration of the request. The fee for a Special Exception application is due at time of submission. This is a conceptual approval through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by the Building Official.

## CERTIFICATION

By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and have read and understand the following:

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
  
2. I/We authorize staff from the City of Apalachicola to enter onto the property in question during regular business hours in order to take photos which will be placed in the permanent file.
  
3. I/We understand that the application fee is due at the time of application submission, the payment is nonrefundable, and that payment does not guarantee a successful request.
  
4. I/We understand that the Planning & Zoning Board will be the governing body on all special exception requests. The Planning & Zoning Board reserves the right to table a decision and request more information from the applicant.
  
5. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 30 business days to process. I further understand available meeting date.
  
6. I/We understand that an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Planning & Zoning meeting.

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DATE

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SIGNATURE OF APPLICANT

**AFFIDAVIT**

We/I, \_\_\_\_\_, being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my/our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated, or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted.

As property owner(s), we/I further authorize \_\_\_\_\_ to act as our/my representative in any matters regarding this Petition.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Typed or Printed Name of Owner

\_\_\_\_\_  
Typed or Printed Name of Owner

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Seal)

\_\_\_\_\_  
NOTARY PUBLIC  
Printed Name:  
Commission Number:

Commission





**City of Apalachicola Board of Adjustment  
Application for Variance**

**Official Use Only**

Date Received: \_\_\_\_\_  
 Meeting Date: \_\_\_\_\_  
 Fees Due: \_\_\_\_\_  
 Date Fees Paid: \_\_\_\_\_

OWNER INFORMATION	REPRESENTATIVE INFORMATION <i>(if applicable)</i>
Owner _____ Address _____ City _____ State _____ Zip _____ Phone _____	Name _____ Email _____ Phone _____

PROPERTY INFORMATION
Street Address (911 Address): _____ City & State: _____ Zip: _____ Parcel ID #: _____ Block: _____ Lot: _____ Zoning District: _____ Land Use: _____ <input type="checkbox"/> Historic District <input type="checkbox"/> Non-Historic District   FEMA Flood Zone: _____ Acreage/Square Footage of Property: _____

REQUEST STATEMENT: <i>(State your variance request in one sentence.)</i>
_____ _____ _____

OFFICIAL USE ONLY
Public Notice: > Letters Sent _____ > Signs Posted _____ > Advertisements _____
STAFF NOTES/RECOMMENDATIONS: _____ _____ _____ _____ _____ _____ _____

Fee Schedule:	
Quasi-Judicial Variance Requests	<b>\$1,600.00</b>

*NOTE: Fees for application of a Variance Request are due at time of application and are non-refundable – this includes denied applications. This is a basic application provided through the City based on our Land Development Code (LDC.) Please be aware that other documentation may be required by City Staff.*

## CERTIFICATION

By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and have read and understand the following:

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
  
2. I/We authorize staff from the City of Apalachicola to enter the property in question during regular business hours in order to take photos which will be placed in the permanent file.
  
3. I/We understand that the application fee is due at the time of application submission, the payment is nonrefundable, and that payment does not guarantee a successful request.
  
4. I/We understand that the Board of Adjustment is the authority on all variance requests. The Board of Adjustment reserves the right to table a decision and request more information from the applicant.
  
5. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 30 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next available meeting date.
  
6. I/We understand that an agenda and staff report (if applicable) will be available on the City's website approximately one week before the Board of Adjustment meeting.

---

DATE

---

SIGNATURE OF APPLICANT















**AFFIDAVIT**

We/I, \_\_\_\_\_, being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my/our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated, or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted.

As property owner(s), we/I further authorize \_\_\_\_\_ to act as our/my representative in any matters regarding this Petition.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Typed or Printed Name of Owner

\_\_\_\_\_  
Typed or Printed Name of Owner

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Seal)

\_\_\_\_\_  
NOTARY PUBLIC  
Printed Name:  
Commission Number:  
Commission Expires:



**City of Apalachicola**  
**Application for Rezoning or Land Use Change**

**Official Use Only**

Date Received: \_\_\_\_\_  
Meeting Date: \_\_\_\_\_  
Fees Due: \_\_\_\_\_  
Date Fees Paid: \_\_\_\_\_

<b>OWNER INFORMATION</b>	<b>REPRESENTATIVE INFORMATION</b> <i>(if applicable)</i>
--------------------------	---

Owner _____ Address _____ City _____ State _____ Zip _____ Phone _____	Name _____ Email _____ Phone _____
---	--

**PROJECT TYPE**

Re-Zoning Request \_\_\_\_\_
  Land Use Change Request \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address (911 Address): \_\_\_\_\_  
 City & State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Parcel ID #: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_ Requested Zoning: \_\_\_\_\_  
 Land Use: \_\_\_\_\_ Requested Land Use: \_\_\_\_\_  
 Historic District     Non-Historic District    FEMA Flood Zone: \_\_\_\_\_  
 Acreage/Square Footage of Property: \_\_\_\_\_

**OFFICIAL USE ONLY**

Current Zoning: \_\_\_\_\_ Current Land Use: \_\_\_\_\_  
 Requested Zoning: \_\_\_\_\_ Requested Land Use: \_\_\_\_\_  
 Historic or Cultural Site? \_\_\_\_\_ Traffic Circulation? \_\_\_\_\_  
 Located in a Wellfield Protection Zone? \_\_\_\_\_  
 Public Notice:  
   > Letters Sent \_\_\_\_\_  
   > Signs Posted \_\_\_\_\_  
   > Advertisements \_\_\_\_\_

**STAFF NOTES/RECOMMENDATIONS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<b>Fee Schedule:</b>	
Re-Zoning Requests	\$2,000.00
Land Use Change Requests	\$2,000.00
Combination Re-Zoning/Land Use Change Requests	\$3,500.00





## CERTIFICATION

By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and have read and understand the following:

1. I/We hereby attest to the fact that the above supplied property address(es), parcel numbers(s), and legal description(s) is(are) the true and proper identification of the area of this petition.
  
2. I/We authorize staff from the City of Apalachicola to enter the property in question during regular business hours in order to take photos which will be placed in the permanent file.
  
3. I/We understand that the application fee is due at the time of application submission, the payment is nonrefundable, and that payment does not guarantee a successful request.
  
4. I/We understand that the City Commission is the authority on all zoning and land use matters and will be the governing body on all re-zoning and land use change requests. The City Commission reserves the right to table a decision and request more information from the applicant.
  
5. I/We understand that the COA review time period will not commence until the application is deemed complete by staff and may take up to 30 business days to process. I further understand that an incomplete application submittal may cause my application to be deferred to the next available meeting date.
  
6. I/We understand that an agenda and staff report (if applicable) will be available on the City's website approximately one week before the City Commission meeting.

---

DATE

---

SIGNATURE OF APPLICANT

**AFFIDAVIT**

We/I, \_\_\_\_\_, being first duly sworn, depose and say that we/I am/are the owners of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, including the disclosure of interest information, all sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my/our knowledge and belief. We/I understand that the information requested on this application must be complete and accurate and that the content of this form, whether computer generated or City printed shall not be altered. Public hearings will not be advertised until this application is deemed complete, and all required information has been submitted.

As property owner(s), we/I further authorize \_\_\_\_\_ to act as our/my representative in any matters regarding this Petition.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Typed or Printed Name of Owner

\_\_\_\_\_  
Typed or Printed Name of Owner

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Seal)

\_\_\_\_\_  
NOTARY PUBLIC  
Printed Name:  
Commission Number:  
Commission Expires:



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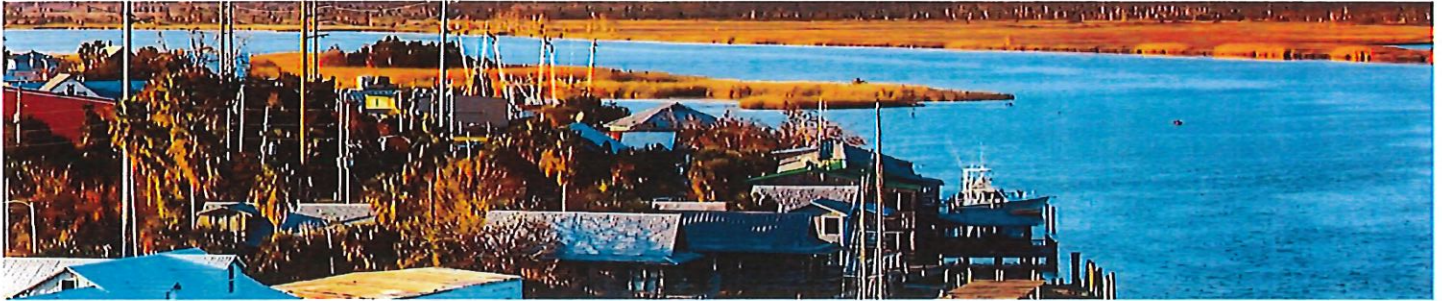
OFFICIAL WEBSITE OF THE HISTORIC CITY OF APALACHICOLA FLORIDA (https://www.cityofapalachicola.com)

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Departments

Community

Business Forms



(https://www.cityofapalachicola.com/government/agendas-minutes/)



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(https://www.cityofapalachicola.com/report-a-concern/)



REPORT

A CONCERN (HTTPS://WWW.CITYOFAPALACHICOLA.COM/REPORT-A-CONCERN/)

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MEETINGS

& EVENTS (HTTPS://WWW.CITYOFAPALACHICOLA.COM/EVENTS/)

(https://www.cityofapalachicola.com/departments/building/)



BUILDING

PERMITS (HTTPS://WWW.CITYOFAPALACHICOLA.COM/DEPARTMENTS/BUILDING/)

You are here: Home (https://www.cityofapalachicola.com/) / Departments (https://www.cityofapalachicola.com/departments/) / Planning & Community Development

## PLANNING & COMMUNITY DEVELOPMENT

This department is responsible for overall planning responsibilities in the city in coordination with the building department. This department is also responsible for administrative support to the Planning and Zoning Board and Board of Adjustment. This office implements the procedural tasks required to implement land development code amendments, special exceptions, and variances. This office is responsible for setting up meetings for Planning and Zoning board and Board of Adjustment, taking the minutes of those meetings, sending out required documents, and providing general staff service support to the City.

Bree Robinson, City Planner

brobinson@cityofapalachicola.com (mailto:brobinson@cityofapalachicola.com)

(850) 323-0985

ORDINANCES



COMPREHENSIVE PLAN UPDATES



## COMPREHENSIVE PLAN

+

## FORMS

+

## DOCUMENTS

+

## STORMWATER POLLUTION PREVENTION PROGRAM

+

## MAP RESOURCES

+

## FREQUENTLY ASKED QUESTIONS

-

### What is the P&Z board?

The City of Apalachicola has a Planning & Zoning board comprised of 7 citizens that review and approve all new development within Apalachicola City Limits. They meet on the second Monday of every month at 6PM in the Community Center at 1 Bay Avenue. The deadline for P&Z applications to be placed on the agenda is 10 business days prior to the meeting.

### What type of developments require P&Z approval?

Any new development within Apalachicola City Limits must go before the P&Z board – this includes, but is not limited to sheds, additions, new construction, mobile homes, decking, concrete pads, pavers, brick pathways, pole barns, accessory structures, fencing, pools, replats, etc.

### What is the P&Z board reviewing for?

The City Planner and P&Z board are reviewing for total site plan code compliance. This includes land use, setbacks, lot coverage, etc. The regulations for each zone can be found here ([https://library.municode.com/fl/apalachicola/codes/code\\_of\\_ordinances?nodeId=SPBLADECO\\_CH111LAUS\\_ARTIIIIZO\\_DIV3ZODIRE](https://library.municode.com/fl/apalachicola/codes/code_of_ordinances?nodeId=SPBLADECO_CH111LAUS_ARTIIIIZO_DIV3ZODIRE)).

### How can I tell what zone I'm in?

The City of Apalachicola zoning map can be found here (<https://www.cityofapalachicola.com/wp-content/uploads/2022/09/COA-Official-Zoning-Map-6-9-2009.pdf>). If you are unsure on what block/lot your property is, you can go to [Records Search - Franklin County Property Appraiser \(gsacorp.io\)](https://www.franklin-county.com/property-appraiser) (<https://franklin-search.gsacorp.io/>) and find your property information. If you need help, please reach out to Bree Robinson at [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com) (<mailto:brobinson@cityofapalachicola.com>).

### Where can I find the Code for my Zone?

You can [click here to review the Zoning regulations for the City of Apalachicola](https://library.municode.com/fl/apalachicola/codes/code_of_ordinances?nodeId=SPBLADECO_CH111LAUS_ARTIIIIZO_DIV3ZODIRE) ([https://library.municode.com/fl/apalachicola/codes/code\\_of\\_ordinances?nodeId=SPBLADECO\\_CH111LAUS\\_ARTIIIIZO\\_DIV3ZODIRE](https://library.municode.com/fl/apalachicola/codes/code_of_ordinances?nodeId=SPBLADECO_CH111LAUS_ARTIIIIZO_DIV3ZODIRE)).

### What all do I need to turn in to be placed on the P&Z agenda?

You will need to turn in a completed P&Z application along with a detailed site plan with current and proposed square footage of any structures or lot coverage. For larger developments or commercial developments, more information might be required.

### What is a site plan? Do I have to hire someone to do this?

Site plans can be drawn by the applicant, but must be accurate. A survey is a great place to start! Site plans at minimum must contain the entire lot with dimensions shown, surrounding streets/alleys labeled, all setback dimensions shown, all current structures with dimensions and square footage, and all proposed structures with dimensions and square footage. All current lot coverage must be shown – staff will look at each site before an item is placed on the agenda to ensure site plan accuracy.

### Where do I turn my application in?

You can turn your application in at City Hall or email it directly to Bree Robinson, City Planner, at [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com) (<mailto:brobinson@cityofapalachicola.com>). You can also email her any questions you may have.

### Is there a fee for P&Z?

Yes, they are as follows and are due at the time of submission of the P&Z Application:

- New Residential Construction \$200
- Residential Accessory Structure (sheds, pole barns, pools, etc.) \$50

- Fences (New or Materially Altered) \$0
- Commercial New Construction \$450+
- Commercial/Multifamily Fences (New or Replacement) \$100

Failure to apply for P&Z Approval is subject to Building Dept. Fines.

#### **What is a Certificate of Appropriateness? Is there a fee for this?**

If your property falls within the Historic District, then it is subject to review for a Certificate of Appropriateness along with the standard P&Z Site Plan Approval. This is required for all properties in the historic district and applies to new construction, additions, accessory structures, fences, any exterior renovations involving changing materials, etc. The P&Z Board serves as the Architectural Review Board as well, and all P&Z applications include a Certificate of Appropriateness if they are within the Historic District. There will be a standard P&Z fee and the COA fee will also be added - these fees are due at time of the P&Z Application:

#### **Residential:**

- New Construction \$75
- Accessory Structure, Addition, Remodel \$40
- Fence \$25
- Other \$25

#### **Commercial/Multifamily:**

- New Construction \$150
- Accessory Structure, Addition, Remodel \$80
- Fence \$50
- Other \$50

Failure to apply for a COA is a residential fine of \$150 and a commercial fine of \$1,000.

Checks payable to City of Apalachicola and may be dropped off at City Hall or mailed to: 192 Coach Wagoner Blvd. Apalachicola, FL 32320 with attention to Bree Robinson or P&Z.

#### **Do I have to attend the P&Z meeting to have my development approved?**

Applicants are highly encouraged to attend the P&Z meeting when their item is discussed, so the P&Z Board members can ask any questions they might have. If questions are asked and the applicant is not present, then P&Z will table the item until further notice.

#### **I got P&Z approval for my development! Am I good to go ahead and begin my project?**

No, you must submit the appropriate building permit applications to [buildingdept@cityofapalachicola.com](mailto:buildingdept@cityofapalachicola.com) (<mailto:buildingdept@cityofapalachicola.com>). Please be aware that additional documentation may be required by the Building Official.

#### **I got my P&Z approval, but I'm not ready to move forward - how long is my approval good for?**

P&Z approvals are valid for one year after issuance. If a building permit has not been obtained within the year, the applicant must re-apply and receive site plan approval again.

#### **I was denied approval at the P&Z meeting - what do I do?**

If you feel the P&Z decision was made in error then you have the right to appeal to the City Commission. Appeals must be presented within 30 days; otherwise the decision is final. Please contact City Planner, Bree Robinson, at [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com) (<mailto:brobinson@cityofapalachicola.com>) to inquire on this process.

#### **What I want to do does not comply with the City Code for my zone - can I apply for a variance or a special exception?**

Variations are granted strictly by proving unnecessary hardship (not financial). This is primarily associated with building in flood zones or other special circumstances. There is a separate application, process, and board for a variance application and the cost is \$1,600 to apply. If the variance is not granted this is nonrefundable. The Board of Adjustment must be called for a public hearing, ads will be placed in the paper, signs posted, neighbors contacted, etc.

Special exceptions are determined by the Planning & Zoning Board and go through a similar public notice process - the cost for a special exception is \$1,600. Please inquire to the City Planner for more details if you are interested in pursuing a variance or special exception.



**I still have questions! Who do I ask?**

You can reach out to City Planner, Bree Robinson, at [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com) (<mailto:brobinson@cityofapalachicola.com>) or call 850-323-0985 with any planning related questions.

You can reach out to Building Inspector, at [buildingdept@cityofapalachicola.com](mailto:buildingdept@cityofapalachicola.com) (<mailto:buildingdept@cityofapalachicola.com>) with any building permit related questions.

You can reach out to City Hall by calling 850-653-9319 for tree permits or Code Enforcement related questions.

**VACATION RENTALS**



**BUILDING DEPARTMENT CONTACTS**



**STAY INFORMED**

Receive notices and alerts in your inbox!

Email Address	SUBMIT
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**City Contact Info**

192 Coach Wagoner Blvd.  
Apalachicola, FL 32320  
Phone: (850) 653-9319  
Fax: (850) 653-2205

**Hours of Operation**

Monday - Friday  
8:00 a.m. - 5:00 p.m.

**City Commission**

- Mayor Brenda Ash
- Despina George, Commissioner Seat 1
- Adriane Elliott, Commissioner Seat 2
- Anita Grove, Commissioner Seat 3
- Donna Duncan, Commissioner Seat 4

**City Services**

- Upcoming Events ([/events/](#))
- Report a Concern (<https://www.cityofapalachicola.com/report-a-concern/>)
- Building Permits (<https://www.cityofapalachicola.com/departments/building/>)
- Businesses (<https://www.cityofapalachicola.com/business/>)
- Disclaimers & Policies (<https://www.cityofapalachicola.com/disclaimers-policies/>)
- Submit Site Feedback (<https://www.cityofapalachicola.com/submit-site-feedback/>)

**Local Resources**

- Apalachicola Margaret Key Public Library (<https://www.apalachicolalibrary.com/>)
- Franklin County Tourist Development Council (<https://www.floridasforgottencoast.com/>)
- Apalachicola Bay Chamber of Commerce (<http://www.apalachicolabay.org>)
- Apalachicola Historical Society (<https://aahs.wildapricot.org>)
- Franklin County Emergency Alerts (<https://www.franklinemergencymanagement.com/alert-franklin/>)



Florida Building Code  
Part IV

553.79 - Permits, etc.



PART IV  
FLORIDA BUILDING CODE

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- 553.841 Building code compliance and mitigation program.
- 553.842 Product evaluation and approval.
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- 553.865 Private spaces.
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- 553.883 Smoke alarms in one-family and two-family dwellings and townhomes.
- 553.885 Carbon monoxide alarm required.
- 553.886 Energy efficiency technologies.
- 553.895 Firesafety.
- 553.896 Mitigation grant program guideline.
- 553.898 Preemption; certain special acts concerning general purpose local government repealed.
- 553.899 Mandatory structural inspections for condominium and cooperative buildings.

**553.70 Short title.**—This part shall be known and may be cited as the “Florida Building Codes Act.”

**History.**—s. 1, ch. 74-167; s. 1, ch. 77-365.

**553.71 Definitions.**—As used in this part, the term:

- (1) “Commission” means the Florida Building Commission created by this part.
- (2) “Department” means the Department of Business and Professional Regulation.
- (3) “Housing code” means any code or rule intending postconstruction regulation of structures which would include, but not be limited to: standards of maintenance, condition of facilities, condition of systems and components, living conditions, occupancy, use, and room sizes.
- (4) “Load management control device” means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility’s system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission.
- (5) “Local enforcement agency” means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.
- (6) “Local technical amendment” means an action by a local governing authority that results in a technical change to the Florida Building Code and its local enforcement.
- (7) “Prototype building” means a building constructed in accordance with architectural or engineering plans intended for replication on various sites and which will be updated to comply with the Florida Building Code and applicable laws relating to firesafety, health and sanitation, casualty safety, and requirements for persons with disabilities which are in effect at the time a construction contract is to be awarded.
- (8) “Secretary” means the Secretary of Business and Professional Regulation.



(9) “Special inspector” means a licensed architect or registered engineer who is certified under chapter 471 or chapter 481 to conduct inspections of threshold buildings.

(10) “State enforcement agency” means the agency of state government with authority to make inspections of buildings and to enforce the codes, as required by this part, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(11) “Temporary” includes, but is not limited to, buildings identified by, but not designated as permanent structures on, an approved development order.

(12) “Threshold building” means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

**History.**—s. 2, ch. 74-167; s. 1, ch. 75-111; s. 1, ch. 77-365; s. 4, ch. 78-323; ss. 3, 4, ch. 81-7; s. 77, ch. 81-167; ss. 1, 4, ch. 82-46; s. 80, ch. 83-55; s. 8, ch. 83-160; s. 2, ch. 83-265; s. 1, ch. 84-24; s. 1, ch. 84-365; ss. 5, 6, ch. 91-172; s. 5, ch. 91-429; s. 3, ch. 93-249; s. 37, ch. 98-287; ss. 69, 70, ch. 2000-141; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 3, ch. 2006-65; s. 58, ch. 2007-217; s. 9, ch. 2008-191; s. 413, ch. 2011-142; s. 13, ch. 2013-193.

**553.72 Intent.—**

(1) The purpose and intent of this act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code, which consists of a single set of documents that apply to the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health, and general welfare for all the people of Florida at the most reasonable cost to the consumer. The Florida Building Code shall be organized to provide consistency and simplicity of use. The Florida Building Code shall be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction. The Florida Building Code shall provide for flexibility to be exercised in a manner that meets minimum requirements, is affordable, does not inhibit competition, and promotes innovation and new technology. The Florida Building Code shall establish minimum standards primarily for public health and lifesafety, and secondarily for protection of property as appropriate.

(2) It is the intent of the Legislature that local governments shall have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public health, safety, and welfare pursuant to chapters 125 and 166.

(3) It is the intent of the Legislature that the Florida Building Code be adopted, modified, updated, interpreted, and maintained by the Florida Building Commission in accordance with ss. 120.536(1) and 120.54 and enforced by authorized state and local government enforcement agencies.



(4) It is the intent of the Legislature that the Florida Fire Prevention Code and the Life Safety Code of this state be adopted, modified, updated, interpreted, and maintained by the Department of Financial Services in accordance with ss. 120.536(1) and 120.54 and included by reference as sections in the Florida Building Code.

(5) It is the intent of the Legislature that there be no conflicting requirements between the Florida Fire Prevention Code and the Life Safety Code of the state and other provisions of the Florida Building Code or conflicts in their enforcement and interpretation. Potential conflicts shall be resolved through coordination and cooperation of the State Fire Marshal and the Florida Building Commission as provided by this part and chapter 633.

(6) It is the intent of the Legislature that the nationally recognized private sector third-party testing and evaluation system shall provide product evaluation for the product-approval system and that effective government oversight be established to ensure accountability to the state.

History.—s. 3, ch. 74-167; s. 38, ch. 98-287; ss. 71, 72, ch. 2000-141; ss. 34, 35, ch. 2001-186; ss. 3, 4, ch. 2001-372; s. 662, ch. 2003-261.

**553.721 Surcharge.**—In order for the Department of Business and Professional Regulation to administer and carry out the purposes of this part and related activities, there is created a surcharge assessed at the rate of 1 percent of the permit fees associated with enforcement of the Florida Building Code as defined by the uniform account criteria and specifically the uniform account code for building permits adopted for local government financial reporting pursuant to s. 218.32. The minimum amount collected on any permit issued shall be \$2. The unit of government responsible for collecting a permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect the surcharge and electronically remit the funds collected to the department on a quarterly calendar basis for the preceding quarter and continuing each third month thereafter. The unit of government shall retain 10 percent of the surcharge collected to fund the participation of building departments in the national and state building code adoption processes and to provide education related to enforcement of the Florida Building Code. All funds remitted to the department pursuant to this section shall be deposited in the Professional Regulation Trust Fund. Funds collected from the surcharge shall be allocated to fund the Florida Building Commission and the Florida Building Code Compliance and Mitigation Program under s. 553.841. Funds allocated to the Florida Building Code Compliance and Mitigation Program shall be \$925,000 each fiscal year. The Florida Building Code Compliance and Mitigation Program shall fund the recommendations made by the Building Code System Uniform Implementation Evaluation Workgroup, dated April 8, 2013, from existing resources, not to exceed \$30,000 in the 2016-2017 fiscal year. Funds collected from the surcharge shall also be used to fund Florida Fire Prevention Code informal interpretations managed by the State Fire Marshal and shall be limited to \$15,000 each fiscal year. The State Fire Marshal shall adopt rules to address the implementation and expenditure of the funds allocated to fund the Florida Fire Prevention Code informal interpretations under this section. The



funds collected from the surcharge may not be used to fund research on techniques for mitigation of radon in existing buildings. Funds used by the department as well as funds to be transferred to the Department of Health and the State Fire Marshal shall be as prescribed in the annual General Appropriations Act. The department shall adopt rules governing the collection and remittance of surcharges pursuant to chapter 120.

**History.**—s. 1, ch. 88-285; s. 4, ch. 91-429; s. 28, ch. 92-173; s. 19, ch. 93-120; s. 33, ch. 93-166; s. 2, ch. 94-284; s. 1, ch. 95-339; s. 2, ch. 98-145; s. 32, ch. 2008-153; s. 31, ch. 2010-176; s. 414, ch. 2011-142; s. 13, ch. 2012-13; s. 17, ch. 2014-154; s. 16, ch. 2016-129; s. 2, ch. 2017-29.

**Note.**—Former s. 404.056(3).

### **553.73 Florida Building Code.—**

(1)(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for Building Construction pursuant to part II shall be considered adopted by the commission as part of the Florida Building Code. Neither the commission nor any local government shall revise or amend any standard of the Florida Accessibility Code for Building Construction except as provided for in part II.

(c) The Florida Fire Prevention Code and the Life Safety Code shall be referenced in the Florida Building Code, but shall be adopted, modified, revised, or amended, interpreted, and maintained by the Department of Financial Services by rule adopted pursuant to ss. 120.536(1) and 120.54. The Florida Building Commission may not adopt a fire prevention or lifesafety code, and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Financial Services.

(d) Conflicting requirements between the Florida Building Code and the Florida Fire Prevention Code and Life Safety Code of the state established pursuant to ss. 633.206 and 633.208 shall be resolved by agreement between the commission and the State Fire Marshal in favor of the requirement that offers the greatest degree of lifesafety or alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction. If the commission and State Fire Marshal are unable to agree on a resolution, the question shall be referred to a mediator, mutually agreeable to both parties, to resolve the conflict in favor of the provision that offers the greatest lifesafety, or



alternatives that would provide an equivalent degree of lifesafety and an equivalent method of construction.

(e) Subject to the provisions of this act, responsibility for enforcement, interpretation, and regulation of the Florida Building Code shall be vested in a specified local board or agency, and the words "local government" and "local governing body" as used in this part shall be construed to refer exclusively to such local board or agency.

(2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (6), (7), (8), and (9) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(3) The commission shall use the International Codes published by the International Code Council, the National Electric Code (NFPA 70), or other nationally adopted model codes and standards for updates to the Florida Building Code. The commission may approve technical amendments to the code as provided in subsections (8) and (9), subject to all of the following conditions:

(a) The proposed amendment must have been published on the commission's website for a minimum of 45 days and all the associated documentation must have been made available to any interested party before consideration by a technical advisory committee.

(b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a two-thirds vote of the members present at the meeting. At least half of the regular members must be present in order to conduct a meeting.



(c) After the technical advisory committee has considered and recommended approval of any proposed amendment, the proposal must be published on the commission's website for at least 45 days before consideration by the commission.

(d) A proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within the Florida Building Code provisions that address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

(b) Local governments may, subject to the limitations in this section and not more than once every 6 months, adopt amendments to the technical provisions of the Florida Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Florida Building Code. A local government may adopt technical amendments that address local needs if:

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need.

2. Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.



(c) The enforcing agency shall make readily available, in a usable format, all amendments adopted under this section.

(d) Any amendment to the Florida Building Code shall be transmitted within 30 days after adoption by the local government to the commission. The commission shall maintain copies of all such amendments in a format that is usable and obtainable by the public. Local technical amendments are not effective until 30 days after the amendment has been received and published by the commission.

(e) An amendment to the Florida Building Code adopted by a local government under this subsection is effective only until the adoption of the new edition of the Florida Building Code by the commission every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (9)(a) and adopt such amendment as part of the Florida Building Code or rescind the amendment. The commission shall immediately notify the respective local government of the rescission of any amendment. After receiving such notice, the respective local government may readopt the rescinded amendment under the provisions of this subsection.

(f) Each county and municipality desiring to make local technical amendments to the Florida Building Code shall establish by interlocal agreement a countywide compliance review board to review any amendment to the Florida Building Code that is adopted by a local government within the county under this subsection and that is challenged by a substantially affected party for purposes of determining the amendment's compliance with this subsection. If challenged, the local technical amendments are not effective until the time for filing an appeal under paragraph (g) has expired or, if there is an appeal, until the commission issues its final order determining if the adopted amendment is in compliance with this subsection.

(g) If the compliance review board determines such amendment is not in compliance with this subsection, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission. If the compliance review board determines that such amendment is in compliance with this subsection, any substantially affected party may appeal such determination to the commission. Any such appeal must be filed with the commission within 14 days after the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings by electronic means through the division's website for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days after being assigned to the appeal, and shall enter a recommended order within 30 days after the conclusion of such hearing. The commission shall enter a final order within 30 days after an order is rendered. Chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this subsection in proceedings before the compliance review board and the

commission, as applicable. Actions of the commission are subject to judicial review under s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

(h) An amendment adopted under this subsection must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall include the impact to local government relative to enforcement and the impact to property and building owners and industry relative to the cost of compliance. The fiscal impact statement may not be used as a basis for challenging the amendment for compliance.

(i) In addition to paragraphs (f) and (g), the commission may review any amendments adopted under this subsection and make nonbinding recommendations related to compliance of such amendments with this subsection.

(j) Any amendment adopted by a local enforcing agency under this subsection may not apply to state or school district owned buildings, manufactured buildings or factory-built school buildings approved by the commission, or prototype buildings approved under s. 553.77(3). The respective responsible entities shall consider the physical performance parameters substantiating such amendments when designing, specifying, and constructing such exempt buildings.

(k) A technical amendment to the Florida Building Code related to water conservation practices or design criteria adopted by a local government under this subsection is not void when the code is updated if the technical amendment is necessary to protect or provide for more efficient use of water resources as provided in s. 373.621. However, any such technical amendment carried forward into the next edition of the code under this paragraph is subject to review or modification as provided in this part.

(l) If a local government adopts a regulation, law, ordinance, policy, amendment, or land use or zoning provision without using the process established in this subsection, and a substantially affected person considers such regulation, law, ordinance, policy, amendment, or land use or zoning provision to be a technical amendment to the Florida Building Code, then the substantially affected person may submit a petition to the commission for a nonbinding advisory opinion. If a substantially affected person submits a request in accordance with this paragraph, the commission shall issue a nonbinding advisory opinion stating whether or not the commission interprets the regulation, law, ordinance, policy, amendment, or land use or zoning provision as a technical amendment to the Florida Building Code. As used in this paragraph, the term "local government" means a county, municipality, special district, or political subdivision of the state.

1. Requests to review a local government regulation, law, ordinance, policy, amendment, or land use or zoning provision may be initiated by any substantially affected person. A substantially affected person includes an owner or builder subject to the regulation, law, ordinance, policy, amendment, or

land use or zoning provision, or an association of owners or builders having members who are subject to the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

2. In order to initiate a review, a substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition and directions for filing, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name of the local government that enacted the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

b. The name and address of the local government's general counsel or administrator.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

d. A statement explaining why the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code, and which provisions of the Florida Building Code, if any, are being amended by the regulation, law, ordinance, policy, amendment, or land use or zoning provision.

3. The petitioner shall serve the petition on the local government's general counsel or administrator by certified mail, return receipt requested, and send a copy of the petition to the commission, in accordance with the commission's published directions. The local government shall respond to the petition in accordance with the form by certified mail, return receipt requested, and send a copy of its response to the commission, within 14 days after receipt of the petition, including Saturdays, Sundays, and legal holidays.

4. Upon receipt of a petition that meets the requirements of this paragraph, the commission shall publish the petition, including any response submitted by the local government, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. Before issuing an advisory opinion, the commission shall consider the petition, the response, and any comments posted on the Building Code Information System. The commission may also provide the petition, the response, and any comments posted on the Building Code Information System to a technical advisory committee, and may consider any recommendation provided by the technical advisory committee. The commission shall issue an advisory opinion stating whether the regulation, law, ordinance, policy, amendment, or land use or zoning provision is a technical amendment to the Florida Building Code within 30 days after the filing of the petition, including Saturdays, Sundays, and legal holidays. The commission shall publish its advisory opinion on the Building Code Information



System and in the Florida Administrative Register. The commission's advisory opinion is nonbinding and is not a declaratory statement under s. 120.565.

(5) Notwithstanding subsection (4), counties and municipalities may adopt by ordinance an administrative or technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives. Specifically, an administrative amendment may assign the duty to enforce all or portions of flood-related code provisions to the appropriate agencies of the local government and adopt procedures for variances and exceptions from flood-related code provisions other than provisions for structures seaward of the coastal construction control line consistent with the requirements in 44 C.F.R. s. 60.6. A technical amendment is authorized to the extent it is more stringent than the code. A technical amendment is not subject to the requirements of subsection (4) and may not be rendered void when the code is updated if the amendment is adopted for the purpose of participating in the Community Rating System promulgated pursuant to 42 U.S.C. s. 4022, the amendment had already been adopted by local ordinance prior to July 1, 2010, or the amendment requires a design flood elevation above the base flood elevation. Any amendment adopted under this subsection shall be transmitted to the commission within 30 days after being adopted. A municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.

(6) The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is deemed adopted for use statewide without adoptions by local government. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

(7)(a) The commission shall adopt an updated Florida Building Code every 3 years through review of the most current updates of the International Building Code, the International Fuel Gas Code, the International Existing Building Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are copyrighted and published by the International Code Council, and the National Electrical Code, which is copyrighted and published by the National Fire Protection Association. At a minimum, the commission shall adopt any updates to such codes or any other code necessary to maintain eligibility for federal funding and discounts from the National Flood Insurance Program, the Federal Emergency Management Agency, and the United States Department of Housing and Urban Development. The commission shall also review and adopt updates based on the International Energy Conservation Code (IECC); however, the commission shall maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction adopted and amended pursuant to s. 553.901. Every 3 years, the commission may approve updates to the Florida Building

Code without a finding that the updates are needed in order to accommodate the specific needs of this state. The commission shall adopt updated codes by rule.

(b) Codes regarding noise contour lines shall be reviewed annually, and the most current federal guidelines shall be adopted.

(c) The commission may also adopt as a technical amendment to the Florida Building Code any portion of the codes identified in paragraph (a), but only as needed to accommodate the specific needs of this state. Standards or criteria adopted from these codes shall be incorporated by reference to the specific provisions adopted. If a referenced standard or criterion requires amplification or modification to be appropriate for use in this state, only the amplification or modification shall be set forth in the Florida Building Code. The commission may approve technical amendments to the updated Florida Building Code after the amendments have been subject to the conditions set forth in paragraphs (3)(a)-

(d). Amendments that are adopted in accordance with this subsection shall be clearly marked in printed versions of the Florida Building Code so that the fact that the provisions are amendments is readily apparent.

(d) The commission shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments and shall incorporate such interpretations, statements, decisions, and amendments into the updated Florida Building Code only to the extent that they are needed to accommodate the specific needs of the state. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit.

(e) A rule updating the Florida Building Code in accordance with this subsection shall take effect no sooner than 6 months after publication of the updated code. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately. If energy code compliance software is not approved by the commission at least 3 months before the effective date of the updated Florida Building Code, the commission may delay the effective date of the energy provisions of the Florida Building Code for up to 3 additional months.

(f) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be modified to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, modify the provisions to enhance those construction requirements.

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code under the rule adoption procedures in chapter 120. Updates to



the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended under this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

1. Conflicts within the updated code;
2. Conflicts between the updated code and the Florida Fire Prevention Code adopted under chapter 633;
3. Unintended results from the integration of previously adopted amendments with the model code;
4. Equivalency of standards;
5. Changes to or inconsistencies with federal or state law; or
6. Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75-percent supermajority vote of the commission. For purposes of this paragraph, "errata to the code" means a list of errors on current and previous editions of the Florida Building Code.

(9)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:

1. Is needed in order to accommodate the specific needs of this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

The Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions, final orders, declaratory statements, and interpretations of hearing officer panels under s.



553.775(3)(c), but only to the extent that the incorporation of interpretations is needed to modify the code to accommodate the specific needs of this state. Amendments approved under this paragraph shall be adopted by rule after the amendments have been subjected to subsection (3).

(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact to industry, relative to the cost of compliance. The amendment must demonstrate by evidence or data that the state's geographical jurisdiction exhibits a need to strengthen the code beyond the needs or regional variations addressed by the code and why the proposed amendment applies to this state.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section. The commission shall require all proposed amendments and information submitted with proposed amendments to be reviewed by commission staff prior to consideration by any technical advisory committee. These reviews shall be for sufficiency only and are not intended to be qualitative in nature. Staff members shall reject any proposed amendment that fails to include a fiscal impact statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee.

(d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

- (a) Buildings and structures specifically regulated and preempted by the **Federal Government**.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) **Temporary buildings or sheds used exclusively for construction purposes**.
- (e) **Mobile or modular structures used as temporary offices**, except that the provisions of part II relating to accessibility by persons with disabilities apply to such mobile or modular structures.
- (f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.



(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences are not subject to the door height and width requirements of the Florida Building Code.

(i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

(j) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(k) A building or structure having less than 1,000 square feet which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:

1. Is not rented or leased or used as a principal residence;
2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
3. Is not connected to an offsite electric power or water supply.

(l) A drone port as defined in s. 330.41(2).

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law. The Florida Building Code does not apply to temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(11)(a) In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict shall be resolved by agreement between the local building code enforcement official and the local fire code enforcement

official in favor of the requirement of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction. Local boards created to address issues arising under the Florida Building Code or the Florida Fire Prevention Code may combine the appeals boards to create a single, local board having jurisdiction over matters arising under either code or both codes. The combined local appeals board may grant alternatives or modifications through procedures outlined in NFPA 1, Section 1.4, but may not waive the requirements of the Florida Fire Prevention Code. To meet the quorum requirement for convening the combined local appeals board, at least one member of the board who is a fire protection contractor, a fire protection design professional, a fire department operations professional, or a fire code enforcement professional must be present.

(b) Any decision made by the local fire official regarding application, interpretation, or enforcement of the Florida Fire Prevention Code or by the local building official regarding application, interpretation, or enforcement of the Florida Building Code, or the appropriate application of either code or both codes in the case of a conflict between the codes, may be appealed to a local administrative board designated by the municipality, county, or special district having firesafety responsibilities. If the decision of the local fire official and the local building official is to apply the provisions of either the Florida Building Code or the Florida Fire Prevention Code and the Life Safety Code, the board may not alter the decision unless the board determines that the application of such code is not reasonable. If the decision of the local fire official and the local building official is to adopt an alternative to the codes, the local administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local administrative board adopts alternatives to the decision rendered by the local fire official and the local building official, such alternatives shall provide an equivalent degree of lifesafety and an equivalent method of construction as the decision rendered by the local officials.

(c) If the local building official and the local fire official are unable to agree on a resolution of the conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code, the local administrative board shall resolve the conflict in favor of the code which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(d) All decisions of the local administrative board or, if none exists, the local building official and the local fire official in regard to the application, enforcement, or interpretation of the Florida Fire Prevention Code, or conflicts between the Florida Fire Prevention Code and the Florida Building Code, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to paragraph (1)(d).



Decisions of the local administrative board related solely to the Florida Building Code are subject to review as set forth in s. 553.775.

(e) The local administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and firesafety standards.

(f) All decisions of the local building official and local fire official and all decisions of the administrative board shall be in writing and shall be binding upon a person but do not limit the authority of the State Fire Marshal or the Florida Building Commission pursuant to paragraph (1)(d) and ss. 633.104 and 633.228. Decisions of general application shall be indexed by building and fire code sections and shall be available for inspection during normal business hours.

(12) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida Building Code for wind load design shall not apply to one or two family dwellings which are two stories or less in height unless approved by the commission for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of subsection (4).

(13) The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements, and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair, or demolition of public or private buildings, structures, or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

(14) The general provisions of the Florida Building Code for buildings and other structures shall not apply to commercial wireless communication towers when such general provisions are inconsistent with the provisions of the code controlling radio and television towers. This subsection is intended to be remedial in nature and to clarify existing law.

(15) An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

(16) The Florida Building Code must require that the illumination in classroom units be designed to provide and maintain an average of 40 foot-candles of light at each desktop. Public educational facilities must consider using light-emitting diode lighting before considering other lighting sources.

(17) A provision of the International Residential Code relating to mandated fire sprinklers may not be incorporated into the Florida Building Code as adopted by the Florida Building Commission and may not be adopted as a local amendment to the Florida Building Code. This subsection does not prohibit the application of cost-saving incentives for residential fire sprinklers that are authorized in the International Residential Code upon a mutual agreement between the builder and the code official. This subsection does not apply to a local government that has a lawfully adopted ordinance relating to fire sprinklers which has been in effect since January 1, 2010.

(18) In a single-family dwelling, makeup air is not required for range hood exhaust systems capable of exhausting:

(a) Four hundred cubic feet per minute or less; or

(b) More than 400 cubic feet per minute but no more than 800 cubic feet per minute if there are no gravity vent appliances within the conditioned living space of the structure.

(19) The Florida Building Code shall require two fire service access elevators in all buildings with a height greater than 120 feet measured from the elevation of street-level access to the level of the highest occupiable floor. All remaining elevators, if any, shall be provided with Phase I and II emergency operations. Where a fire service access elevator is required, a 1-hour fire-rated fire service access elevator lobby with direct access from the fire service access elevator is not required if the fire service access elevator opens into an exit access corridor that is no less than 6 feet wide for its entire length and is at least 150 square feet with the exception of door openings, and has a minimum 1-hour fire rating with three-quarter hour fire and smoke rated openings; and during a fire event the fire service access elevator is pressurized and floor-to-floor smoke control is provided. However, where transient residential occupancies occur at floor levels more than 420 feet above the level of fire service access, a 1-hour fire-rated service access elevator lobby with direct access from the fire service access elevator is required. Standpipes in high-rise buildings of Florida Building Code—Building Occupancy Group R1 or R2 must be located in stairwells and are subject only to the requirements of the Florida Fire Prevention Code and NFPA 14, Standard for the Installation of Standpipes and Hose Systems, adopted by the State Fire Marshal.

(20) The Florida Building Commission may not:

(a) Adopt the 2016 version of the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standard 9.4.1.1(g).

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be equipped with a self-closing device.

History.—s. 4, ch. 74-167; s. 3, ch. 75-85; s. 1, ch. 77-365; s. 225, ch. 79-400; s. 1, ch. 80-106; s. 6, ch. 82-197; s. 2, ch. 84-273; s. 1, ch. 85-97; s. 33, ch. 86-191; s. 1, ch. 87-287; s. 1, ch. 88-142; s. 1, ch. 89-369; s. 2, ch. 91-172; s. 41, ch. 91-220; s. 49, ch. 95-144; s. 1, ch. 97-177; ss. 39, 40, 65, ch. 98-287; s. 61, ch. 98-419; ss. 73, 74, 75, ch. 2000-141; s. 62, ch. 2000-154; ss. 25, 34, 35, 36, ch. 2001-186; ss. 2, 3, 4, 5, ch. 2001-372; s. 86, ch. 2002-1; ss. 1, 14, ch. 2002-



professional licensing board, shall be divided equally between the board and the local jurisdiction which reported the violation.

(3) The Department of Business and Professional Regulation, as an integral part of the automated information system provided under s. 455.2286, shall establish, and local jurisdictions and state licensing boards shall participate in, a system of reporting violations and disciplinary actions taken against all licensees, certificateholders, and registrants under this section that have been disciplined for a violation of the Florida Building Code. Such information shall be available electronically. Any fines collected by a local jurisdiction pursuant to subsection (2) shall be used initially to help set up the parts of the reporting system for which such local jurisdiction is responsible. Any remaining moneys shall be used solely for enforcing the Florida Building Code, licensing activities relating to the Florida Building Code, or education and training on the Florida Building Code.

(4) Local jurisdictions shall maintain records, readily accessible by the public, regarding material violations and shall report such violations to the Department of Business and Professional Regulation by means of the reporting system provided in s. 455.2286.

For purposes of this section, a material code violation is a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems. Except when the fine is abated as provided in subsection (2), failure to pay the fine within 30 days shall result in a suspension of the licensee's, certificateholder's, or registrant's ability to obtain permits within this state until such time as the fine is paid. Such suspension shall be reflected on the automated information system under s. 455.2286.

History.—s. 47, ch. 98-287; ss. 80, 81, ch. 2000-141; ss. 34, 35, ch. 2001-186; ss. 3, 4, ch. 2001-372.

#### **553.79 Permits; applications; issuance; inspections.—**

(1)(a) After the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the



specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. 468.621(1)(i). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

(b) A local enforcement agency shall post each type of building permit application, including a list of all required attachments, drawings, or other requirements for each type of application, on its website. A local enforcement agency must post and update the status of every received application on its website until the issuance of the building permit. Completed applications, including payments, attachments, drawings, or other requirements or parts of the completed permit application, must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in Portable Document Format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Completed applications, including payments, attachments, drawings, or other requirements or parts of the completed permit application, may also be submitted in person in a nonelectronic format, at the discretion of the building official.

(c) A local government that issues building permits may send a written notice of expiration, by e-mail or United States Postal Service, to the owner of the property and the contractor listed on the permit, no less than 30 days before a building permit is set to expire. The written notice must identify the permit that is set to expire and the date the permit will expire.

(d) A local enforcement agency must allow requests for inspections to be submitted electronically to the local enforcement agency's appropriate building department. Acceptable methods of electronic submission include, but are not limited to, e-mail or fill-in form available on the website of the building department or through a third-party submission management software or application that can be downloaded on a mobile device. Requests for inspections may be submitted in a nonelectronic format, at the discretion of the building official.

(e) A local enforcement agency must post its procedures for processing, reviewing, and approving submitted building permit applications on its website.

(f) A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application.

(2)(a)1. Except as provided in subsection (8), an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until



the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found the plans to be in compliance with the Florida Building Code. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

2. An enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. 633.216 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector.

3. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors.

4. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

(b) After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permitholder in writing.



(c)1. A plans examiner or inspector who fails to provide the building code administrator with the reasons for making or requiring substantive changes to the plans or specifications is subject to disciplinary action against his or her certificate under s. 468.621(1)(i).

2. A building code administrator who fails to provide a permit applicant or permit holder with the reasons for making or requiring substantive changes to the plans or specifications is subject to disciplinary action against his or her certificate under s. 468.621(1)(i).

(3) Except as provided in this chapter, the Florida Building Code, after the effective date of adoption pursuant to the provisions of this part, shall supersede all other building construction codes or ordinances in the state, whether at the local or state level and whether adopted by administrative regulation or by legislative enactment. However, this subsection does not apply to the construction of manufactured homes as defined by federal law. Nothing contained in this subsection shall be construed as nullifying or divesting appropriate state or local agencies of authority to make inspections or to enforce the codes within their respective areas of jurisdiction.

(4) The Florida Building Code, after the effective date of adoption pursuant to the provisions of this part, may be modified by local governments to require more stringent standards than those specified in the Florida Building Code, provided the conditions of s. 553.73(4) are met.

(5)(a) During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to and approved by the enforcing agency before the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plan is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector. The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(12), may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

(b) The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall



be a person certified, licensed, or registered under chapter 471 as an engineer or under chapter 481 as an architect.

(c) The architect or engineer of record may act as the special inspector provided she or he is on the Board of Professional Engineers' or the Board of Architecture and Interior Design's list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on one of the professional licensing board's list of persons qualified to be special inspectors.

(d) The licensed architect or registered engineer serving as the special inspector shall be permitted to send her or his duly authorized representative to the job site to perform the necessary inspections provided all required written reports are prepared by and bear the seal of the special inspector and are submitted to the enforcement agency.

(6) A state or local enforcement agency may perform virtual inspections at the discretion of the enforcement agency. However, a state or local enforcement agency may not perform virtual inspections for structural inspections on a threshold building. For purposes of this subsection, the term "virtual inspection" means a form of visual inspection which uses visual or electronic aids to allow a building code administrator or an inspector, or team of inspectors, to perform an inspection without having to be physically present at the job site during the inspection.

(7)(a) A local enforcement agency must refund 10 percent of the permit and inspection fees to a permit holder if:

1. The inspector or building code administrator determines that the work, which requires the permit, fails an inspection; and
2. The inspector or building code administrator fails to provide, within 5 business days after the inspection, the permit holder or his or her agent with a reason, based on compliance with the Florida Building Code, Florida Fire Prevention Code, or local ordinance, for why the work failed the inspection.

(b) If any permit and inspection fees are refunded under paragraph (a), the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the permit and inspection fees after the refund.

(8) A permit may not be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit complies with the requirements for plan review established by the Florida Building Commission within the Florida Building Code. However, the code shall set standards and criteria to authorize preliminary construction before completion of all building plans review, including, but not limited to, special permits for the foundation only, and such standards shall take effect concurrent with the first effective date of the Florida Building Code. After submittal of the appropriate construction documents, the building official may issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the entire building or structure have been submitted. The holder of such permit for the

foundation or other parts of a building or structure shall proceed at the holder's own risk and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

(9) Each enforcement agency shall require that, on every threshold building:

(a) The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: To the best of my knowledge and belief, the construction of all structural load-bearing components described in the threshold inspection plan complies with the permitted documents, and the specialty shoring design professional engineer has ascertained that the shoring and reshoring conforms with the shoring and reshoring plans submitted to the enforcement agency.

(b) Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

(c) All shoring and reshoring procedures, plans, and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected, and certified to be in compliance with the shoring documents by the contractor.

(d) All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable firesafety standards as determined by the local authority in accordance with this chapter and chapter 633.

(10) No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in s. 489.105(3)(a), or to a licensed building contractor, as defined in s. 489.105(3)(b), within the scope of her or his license. The named contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management, and control of the construction activities on the project for which the building permit was issued.

(11) Any state agency whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with any other unit of government to delegate its responsibility to enforce those provisions and may expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others. Inspection services that are not required to be performed by a state agency under a federal delegation of responsibility or by a state agency under the Florida Building Code must be performed under the alternative plans review and inspection process created in s. 553.791 or by a local governmental entity having authority to enforce the Florida Building Code.



(12) An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair, or addition unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

(13) The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to s. 514.031. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct its review of the building permit application upon filing and in accordance with this chapter. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

(14) Nothing in this section shall be construed to alter or supplement the provisions of part I of this chapter relating to manufactured buildings.

(15) One-family and two-family detached residential dwelling units are not subject to plan review by the local fire official as described in this section or inspection by the local fire official as described in s. 633.216, unless expressly made subject to the plan review or inspection by local ordinance.

(16) Except as provided in paragraph (e), a building permit for a single-family residential dwelling must be issued within 30 business days after receiving the permit application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

(a) If a local enforcement agency fails to issue a building permit for a single-family residential dwelling within 30 business days after receiving the permit application, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline. Each 10-percent reduction shall be based on the original amount of the building permit fee.

(b) A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant, by e-mail or United States Postal Service, within 30 business days after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(c) The applicant has 10 business days after receiving the written notice to address the reasons specified by the local enforcement agency and submit revisions to correct the permit application. If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building



permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for the first business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing. For each additional business day, but not to exceed 5 business days, that the local enforcement agency fails to meet the deadline, the building permit fee must be reduced by an additional 10 percent. Each reduction shall be based on the original amount of the building permit fee.

(d) If any building permit fees are refunded under this subsection, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.

(e) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 15 working days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

(17)(a) A property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspections in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner-builder, in accordance with ss. 489.103(7) and 489.503(6).

3. For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.

(b) If a building permit is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design, or method of construction.

(c) A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazards exist.

(18)(a) A local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize, sanction, or assess fees against an arms-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

(b) The local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed.

(19) Certifications by contractors authorized under the provisions of s. 489.115(4)(b) shall be considered equivalent to sealed plans and specifications by a person licensed under chapter 471 or chapter 481 by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind resistance provisions of the code or alternate methodologies approved by the commission for one and two family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under chapter 471, chapter 481, or chapter 489. A truss-placement plan is not required to be signed and sealed by an engineer or architect unless prepared by an engineer or architect or specifically required by the Florida Building Code.

(20)(a) The Florida Building Commission shall establish, within the Florida Building Code adopted by rule, standards for permitting residential buildings or structures moved into or within a county or municipality when such structures do not or cannot comply with the code. However, such buildings or structures shall not be required to be brought into compliance with the building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;
2. The occupancy use classification for the building or structure is not changed as a result of the move;
3. The building is not substantially remodeled;
4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas, and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the building code for all residential buildings or structures of the same occupancy class;

(b) The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of moving the building and the cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

(21) Notwithstanding any other provision of law, state agencies responsible for the construction, erection, alteration, modification, repair, or demolition of public buildings, or the regulation of public and private buildings, structures, and facilities, shall be subject to enforcement of the Florida Building Code by local jurisdictions. This subsection applies in addition to the jurisdiction and authority of the Department of Financial Services to inspect state-owned buildings. This subsection does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

(22)(a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.

(b) This subsection does not apply to a building permit sought for:

1. A substantial improvement as defined in s. 161.54 or as defined in the Florida Building Code.
2. A change of occupancy as defined in the Florida Building Code.
3. A conversion from residential to nonresidential or mixed use pursuant to s. 553.507(3) or as defined in the Florida Building Code.
4. A historic building as defined in the Florida Building Code.

(c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:

1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).



4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20-933.30.

(d) This subsection is repealed upon receipt by the Secretary of State of the written certification by the chair of the Florida Building Commission that the commission has adopted an amendment to the Florida Building Code which substantially incorporates this subsection, including the prohibition in paragraph (a), as part of the code and such amendment has taken effect.

(23) If an assessment of a new building's interior radio coverage and signal strength under the Florida Fire Prevention Code determines that installation of a two-way radio communication enhancement system is required, a contractor having the appropriate license issued by the department must submit a design to the local authority having jurisdiction for a two-way radio communication enhancement system to correct noncompliant radio coverage. The local authority having jurisdiction may not withhold issuance of a temporary certificate of occupancy for the building based solely on the need for a two-way radio communication enhancement system. Upon approval of the design by the local authority having jurisdiction, the jurisdiction must require the installation of the two-way radio communication enhancement system within 12 months after the issuance of a temporary certificate of occupancy. An extension for a temporary certificate of occupancy may not be unnecessarily withheld.

(24) For the purpose of inspection and record retention, site plans or building permits may be maintained in the original form or in the form of an electronic copy at the worksite. These plans and permits must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

(25)(a) A political subdivision of this state may not adopt or enforce any ordinance or impose any building permit or other development order requirement that:

1. Contains any building, construction, or aesthetic requirement or condition that conflicts with or impairs corporate trademarks, service marks, trade dress, logos, color patterns, design scheme insignia, image standards, or other features of corporate branding identity on real property or improvements thereon used in activities conducted under chapter 526 or in carrying out business activities defined as a franchise by Federal Trade Commission regulations in 16 C.F.R. ss. 436.1, et. seq.; or

2. Imposes any requirement on the design, construction, or location of signage advertising the retail price of gasoline in accordance with the requirements of ss. 526.111 and 526.121 which prevents the signage from being clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the gas station premises and meets height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.



(b) This subsection does not affect any requirement for design and construction in the Florida Building Code.

(c) All such ordinances and requirements are hereby preempted and superseded by general law. This subsection shall apply retroactively.

(d) This subsection does not apply to property located in a designated historic district.

(26)(a) A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided that such permit otherwise complies with all applicable Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, or local amendments thereto.

(b) An application for a demolition permit sought under this subsection may only be reviewed administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulations applicable to a similarly situated parcel. Applications may not be subject to any additional local land development regulations or public hearings. A local government may not penalize a private property owner for a demolition that is in compliance with the demolition permit.

(c) If a single-family residential structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure which would not otherwise be applicable to a similarly situated vacant parcel.

(d) This subsection does not apply to any of the following:

1. A structure designated on the National Register of Historic Places.
2. A privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022.
3. A privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.

History.—s. 10, ch. 74-167; s. 4, ch. 77-365; s. 10, ch. 83-160; s. 1, ch. 83-352; s. 2, ch. 84-24; s. 3, ch. 84-365; s. 2, ch. 85-97; s. 2, ch. 86-135; s. 2, ch. 87-287; s. 5, ch. 87-349; s. 2, ch. 88-142; s. 1, ch. 88-378; s. 1, ch. 91-7; s. 4, ch. 93-249; ss. 57, 260, ch. 94-119; s. 7, ch. 94-284; s. 461, ch. 94-356; s. 72, ch. 95-144; s. 2, ch. 95-379; s. 14, ch. 96-298; s. 73, ch. 96-388; s. 1175, ch. 97-103; ss. 48, 49, ch. 98-287; ss. 82, 83, 84, 135, ch. 2000-141; ss. 27, 34, 35, 37, ch. 2001-186; ss. 2, 3, 4, 6, ch. 2001-372; s. 666, ch. 2003-261; s. 10, ch. 2005-147; s. 36, ch. 2010-176; s. 1, ch. 2011-82; s. 73, ch. 2012-5; s. 15, ch. 2012-13; s. 150, ch. 2013-183; s. 16, ch. 2013-193; s. 126, ch. 2014-17; s. 22, ch. 2014-154; ss. 19,



39, ch. 2016-129; s. 36, ch. 2017-3; s. 3, ch. 2017-149; s. 5, ch. 2019-75; s. 11, ch. 2019-86; s. 131, ch. 2020-2; s. 15, ch. 2021-25; s. 3, ch. 2021-201; s. 2, ch. 2021-212; s. 4, ch. 2021-224; s. 3, ch. 2022-136; s. 1, ch. 2023-229; s. 1, ch. 2023-296.

**553.791 Alternative plans review and inspection.—**

(1) As used in this section, the term:

(a) “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) “Audit” means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and submitted with the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) “Building” means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) “Building code inspection services” means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, conducted either in person or virtually, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) “Deliver” or “delivery” means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions.

(f) “Duly authorized representative” means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard or provisional certificate under part XII of chapter 468. A duly authorized representative who only holds a provisional certificate under part XII of chapter 468 must be under the direct supervision of a person licensed as a building code administrator under part XII of chapter 468.

(g) “Electronic signature” means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.

(h) “Electronic transmission” or “submitted electronically” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is



retrievable in paper form by the receipt through an automated process. All notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.

(i) "Electronically posted" means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.

(j) "Immediate threat to public safety and welfare" means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(k) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(l) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider.
2. The affidavit from the private provider required under subsection (6).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(m) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(n) "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(o) "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (12).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(p) "Single-trade inspection" means any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.

(q) "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(r) "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)(a) Notwithstanding any other law or local government ordinance or local policy, the fee owner of a building or structure, or the fee owner's contractor upon written authorization from the fee owner, may choose to use a private provider to provide building code inspection services with regard to such building or structure and may make payment directly to the private provider for the provision of such services. All such services shall be the subject of a written contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon written authorization of the fee owner. The fee owner may elect to use a private provider to provide plans review or required building inspections, or both. However, if the fee owner or the fee owner's contractor uses a private provider to provide plans review, the local building official, in his or her discretion and pursuant to duly adopted policies of the local enforcement agency, may require the fee owner or the fee owner's contractor to use a private provider to also provide required building inspections.

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel

providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

(c) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor if such access is provided by software that protects exempt records from disclosure.

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person's licensure or certification under chapter 468, chapter 471, or chapter 481, including single-trade inspections. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider's firm.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am



satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 business days before the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.

(7)(a) No more than 20 business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 20-day period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of



the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (14) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled 20-day period plus 5 business days from the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (14) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. Such inspection may be performed in-person or virtually. The private provider may have a duly authorized representative perform the required inspections, provided all required reports are prepared by and bear the written or electronic signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

(9) A private provider performing required inspections under this section shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections. A deficiency notice must be posted by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or representative before being



concealed. Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(10) If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services without first notifying the local building official pursuant to subsection (9). A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.

(11) Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. The form must bear the written or electronic signature of the provider or the provider's duly authorized representative. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, upon completion of the required inspection, shall post each completed inspection record, indicating pass or fail, and provide the record to the local building official within 2 business days. Such inspection record may be electronically posted by the private provider, or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official. The local building official may waive the requirement to provide a record of each inspection within 2 business days if the record is electronically posted or posted at the project site and all such inspection records are submitted with the certificate of compliance. Unless the records have been electronically posted, records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

(12) Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form acceptable to the local building official, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established in subsection (1) or may be electronically transmitted to the local building official:



To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(13)(a) No more than 10 business days, or if the permit is related to single-family or two-family dwellings then no more than 2 business days, after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, including the payment of all outstanding fees, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections.

(b) If the local building official does not provide notice of the deficiencies within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (14) or to submit a corrected request for a certificate of occupancy or certificate of completion.

(14) If the local building official determines that the building construction or plans do not comply with the applicable codes, the official may deny the permit or request for a certificate of occupancy or certificate of completion, as appropriate, or may issue a stop-work order for the project or any portion thereof as provided by law, if the official determines that the noncompliance poses an immediate threat to public safety and welfare, subject to the following:

(a) The local building official shall be available to meet with the private provider within 2 business days to resolve any dispute after issuing a stop-work order or providing notice to the applicant denying a permit or request for a certificate of occupancy or certificate of completion.

(b) If the local building official and private provider are unable to resolve the dispute, the matter shall be referred to the local enforcement agency's board of appeals, if one exists, which shall consider the matter at its next scheduled meeting or sooner. Any decisions by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission as provided by this chapter.

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the



commission as provided by this chapter, which shall consider the matter at the commission's next scheduled meeting.

(15) For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address listed for that person or entity in the permit application or revised permit application, or, if no e-mail address is stated, when actually received by that person or entity.

(16)(a) A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government may establish, for private providers and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) and the insurance requirements of subsection (17).

(c) This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

(17) A private provider may perform building code inspection services on a building project under this section only if the private provider maintains insurance for professional liability covering all services performed as a private provider. Such insurance shall have minimum policy limits of \$1 million per occurrence and \$2 million in the aggregate for any project with a construction cost of \$5 million or less and \$2 million per occurrence and \$4 million in the aggregate for any project with a construction cost of over \$5 million. Nothing in this section limits the ability of a fee owner to require additional insurance or higher policy limits. For these purposes, the term "construction cost" means the total cost of building construction as stated in the building permit application. If the private provider chooses to secure claims-made coverage to fulfill this requirement, the private provider must also maintain coverage for a minimum of 5 years subsequent to the performance of building code inspection services. The insurance required under this subsection shall be written only by insurers authorized to do business in this state with a minimum A.M. Best's rating of A. Before providing building code inspection services within a local building official's jurisdiction, a private provider must provide to the local building official a certificate of insurance evidencing that the coverages required under this subsection are in force.

(18) When performing building code inspection services, a private provider is subject to the disciplinary guidelines of the applicable professional board with jurisdiction over his or her license or certification under chapter 468, chapter 471, or chapter 481. All private providers shall be subject to the disciplinary guidelines of s. 468.621(1)(c)-(h). Any complaint processing, investigation, and



discipline that arise out of a private provider's performance of building code inspection services shall be conducted by the applicable professional board.

(19) Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. However, the same private provider may not be audited more than four times in a month unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection pursuant to subsection (9) and, subsequent to such inspection and approval, the work shall not be delayed for completion of an inspection audit by the local building code enforcement agency.

(20) The local government, the local building official, and their building code enforcement personnel shall be immune from liability to any person or party for any action or inaction by a fee owner of a building, or by a private provider or its duly authorized representative, in connection with building code inspection services as authorized in this act.

(21) Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

History.—s. 17, ch. 2002-293; s. 106, ch. 2005-2; s. 11, ch. 2005-147; s. 1, ch. 2005-216; s. 6, ch. 2006-65; s. 6, ch. 2007-187; s. 141, ch. 2008-4; s. 77, ch. 2012-30; s. 7, ch. 2017-149; s. 12, ch. 2019-86; s. 14, ch. 2019-165; s. 132, ch. 2020-2; s. 20, ch. 2020-27; s. 4, ch. 2021-201; s. 50, ch. 2022-4; s. 4, ch. 2022-136.

#### **553.792 Building permit application to local government.—**

(1)<sup>1</sup>(a) Within 10 days of an applicant submitting an application to the local government, the local government shall advise the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide written notice that the applicant has not submitted the properly completed application, the application shall be automatically deemed properly completed and accepted. Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application. A local government shall



maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

(b)1. When reviewing an application for a building permit, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.

2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:

- a. Determine if the application is properly completed;
- b. Approve the application;
- c. Approve the application with conditions;
- d. Deny the application; or
- e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.

3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:

- a. Determine if the application is properly completed;
- b. Approve the application;
- c. Approve the application with conditions;
- d. Deny the application; or
- e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.

4. Before a third request for additional information may be made, the applicant must be offered an opportunity to meet with the local government to attempt to resolve outstanding issues. If a local government makes a third request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information unless the applicant waived the local government's limitation in writing, determine that the application is complete and:

- a. Approve the application;
- b. Approve the application with conditions; or
- c. Deny the application.

5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process

the application and either approve the application, approve the application with conditions, or deny the application.

(c) If a local government fails to meet a deadline provided in paragraphs (a) and (b), it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

(2)(a) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units other than a single family unit; multifamily residential not exceeding 50 units; roofing; signs; site-plan approvals and subdivision plats not requiring public hearings or public notice; and lot grading and site alteration associated with the permit application set forth in this subsection. The procedures set forth in subsection (1) do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications.

(b) If a local government has different timeframes than the timeframes set forth in subsection (1) for reviewing building permit applications described in paragraph (a), the local government must meet the deadlines established by local ordinance. If a local government does not meet an established deadline to approve, approve with conditions, or deny an application, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time. This paragraph does not apply to permits for any wireless communications facilities.

(3) If any building permit fees are refunded under this section, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.

**History.**—s. 35, ch. 2005-147; s. 63, ch. 2006-1; s. 5, ch. 2021-224; s. 5, ch. 2022-136; s. 38, ch. 2023-17.

**<sup>1</sup>Note.**—Section 43, ch. 2023-17, provides that:

“(1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under s. 120.54(4), Florida Statutes, for the purpose of implementing provisions related to the Live Local Program created by this act. Notwithstanding any other law, emergency rules adopted under this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.



ARTICLE I - In General  
Sec 10-1 Building code adopted



ARTICLE I. - IN GENERAL

Sec. 10-1. - Building code adopted.

The Florida Building Code as now or hereafter amended or revised is hereby adopted. Within said code, when reference is made to the duties of a certain official named therein, that designated official of the city who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code are concerned.

(Code 1976, § 6-1; Ord. No. 59-4, 3-5-1959; Ord. No. 91-1, §§ 1, 2, 1-15-1991; Ord. No. 97-3, 8-5-1997)

**State Law reference**— Florida Building Code, F.S. § 553.73.

Sec. 10-2. - Building permit required prior to commencement or prior to power hookup.

- (a) No person, firm or corporation shall set up a mobile home or trailer, or begin construction of any building or residence in the city, until a building permit shall have been obtained.
- (b) No power company shall make a power hookup for any mobile home or trailer, or any new construction until the owner or builder of such mobile home or trailer, or builder of such building, obtains a city building permit, and exhibits same to the power company.

(Code 1976, § 6-2.2; Ord. No. 74-5, §§ 1, 2, 5-9-1974)

Sec. 10-3. - Fire limits established.

- (a) There is hereby established within the city a fire limit or fire district, the boundaries of which district are hereby prescribed and defined as follows: beginning at the bridge at the intersection of Avenue B and Water Street; thence along Water Street to Avenue G; thence along Avenue G to Market Street; thence along Market Street to Avenue F; thence along Avenue F to an alley running through the center of Block 3; thence along said alley to Avenue E; thence along Avenue E to an alley running through the center of Block 9; thence along said alley to Avenue D; thence along Avenue D to Market Street; thence along Market Street to Avenue B; thence along Avenue B to Water Street, to the place of beginning.
- (b) The district shall include all of Blocks A-1, A-2, B-1, B-2, C-1, C-2, D-1, D-2, E-1, E-2, F-1, F-2, G-1 and G-2, all of Block 2, lots 1, 2, 3, 4 and 5 of Block 3, and lots 1, 2, 3, 4 and 5 of Block 9 of the city.

(Code 1976, § 6-3; Ord. of 4-11-1940, § 1)

Secs. 10-4—10-24. - Reserved.

Fire safety Enforcement



## 2023 Florida Statutes

[< Back to Statute Search](#)

Title XXXVII INSURANCE

Chapter 633 FIRE PREVENTION AND CONTROL

### SECTION 216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. [509.215](#), or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. [509.215](#) and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals which are located on or within the premises of any such building or structure.

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. [633.312\(2\)](#), (3), and (4), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

(2) Except as provided in s. [633.312\(2\)](#), every firesafety inspection conducted pursuant to state or local firesafety requirements shall be by a person certified as having met the inspection training requirements set by the State Fire Marshal. Such person shall meet the requirements of s. [633.412\(1\)-\(4\)](#), and:

(a) Have satisfactorily completed the firesafety inspector certification examination as prescribed by division rule; and

(b)1. Have satisfactorily completed, as determined by division rule, a firesafety inspector training program of at least 200 hours established by the department and administered by education or training providers approved by the department for the purpose of providing basic certification training for firesafety inspectors; or  
2. Have received training in another state which is determined by the division to be at least equivalent to that required by the department for approved firesafety inspector education and training programs in this state.

(3) A firefighter certified pursuant to s. [633.408](#) may conduct firesafety inspections, under the supervision of a certified firesafety inspector, while on duty as a member of a fire department company conducting inservice firesafety inspections without being certified as a firesafety inspector, if such firefighter has satisfactorily completed an inservice fire department company inspector training program of at least 24 hours' duration as provided by rule of the department.

(4) Every firesafety inspector certificate is valid for a period of 4 years from the date of issuance. Renewal of certification is subject to the affected person's completing proper application for renewal and meeting all of the requirements for renewal as established under this chapter or by rule adopted under this chapter, which must include completion of at least 54 hours during the preceding 4-year period of continuing education as required by the rule of the department.

(5) The State Fire Marshal may deny, refuse to renew, suspend, or revoke the certificate of a firesafety inspector if the State Fire Marshal finds that any of the following grounds exist:

(a) Any cause for which issuance of a certificate could have been refused had it then existed and been known to the division.

(b) Violation of this chapter or any rule or order of the State Fire Marshal.

(c) Falsification of records relating to the certificate.



law, or knowingly impeding or obstructing such filing, or knowingly inducing another person to impede or obstruct such filing.

(f) Failing to properly enforce applicable fire codes or permit requirements within this state which the certificateholder knows are applicable by committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property.

(g) Accepting labor, services, or materials at no charge or at a noncompetitive rate from a person who performs work that is under the enforcement authority of the certificateholder and who is not an immediate family member of the certificateholder. For the purpose of this paragraph, the term "immediate family member" means a spouse, child, parent, sibling, grandparent, aunt, uncle, or first cousin of the person or the person's spouse or a person who resides in the primary residence of the certificateholder.

(6) The division and the Florida Building Code Administrators and Inspectors Board, established pursuant to s. [468.605](#), shall enter into a reciprocity agreement to facilitate joint recognition of continuing education recertification hours for certificateholders licensed under s. [468.609](#) and firesafety inspectors certified under subsection (2).

(7) The State Fire Marshal shall develop by rule an advanced training and certification program for firesafety inspectors having fire code management responsibilities. The program must be consistent with the appropriate provisions of NFPA 1037, or similar standards adopted by the division, and establish minimum training, education, and experience levels for firesafety inspectors having fire code management responsibilities.

(8) The department shall provide by rule for the certification of firesafety inspectors and fire code administrators.

History.—s. 6, ch. 20671, 1941; s. 8, ch. 65-216; s. 4, ch. 67-78; ss. 13, 35, ch. 69-106; s. 3, ch. 70-299; s. 14, ch. 75-151; s. 1, ch. 77-174; s. 2, ch. 79-352; s. 1, ch. 81-205; s. 1, ch. 82-189; s. 4, ch. 84-243; s. 9, ch. 87-287; s. 2, ch. 88-222; s. 3, ch. 88-362; s. 4, ch. 93-276; s. 11, ch. 95-379; s. 424, ch. 97-102; s. 1396, ch. 2003-261; s. 9, ch. 2007-187; s. 1, ch. 2010-173; s. 52, ch. 2010-176; s. 47, ch. 2011-4; s. 3, ch. 2011-79; s. 27, ch. 2013-183; s. 157, ch. 2014-17; s. 43, ch. 2017-3; s. 39, ch. 2019-140; s. 56, ch. 2022-138.

Note.—Former s. 633.06; s. 633.081.

Building Dept  
Permitting Steps

## Permit Generation Steps and Building a Backup File on the Desktop 3 1 2024

- 1) Open Community Core program
- 2) Open the desktop file "Permits By Street Address"
- 3) In the desktop file scroll to see if the numerical street address already has a folder
- 4) If the desktop file has that address folder, click to open. If not, right-click the mouse, select "New" select "Folder", type in the folder name (numerical street address), Enter
- 5) In the Numerical Street Address file, you should create new folders for each distinct permit, create the folder as you just did, but, name it with the type of permit being pulled; i.e. "Electric Permit 2 25 2024"
- 6) Back to Community Core software...
  - Select "Work" top left side
  - Select "Permit" from the dropdown menu
  - Select "Create Application" top right
  - Select "Permit type" from the dropdown menu
  - Select "Next"
  - Fill in all applicable boxes starting with "Applicant Name"
  - Continue down the page adding material as you progress
    - **Important to type in a description of work**, also called the scope
    - **Address is always the project address, second address boxes are property owner contact info**
- 7) **Valuation** is very important as some fees are internally calculated based on the valuation information
- 8) **Insert the "Parcel ID"** (After you enter the permit basic, and click on Accept, lower right of screen, the next page will appear. Parcel ID is dead center. If the Parcel ID is not provided by the applicant, use the following steps;
  - Look in the monitor icon tray across the bottom of the screen, Click on the Franklin County icon (Small black and white building with columns).
  - Click on it to open the site
  - Select "Property Search"
  - Select "Quick Search"
  - Under Parcel records type in Last Name or the property address street number
  - A dropdown list will appear
  - Click on the address you need
  - Parcel ID will populate i.e. 01-09S-084-8330-0245-0060 (up through 8330 is almost always the same, sometimes 8350 or other)
  - Highlight the parcel ID #, right click to COPY
- 9) Back to Parcel ID in Community Core software
- 10) Right click to paste the ID in "Parcel ID" box

**At this point, you need to make sure you have the parcel ID portion completed. If you have any issues in properly identifying the property address /Parcel ID, call Heather Carroll at the County Appraiser's Office 850.653.9236 for assistance.**



## Completing the Permit Application

11) Move to complete the application

12) Click on “accept Application” lower right on screen

13) With or Without conditions (if conditional approval, i.e. Subject to \_\_\_\_\_,

Typically the condition, if any, would be found in the P&Z Meeting approval

Unless the condition is something the clerk inputting the application needs the

Applicant to provide before the permit can be issued)

14) Note the application should show “Saved”

15) Note: **PERMIT NUMBER will be displayed upper left of page. i.e. 24AP-E0007**

Decoding the Permit Number:

24 (year) AP (Apalachicola) – E (permit type) 0007 ( number of that type issued in the year to date)

We file all permits by year, and within the year, by numerical street number.

Permit types; For example but not to show all types;

E electric P-Plumbing AF-Air Conditioning M-Mechanical RR – Re-Roof RB – house build

Within these types there will be; SFR – single-family residential C – Commercial etc.

### After initially inputting and saving the basic application;

Under the section labeled “Details” (left side menu), you will find the details of the permit.

Select “Contractor” Select “Manage Contractor”

Under Company Name: type in the contractor company name, i.e. Cates Electric. If they are in the software, they will populate on your screen, IF NOT, Select “Add Contractor” fill in as much as you have

Select “WORK, then “Permits” then top right “Find Permit

Middle box enter the first 3 characters of the property address; i.e. 100 for 100 Ave D

If only 1 or 2 numbers in the address, enter the number(s) and characters like

10 space A would be 10 Ave whatever – You always need 3 characters to get a response.

The alternative is searching using the actual Permit # in the left box, type in the complete permit number; i.e.24AP-E0001. Another alternative search could use the Name in that prompt box.

Select “SEARCH” icon on the right

From the list of permits that populates your screen, **Select the permit file you’re working on**

## Flood Elevation Certificates and securing Flood Zone Information;

### STOP STOP STOP

Go to FEMA to check the location of the subject property as regards the local Flood Zones - <https://msc.fema.gov/portal/home>

Type the subject property address in the search bar, enter.

A Map will populate the screen (may take a minute or two).

This will be the local flood zones with the subject property marked by a red pindrop.

Right click your mouse and print the page.

This map identifies the flood zone you applicant is in; AE, VE, X, or X2.

The A's indicate a flood danger

The X's indicate a very, very remote flood opportunity

If the subject property is in an "X", you may proceed to issue the permit with no flood entanglements. If in an "A", you must fill out paperwork (Flood Plain Management Permit Application and send it to the Certified Flood Plain Administrator for processing. Send to [fcfloodplainconsulting@yahoo.com](mailto:fcfloodplainconsulting@yahoo.com) and plan on two days before the info returns to you with further direction.

1. "Upon intake of any building permits, the Building Department Clerk verifies the flood zone of the associated parcel with the City's Certified Floodplain Administrator.
2. For applications of building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Building Department Clerk will require an elevation certificate during the permit application process to evaluate if the structure meets current Base Flood Elevation requirements per their designated flood zone.
3. **If the structure does not meet the current Base Flood Elevation requirements**, then the current building value will be pulled from the Franklin County Property Appraiser and 50% of the building value will be the budget for their substantial improvements.
  - a. The Building Official and Certified Floodplain Administrator may require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
4. Substantial Improvements over the last 10 years to date will be assessed by the Building Department Clerk to determine if the applicant has used their budget already in the last 10 years or to see what amount is left. All information gathered will be communicated to the Building Official and Certified Floodplain Administrator.
5. The Building Department Clerk can easily search the City's past building permits with a service called Community Core – in this portal the Building Department Clerk is able to search past permits by address. The Building Permit Clerk will look at the value of all the permits issued in the last 10-years and compare the amount to the budget allowed.

- a. In the event that Community Core is not accessible, the City keeps backup paper files of all building permits by year and address. The Building Department Clerk can easily pull the permits for an address over the last 10-years if needed.
  - b. All records are available by public records request.
6. The Building Department Clerk, working with the Certified Floodplain Administrator, keeps the applicant informed on their budget limit and will communicate their options as appropriate.
7. The Certified Floodplain Administrator and Building Official will either accept or deny the permit based on the findings.
  - a. If accepted, the Certified Floodplain Administrator will coordinate with and provide comments to the building official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the City LDC and FEMA requirements.”

Flood section continued;

In Community Core, when processing the application, go to “Details” on the left vertical topic bar, then go to “Fields” ...Bottom of the “Fields” age you will find several new prompts;

Flood Zone – Drop down menu for you to select the correct Flood Zone based on the FEMA Flood Map you referenced on the FEMA website.

Date Value Established – if tracking “improvements” per the previous section, enter the start date of the tracking here.

Source of the Value – drop down lets you select County Tax Card, Appraisal, Best Guess Estimate

Left side of screen Menu. Select “Work Flow”

This will show you the steps required for this Permit

On the right side, delete any steps that are not pertinent to the type of permit chosen using the “Trash Can” icon on the right side.

At a minimum, you will need the following;

Application

Permit Issuance

Inspections

Application – click on it and Select who is assigned to this application from the drop-down menu - Click OK

On the right of Application, select “Status” from the dropdown menu, Click on “Accepted” or other status from the options available in that brief dropdown,

Permit Issuance – Assign the individual to handle this as in steps above

Inspections – Assign the Building Official (at that time)

OK after each step

FEES



Left side menu, Select Fees

Top Right, "Actions" → Assess Fees from the drop-down menu

Scroll down the list of possible as-needed

In this example, an Electrical Permit

Scroll further and select DBPR, then DCA (always have a DBPR fee and DCA fee

Click "OK"

Small screen popup for DBPR, Backspace to remove the "0", then ENTER

The larger of 1% of the base fee or \$2.00

DCA will require you to EDIT and manually input

SELECT "Return to Fees

Note: you can now see the base fee, to change DBPRT and/or DCA,

Click on the right side

"Pencil-looking" icon for each and edit as needed. In the end, when all has been edited, you may still need to Manually change the system-generated invoice

Top Right -> Actions -> Generate Invoice

Select "Continue"

Top Right -> list of "Downloads" → Click on the top download that says "Permit Invoice"

Click on "Open File" which is in a small box under the "Permit Invoice" label

On the monitor now is the "Permit Invoice"

Top Right Printer Icon → Print to your Printer (HP017D8C)

If desired you can change from your desktop to "City Printer" (big central office unit down the hall toward the front, if printing a large file and want to preserve your ink). You can also select "PDF" as a printer which allows direct saving as it lets you save it directly to the Permit Street Address File

X out and go back to Community Core Program

Stop Here – Get a new manila file folder – On the file tab in black sharpie Write the Street Number Address- for example; "100 Ave-D"

Top Edge of folder write;

Owner Name:

Contractor Name and CONTACT info if available

Permit # and Category (i.e. 24AP-E0007 – electrical)

Received application in date

Permit Issued date

At this point, email the permit applicant and get a response as to how they wish to pay the permit fees? Attach to email;

Credit Card Authorization Form (Desktop under Building Dept Forms)

## Notice of Commencement Form

### Permit Fee Invoice

Note in the email that the Permit will be issued on payment of the fees due.

Note in the email for the applicant to please see Building Dept policies / info on the Email signature.

Credit Card Authorization Form, Filled out, Process on your desktop Credit Card Terminal (

- Must add 3 % to fee when plastic is used!
- Alternative is cash (take to Angela for receipt of Ask Front desk for assistance
- Alternative is check, receipt into receipt book
- Staple all payments and receipts on permit copy, make a copy, save one for your files, one with actual proceeds stapled to it goes in Angela's cubby box near the City Copier

Fee is remitted / usually by credit card, occasionally by check / very rarely by cash

FEES Cont.,

Go to WORK > PERMITS > FIND PERMIT

Enter street number (3 digits) or full permit #

Go to FEES on left menu Go to ACTIONS on the upper right

Go to ENTER PAYMENT in Actions Drop Down Menu

Select CONTINUE Select FULL BALANCE

Fill in Payor, select METHOD of Payment Reference # is FULL PERMIT #

SUBMIT payment

Fee is remitted / usually by credit card, occasionally by check / very rarely by cash

Fees by CC and Check are receipted in the Building Clerk's Receipt Book (they go into Angel's box by the City Copier). Fees paid in Cash, are receipted by the front office clerks, Scheneidra or Rennae. They take the cash, write the receipt, and handle the cash from there. Those funds are sent to Angel from them.

Back to WORKFLOW on Left side > PERMIT ISSUANCE > STATUS > Change to ISSUED

Back to Left Side, Select DOCUMENTS

Click on the "SYSTEM GENERATED" text that is below word "Uploaded"

Select DOWNLOAD

Permit will appear on your monitor, top right uppermost "Download" is the Permit

In the right side "Download" listing, click on "OPEN FILE" beneath the Permit Download pdf file

Click PRINT to print the actual permit paper copy

Scan the permit on your scanner:

Feed the permit document into the scanner with text facing you, top of page is down.

Scanner icon is in the icon tray on the bottom of your screen, farthest right. Click on the Scanner

Icon, then click on the scanner icon upper left quarter of the scanner screen, click on the

GREEN SCAN BAR. SAVE to PC > Change the file name in light blue to the PERMIT NUMBER

Select Folder in "PERMITS BY STREET NUMBER" file on your desktop

Scroll down the list of street number files and click the address you need

Click on SAVE

Adding to and updating your "Backup" Street Number Address file

Note: If you are working in Comm Core and go to the desktop to select a "Permit by Street Number Folder, but there is not one for the address you are permitting, go to the main folder, scroll down a few addresses, right click, Select NEW folder, name it with the street number of the permit being worked on, click out of the main folder. All set.

Next, Take the entire Application and Supporting Pages →

Repeat the previous Scan Instructions and scan to the same "Street Number" file.

(SAVE as: Complete Appl Pkg or simply "Appl Docs" Congratulations, you now have a completed, easy-to-find Backup file for this Permit. Any future documents related to this permit should be scanned into this same backup file.)

Note: within a specific Street Address Folder, you can have access to multiple permit files by building folders within a folder. Take the "166-21<sup>st</sup> Ave" Permit Street Number Address" file.

In this folder you can group all the docs pertaining to one permit in a folder within the main folder.

Scroll the street address number files to the one you need. Click to open the file.

Right Click > New > Select FOLDER > Enter the Permit Number to name the folder Click to exit naming the folder

By doing this with each different permit a property opens, you create a record of multiple projects for that one property. Have multiple files to put inside a folder, drag and drop the files individually or click on the uppermost file to Select (highlight). Next, go to the lowest file you wish to move into the folder, SHIFT and CLICK. This selects all the files you wish to move. Now place your cursor in the light blue-shaded area, left click and hold - move the cursor over the new folder, release the hold on your mouse.



Back to Community Core:

Uploading Files from your PC “Permits by Street Number Address” Folder to Comm Core

WORK > PERMITS > FIND PERMIT

Pull up the file you need by entering the full permit address or the first 3 digits of the address  
SEARCH Icon

Open the Permit File – Click DOCUMENTS on the left menu - Select UPLOAD > “Select Files”

Back to desktop “Permits by Street Number” folder, Scroll and open the address file you need

SELECT the file or group of files you need (Have multiple files to put inside a folder, drag and drop the files individually or click on the uppermost file to Select (highlight). Next, go to the lowest file you wish to move into the folder, SHIFT and CLICK. This selects all the files you wish to move. Now place your cursor in the light blue-shaded area, left click and hold - move the cursor over the new folder, release the hold on your mouse.

Your file or files should be highlighted in light blue shading – Bottom right > OPEN

Uploading Files from your PC “Permits by Street Number Address” Folder to Comm Core Cont.

The files should now be in the Community Core Upload dialogue box

Select “OTHER” from Drop Down List, In NOTES type in Complete Pkg or PC Saved Files,

Click “OK”

**End Result:** Now all the permit files are in Community Core and a Backup Desktop Folder has been created simultaneously. Both file locations are rich with information. Occasionally, you might find some deeper background or support information in the desktop file information, ICON File on desktop is called “Permits by Street Number”

**Please note:** This process guide is still “in process” and information is still being researched, assimilated, and applied to the various steps. I take no responsibility for errors or omissions until I have the paper completed. To this date, 4 26 2024, it is as up to date as possible given I still have questions on items such as Flood Zone processing, etc, that I am still working on.

Reynold B. Nippe, Jr. (Ron)

Building Permit form



**OFFICE USE**

**FEES:**  
 Application Fee: \$ \_\_\_\_\_  
 Other: \_\_\_\_\_ \$ \_\_\_\_\_  
 Total: \_\_\_\_\_ \$ \_\_\_\_\_  
 Paid: \_\_\_\_\_



**OFFICE USE**

Approved by Building Official: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Permit # \_\_\_\_\_

**City of Apalachicola**  
**BUILDING PERMIT APPLICATION**

Owner's Name: \_\_\_\_\_ email: \_\_\_\_\_  
 Address: \_\_\_\_\_ Ph# \_\_\_\_\_  
 Fee Simple Title Holder (If other than Owner): \_\_\_\_\_  
 Contractor's Name: \_\_\_\_\_ Ph# \_\_\_\_\_  
 Address: \_\_\_\_\_  
 State License # \_\_\_\_\_ Business License # \_\_\_\_\_  
 Address of Project: \_\_\_\_\_  
 Purpose of Permit: \_\_\_\_\_  
 Property/Parcel ID# & Legal description: \_\_\_\_\_

**Will Structure be at least 30 feet from any body of water? \_\_ Yes \_\_ No**  
**Is Elevation Certificate Required: \_\_ Yes \_\_ No Is it Attached?: \_\_\_\_\_**

**If the application is for a Commercial Project please list the Name of the Business:**

**Flood Plain Administrator must determine Flood Zone Designation before a building permit may be issued:**  
**FEMA designation: \_\_\_\_\_**  
**Date: \_\_\_\_\_**

Bonding Company: \_\_\_\_\_ Ph# \_\_\_\_\_  
 Architect's/Engineer Name: \_\_\_\_\_ Ph# \_\_\_\_\_  
 Mortgage Lender's Name: \_\_\_\_\_ Ph# \_\_\_\_\_  
 Water System Provider: \_\_\_\_\_ Sewer System Provider: \_\_\_\_\_  
 Private Water Well: \_\_\_\_\_ Septic Tank Permit # \_\_\_\_\_

**WARNING TO OWNER: Your failure to record a Notice of Commencement may result in you paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or attorney BEFORE recording your Notice of Commencement.**

**For improvements to real property with a construction cost of \$2,500.00 or more, a certified copy of the Notice of Commencement is required to be submitted to the Building Department when application is made for a permit or the applicant may submit a copy of the Notice of Commencement along with an affidavit attesting to its recording. A certified copy of the Notice of Commencement must be provided the Building Department BEFORE the second or any subsequent inspection can be performed. Filing of the documents that have been certified may be done by mail, fax, or hand-delivery.**

Effective: April 22, 2024





**OFFICE USE**  
**FEES:**  
 Application Fee: \$ \_\_\_\_\_  
 Other: \_\_\_\_\_ \$ \_\_\_\_\_  
 Total: \_\_\_\_\_ \$ \_\_\_\_\_  
 Paid: \_\_\_\_\_



**OFFICE USE**  
 Approved by Building Official: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 PERMIT # \_\_\_\_\_

**City of Apalachicola**  
**MECHANICAL \_\_\_\_\_ ELECTRICAL \_\_\_\_\_ PLUMBING \_\_\_\_\_**  
**PERMIT APPLICATION**

Owner's Name: \_\_\_\_\_ email: \_\_\_\_\_  
 Address: \_\_\_\_\_ Ph# \_\_\_\_\_  
 City, State & Zip Code: \_\_\_\_\_  
 Contractor's Name: \_\_\_\_\_ Ph# \_\_\_\_\_  
 Address: \_\_\_\_\_  
 State License # \_\_\_\_\_ Business License # \_\_\_\_\_  
 Address of Project: \_\_\_\_\_  
 Purpose of Permit: \_\_\_\_\_

**Flood Plain Administrator must determine Flood Zone Designation before permit may be issued:**  
**FEMA designation: \_\_\_\_\_**  
**Date: \_\_\_\_\_**

Property/Parcel ID# & Legal description: \_\_\_\_\_

**If the application is for a Commercial Project please list the Name of the Business:**

**Type of Building:** \_\_\_ Single Family \_\_\_ Multi-Family \_\_\_ Commercial  
 \_\_\_ Storage \_\_\_ Sign \_\_\_ Other \_\_\_ Addition/alteration/renovation

**Cost of Construction:** \$ \_\_\_\_\_ Total Square Footage: \_\_\_\_\_ Flood Zone: \_\_\_\_\_  
 Lowest Floor Elevation: \_\_\_\_\_ Area Heated/Cooled: \_\_\_\_\_ # of Stories: \_\_\_\_\_ # of Units \_\_\_\_\_

**WARNING TO OWNER: Your failure to record a Notice of Commencement may result in you paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or attorney BEFORE recording your Notice of Commencement.**  
**For improvements to real property with a construction cost of \$2,500.00 or more, a certified copy of the Notice of Commencement is required to be submitted to the Building Department when application is made for a permit or the applicant may submit a copy of the Notice of Commencement along with an affidavit attesting to its recording. A certified copy of the Notice of Commencement must be provided the Building Department BEFORE the second or any subsequent inspection can be performed. Filing of the documents that have been certified may be done by mail, fax, or hand-delivery.**

\_\_\_\_\_  
 Owner Date  
 \_\_\_\_\_  
 Printed Name of Owner

\_\_\_\_\_  
 Contractor Date  
 \_\_\_\_\_  
 Printed Name of Contractor

Effective: April 22, 2024

**NOTICE:** In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.

(553 79 Permits: applications: issuance: inspections)



**OFFICE USE**

FEES:

Application Fee: \$ \_\_\_\_\_

Other: \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

Paid: \_\_\_\_\_



**OFFICE USE**

Approved by Building Official: \_\_\_\_\_

Date: \_\_\_\_\_

PERMIT #: \_\_\_\_\_

## ROOFING PERMIT APPLICATION

Owner's Name: \_\_\_\_\_ email: \_\_\_\_\_

Address: \_\_\_\_\_ Ph# \_\_\_\_\_

Contractor's Name: \_\_\_\_\_ Ph# \_\_\_\_\_

Address: \_\_\_\_\_

State License # \_\_\_\_\_ Business License # \_\_\_\_\_

Address of Project: \_\_\_\_\_

**Type of Roof/Re-roof:** \_\_\_\_\_

Property/Parcel ID# & Legal description: \_\_\_\_\_

**If the application is for a Commercial Project please list the Name of the Business:** \_\_\_\_\_

**Flood Plain Administrator must determine Flood Zone Designation before a fill permit may be issued:**

**FEMA designation:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Type of Building:**  Single Family  Multi-Family  Commercial  
 Townhouse  Industrial  Shed  Pole Barn

**Cost of Construction:** \$ \_\_\_\_\_

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that NO WORK or installation has been commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. **I understand that a separate permit must be secured for electrical work, plumbing, signs, roofing, pools, furnaces, boilers, heaters, tanks, and air conditioners, etc.** (applications may be emailed to Ron Nippe, Building Permit Clerk, [rnippe@cityofapalachicola.com](mailto:rnippe@cityofapalachicola.com) or [buildingdept.@cityofapalachicola.com](mailto:buildingdept.@cityofapalachicola.com) or dropped off at City Hall, 192 Coach Wagoner Blvd., Apalachicola, FL 32320).

**WARNING TO OWNER: Your failure to record a Notice of Commencement may result in you paying twice for improvements to your property. If you intend to obtain financing, consult with your lender or attorney BEFORE recording your Notice of Commencement.**

**For improvements to real property with a construction cost of \$2,500.00 or more, a certified copy of the Notice of Commencement is required to be submitted to the Building Department when application is made for a permit or the applicant may submit a copy of the Notice of Commencement along with an affidavit attesting to its recording. A certified copy of the Notice of Commencement must be provided the Building Department BEFORE the second or any subsequent inspection can be performed. Filing of the documents that have been certified may be done by mail, fax, or hand-delivery.**

**NOTICE:** In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. (553.79 Permits; applications; issuance; inspections)

**OWNER'S AFFIDAVIT:** I hereby certify that the information contained in this application is true and correct to the best of my knowledge, and that all work will be done in compliance with all applicable laws regulating construction and zoning.

\_\_\_\_\_  
Owner Date

\_\_\_\_\_  
Notary as to Owner Date

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Contractor Date

\_\_\_\_\_  
Notary as to Contractor Date

My Commission Expires: \_\_\_\_\_





Division 3  
Duties and Powers of the  
Floodplain Administrator

## DIVISION 3. - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

### Sec. 107-67. - Designation.

The zoning administrator is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(LDC, art. XVI, § 2(103.1))

### Sec. 107-68. - General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to division 7 of this article.

(LDC, art. XVI, § 2(103.2))

### Sec. 107-69. - Applications and permits.

The floodplain administrator, in coordination with other pertinent offices of the community, shall:

- (1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
- (2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;
- (3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
- (4) Provide available flood elevation and flood hazard information;
- (5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
- (6) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and



- (8) Coordinate with and provide comments to the building official to ensure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

(LDC, art. XVI, § 2(103.3))

Sec. 107-70. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of the term "substantial improvement;" and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this chapter is required.

(LDC, art. XVI, § 2(103.4))

Sec. 107-71. - Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to division 7 of this article.

(LDC, art. XVI, § 2(103.5))

Sec. 107-72. - Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

(LDC, art. XVI, § 2(103.6))

Sec. 107-73. - Inspections.

The floodplain administrator shall make the required inspections as specified in division 6 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(LDC, art. XVI, § 2(103.7))

Sec. 107-74. - Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including, but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 107-70;
- (2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the state division of emergency management, state floodplain management office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
- (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
- (4) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code to determine that such certifications and documentations are complete;
- (5) Notify the Federal Emergency Management Agency when the corporate boundaries of the city are modified; and
- (6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the coastal barrier resources system established by 16 USC 3501 et seq. that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "coastal barrier resource system areas" and "otherwise protected areas."

(LDC, art. XVI, § 2(103.8))

Sec. 107-75. - Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits;

determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Franklin County Planning and Building Department, 34 Forbes Street, Suite 1, Apalachicola, Florida.

(LDC, art. XVI, § 2(103.9))

Secs. 107-76—107-93. - Reserved.

#### DIVISION 4. - PERMITS

Sec. 107-94. - Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit and approval. No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

(LDC, art. XVI, § 2(104.1))

Sec. 107-95. - Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this chapter for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(LDC, art. XVI, § 2(104.2))

Sec. 107-96. - Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter:



- (1) Railroads and ancillary facilities associated with the railroad.
- (2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
- (3) Temporary buildings or sheds used exclusively for construction purposes.
- (4) Mobile or modular structures used as temporary offices.
- (5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this subsection, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on-site or preassembled and delivered on-site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
- (9) Structures identified in F.S. § 553.73(10)(k) are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(LDC, art. XVI, § 2(104.2.1))

#### Sec. 107-97. - Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

- (1) Identify and describe the development to be covered by the permit or approval.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan or construction documents as specified in division 5 of this article.
- (5) State the valuation of the proposed work.
- (6) Be signed by the applicant or the applicant's authorized agent.
- (7) Give such other data and information as required by the floodplain administrator.

(LDC, art. XVI, § 2(104.3))

#### Sec. 107-98. - Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and

information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(LDC, art. XVI, § 2(104.4))

Sec. 107-99. - Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(LDC, art. XVI, § 2(104.5))

Sec. 107-100. - Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other ordinance, regulation or requirement of this community.

(LDC, art. XVI, § 2(104.6))

Sec. 107-101. - Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including, but not limited to, the following:

- (1) The Northwest Florida Water Management District; F.S. § 373.036.
- (2) State department of health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and F.A.C. ch. 64E-6.
- (3) State department of environmental protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
- (4) State department of environmental protection for activities subject to the joint coastal permit; F.S. § 161.055.
- (5) State department of environmental protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; section 404 of the Clean Water Act.
- (6) Federal permits and approvals.

(LDC, art. XVI, § 2(104.7))

Secs. 107-102—107-130. - Reserved.

# Flood Plain Management Documents





## Application for FEMA Variance- Historical Structure

### GENERAL INFORMATION:

Property Owner Name/Address

Agent or Representative Name/Address

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_

Phone \_\_\_\_\_

Email \_\_\_\_\_

Email \_\_\_\_\_

Property Address, Legal Description, Parcel ID:

\_\_\_\_\_  
\_\_\_\_\_

Current Zoning: \_\_\_\_\_

Current Land Use: \_\_\_\_\_

Is the property part of a previously approved development proposal? \_\_\_ Yes \_\_\_ No

If yes, provide the file/case number(s) \_\_\_\_\_

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant/Authorized Agent and Date



## FEMA VARIANCE APPLICATION

**Applicants must acknowledge understanding of the following and initial each of the statements below. If you do not understand any of these, staff will explain them to you.**

- \_\_\_\_\_ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.
- \_\_\_\_\_ On all variances, a majority vote is required. Action on this application by the Commission may be continued to a later meeting.
- \_\_\_\_\_ I understand that if variance is approved by the Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Commission becomes voided.
- \_\_\_\_\_ I understand that any person aggrieved by the final decision has the right to file a petition in Franklin County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be revocation of the permit.
- \_\_\_\_\_ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

\_\_\_\_\_ I Understand that, if a variance from Section 107.4 of Ordinance 2013-02 is approved, that:

1. The variance will not preclude the structure's continued designation as a historic structure.
2. The variance is the minimum necessary to preserve the historic character and design of the original structure.

\_\_\_\_\_ I have been notified in writing from the Community Official about the NFIP Flood insurance implications of variances.

**After acknowledgement of these conditions, please make sure your application is complete prior to submission. Incomplete applications will be returned to the applicant.**

\_\_\_\_\_  
Signature of Applicant/Authorized Agent and Date



**CITY OF APALACHICOLA**  
**FLOODPLAIN MANAGEMENT**  
Permit Application

DATE: \_\_\_\_\_

**APPLICANT NAME:** \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
(CITY, STATE & ZIP CODE)

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

ADDRESS OF JOB: \_\_\_\_\_

PARCEL I.D. \_\_\_\_\_

---

**DESCRIPTION OF DEVELOPMENT ( MUST INCLUDE SITE PLAN)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RESIDENTIAL: \_\_\_\_\_ COMMERCIAL: \_\_\_\_\_ NEW STRUCTURE: \_\_\_\_\_

SUBSTANTIAL IMPROVEMENT: \_\_\_\_\_

**FLOOD ZONE INFORMATION:**

PANEL NO: \_\_\_\_\_ FIRM ZONE: \_\_\_\_\_ BFE: \_\_\_\_\_

GRADE ELEVATION: \_\_\_\_\_

ELEVATION OF LOWEST HORIZONTAL SUPPORTING MEMBER OF STRUCTURE: \_\_\_\_\_

AND/OR TOP OF THE BOTTOM FLOOR: \_\_\_\_\_ (PER PLANS)

SQUARE FEET OF ENCLOSURE BELOW BFE: \_\_\_\_\_ (PER PLANS)

\*NOTE: IF ADDITIONAL INFORMATION REQUESTED, APPLICANT HAS 30 DAYS FROM DATE OF REQUEST TO REPLY OR A NEW FILL PERMIT APPLICATION & FEES WILL APPLY.

---

**FLOOD ZONE DISCLOSURE NOTICE**

I/We \_\_\_\_\_, have been made aware by the City of Apalachicola Building Department that my/our property is located in a 100 year flood zone based on FEMA Maps dated February 5, 2014. My/our property may be affected by the changes to the FIRM Maps, which took effect in 2014. My/our property may be adversely affected by these changes and could result in higher Base Flood Elevation Requirements and/or higher insurance premiums.

STREET ADDRESS: \_\_\_\_\_  
PARCEL I.D.: \_\_\_\_\_  
EFFECTIVE FLOOD ZONE: \_\_\_\_\_  
PRELIMINARY FLOOD ZONE: \_\_\_\_\_

Attach information sheet for this parcel which indicates both the effective and preliminary flood zones for this parcel.

\_\_\_\_\_  
Owner Signature Date

**Materials used for enclosure below BFE:**

Solid wall/Breakaway wall \_\_\_\_\_, Flow through Vents \_\_\_\_\_ (sf of vent openings \_\_\_\_\_),  
Screen wire, Lattice or Louvers \_\_\_\_\_.

Type of foundation: \_\_\_\_\_  
(Pile support, Concrete block stem wall, other)

*\*See City of Apalachicola Land Development Code Ordinance 2013-02 for complete regulations*

**OWNER/APPLICANT STATEMENT**

I hereby certify, affirm, and swear that I am the owner or the authorized agent for the owner of the property for which this permit is requested. The information provided herein is true and correct to the best of my knowledge. I release the City of Apalachicola from all responsibility for damages incurred as a result of the permitted activity.

\_\_\_\_\_  
Signature of Applicant Date

Application meets all requirements for the flood zone designation \_\_\_\_\_

\_\_\_\_\_  
Floodplain Administrator Date

**CITY OF APALACHICOLA**  
**FLOODPLAIN MANAGEMENT**  
**Inspection Report**

Foundation meets the requirement for the flood zone designation: \_\_\_\_\_

Under construction elevation certificate has been submitted and meets elevation standards for flood zone: \_\_\_\_\_

Enclosures below the BFE are designed/constructed as required by the flood plain management ordinance: \_\_\_\_\_

Final elevation certificate has been submitted and all aspects of the structure meet designated flood zone requirements: \_\_\_\_\_

All mechanical/AC equipment meet the required elevation for the designated BFE:

\_\_\_\_\_

Final inspection on structure meets all requirements designated in the City of Apalachicola Floodplain Management ordinance 2013-02: \_\_\_\_\_

---

Floodplain Administrator

Date





## SUBSTANTIAL IMPROVEMENT/ DAMAGE

(Note: This list is intended for guidance only, and may not be all-inclusive)

### APALACHICOLA ZONING DEPARTMENT

192 Coach Wagner Blvd. Apalachicola, FL 32320

Phone: 850-653-9319 Fax: 850-653-2205

WWW.CITYOFAPALACHICOLA.COM

X	ITEMS TO BE INCLUDED	COST:	EXCLUDED ITEMS
	<b>All Structural Elements Including:</b>	\$	Plans and Specifications
	Spread or Continuous Foundation Footings & Pilings	\$	Survey Costs
	Monolithic or Other Types of Concrete Slabs	\$	Permit Fees
	Bearing Walls, Tie Beams and Trusses	\$	<b>Debris Removal -</b>
	Wood or Reinforced Concrete Decking or Roofing	\$	(e.g. removal of debris from building or lot, dumpster rental, transport fees
	Floors and Ceilings	\$	to landfill and landfill tipping fees), and clean up (e.g. dirt And mud removal, building dry-out, etc.)
	Attached Decks and Porches	\$	<b>Items not considered real property-</b>
	Interior Partition Walls	\$	Throwaway rugs, furniture, refrigerators, stoves that are not built in, etc.
	Exterior Wall Finishes (e.g. Brick, Stucco or Siding) including Painting and Decorative Molding	\$	<b>Outside Improvements Including-</b>
	Windows and Doors	\$	Landscaping, Sidewalks, Fences, Sheds,
	Re-Shingling or Re-Tiling a Roof	\$	Yard Lights, Gazebos, Swimming Pools,
	Hardware	\$	Screened Pool Enclosures, Landscape
	<b>All Interior Finish Elements Including:</b>	\$	Irrigation and detached structures (including garages)
	Tiling, Linoleum, Stone or Carpet Over Sub-Flooring	\$	
	Bathroom Tiling and Fixtures	\$	
	Wall Finishes; Including Drywall, Painting, Stucco, Plaster, Paneling, Marble or Other Decorative Finishes	\$	
	Kitchen, Utility and Bathroom Cabinets	\$	
	Built-In Bookcases, Cabinets and Furniture	\$	
	Hardware	\$	
	<b>All Utility &amp; Service Equipment Including:</b>	\$	
	HVAC Equipment	\$	
	Repair or Re-Construction of Plumbing and Electrical Services	\$	
	Light Fixtures and Ceiling Fans	\$	
	Security Systems	\$	
	Built-In Kitchen Appliances	\$	
	Central Vacuum Systems	\$	
	Water Filtration, Conditioning or Re-Circulation Systems	\$	
	<b>ALSO: Labor and Other Costs Associated With</b>	\$	
	Demolition, Removing or Altering Building Components	\$	
	Construction Management/Supervision	\$	
	Overhead and Profit	\$	
	Equivalent Costs For: Donated Materials & Volunteered Labor (owner included)	\$	
	Any improvements beyond pre-damaged condition including: Utility Systems Upgrades to current code requirements.	\$	
	<b>TOTAL COST OF IMPROVEMENTS:</b>	<b>\$</b>	

**OFFICE OF THE  
FLOODPLAIN  
ADMINISTRATOR**

# MEMO

**To:** Applicant

**From:** Keisha Messer, CFM, CMC

**Date:** September 6, 2023

**RE:** **Disclosure Per 44CFR 60.6(A)(5)  
NFIP Flood Insurance Implications of Variances**

Please be advised that you are requesting a variance to allow a substantial improvement to your property which is either renovation(s) and/or additions(s). Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure at which the cost equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage" any repairs are considered substantial improvement regardless of the actual repair work performed. Without a variance the building receiving the substantial improvement would be required to be elevated above the required Base Flood Elevation (BFE) as designated by the Federal Flood Insurance Rate Map.

**If your variance is granted and you complete the work be advised that:**

- (i) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and
- (ii) Such construction below the base flood level increases risks to life and property.

\_\_\_\_\_ I Understand that, if a variance from Section 107.4 of Ordinance 2013-02 is approved, that:

1. The variance will not preclude the structure's continued designation as a historic structure.
2. The variance is the minimum necessary to preserve the historic character and design of the original structure.

\_\_\_\_\_ I have been notified in writing from the Community Official about the NFIP Flood insurance implications of variances.

**After acknowledgement of these conditions, please make sure your application is complete prior to submission. Incomplete applications will be returned to the applicant.**

\_\_\_\_\_  
Signature of Applicant/Authorized Agent and Date



Code Enforcement  
Permitting Files  
+ Processes

Fence Permits

Planning & Zoning Approval must precede Fence Permit Application for a New or materially-altered fence.

P&Z Approval Date: \_\_\_\_\_



## Fence Permit Application

Owner's Name: \_\_\_\_\_ email: \_\_\_\_\_

Address: \_\_\_\_\_ Ph# \_\_\_\_\_

Address of Project: \_\_\_\_\_

Property Parcel ID#: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that **NO WORK** or installation/ has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that separate permits must be secured for structural work, electrical, plumbing, signs, roofing, pools, furnaces, boilers, heaters, tanks, and air conditioners, etc.

Height of Fence: Front: \_\_\_\_\_ Rear: \_\_\_\_\_ L Side: \_\_\_\_\_ R Side: \_\_\_\_\_

For **New/Materially Altered Fence with P&Z Approval**: Attach approved documents submitted to Planning & Zoning (which must include detailed drawings of fence location, heights and materials to be used in construction of fence).

For **Repair/Replacement Fence**, attach photos of existing fence and a description of repair work to be done.

Owner's Affidavit: I hereby certify that the information contained in this application is true and correct to the best of my knowledge and that all work will be done in compliance with all applicable laws regulating construction and zoning.

\_\_\_\_\_  
Date: \_\_\_\_\_

Owner or Agent

\_\_\_\_\_  
Date: \_\_\_\_\_

Code Enforcement Officer

### OFC USE

**FEES:**

- Certificate of Appropriateness: \$25.00
- New/Altered Fence: \$75.00
- Repair/Replace Fence: \$0.00

Total Paid: \_\_\_\_\_

Date: \_\_\_\_\_



## **PERMIT PROCESS:**

### **New & Materially-Altered\* Fences:**

1. Submit a Planning & Zoning Application to City Planner. Applications must be submitted at least ten (10) business days **BEFORE** the P&Z meeting to be considered.
2. For any questions or to submit your application, contact Bree Robinson, City Planner, [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com); 850-323-0985.
3. Once P&Z has approved your P&Z application, you may then apply for a Fence Permit. For any questions or to submit your permit application, contact PJ Erwin, Code Enforcement Officer, [perwin@cityofapalachicola.com](mailto:perwin@cityofapalachicola.com); 850-653-8222.
4. Final Inspection. Once the fence is complete, contact PJ Erwin, for a final inspection.

## **PERMIT PROCESS:**

### **Repair/Replacement\* Fences:**

1. Apply for a fence permit. For any questions or to submit your permit application, contact PJ Erwin, Code Enforcement Officer, [perwin@cityofapalachicola.com](mailto:perwin@cityofapalachicola.com); 850-653-8222.
2. Final Inspection. Once the fence is complete, contact PJ Erwin, for a final inspection.

### **FENCE GUIDELINES to keep in mind:**

**Height Restrictions: Front yards:** Not to exceed 48 inches. For corner lots, the two sides of the lot paralleling the two streets are considered front yards. Front yard fences on corner lots may not exceed two and one-half feet (30 inches) in height within 50 feet of the point of intersections of the two streets. **Side and Rear yard:** Not to exceed six feet (72 inches).

\*A materially-altered fence application is defined as a proposal to repair/replace an existing fence by greater than 50 % and/or changing the structure, shape, height or materials from the original fence. Less than 50% repair/replacement and no change in structure, shape, height or materials fits under the guidelines of a Repair/Replacement Fence permit.

### **FENCE PLACEMENT RESTRICTIONS:**

Fences may be erected within the required setback area (i.e. area between the front, side, and rear property lines and the front, side, and rear setback lines).

A fence shall not be located on any property line.

A fence extending from the side of a principal structure to the side lot line shall attach to the principal structure no closer to the front lot line than where the façade is located. (The façade does not include any covered or uncovered porch, uncovered steps or uncovered balconies).

The height of a fence is measured as the vertical distance from the highest finished grade at the base of the fence to the top edge of the fence and includes the height of fence posts. (Decorative finials on fence posts may exceed the height of the fence but should be kept to a minimum).

**NOTE:** Questions regarding **commercial** properties should be directed to Ron Nippe, Building Permit Clerk, [rnippe@cityofapalachicola.com](mailto:rnippe@cityofapalachicola.com), [buildingdept.@cityofapalachicola.com](mailto:buildingdept.@cityofapalachicola.com); 850-653-7592.

## Processing a Fence Permit:

1. Determine who the responsible staff person is to handle the permit:
  - a. New fence or materially-altered permit request should be directed to City Planner, Bree Robinson; [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com); 850-323-0985.
  - b. Commercial permit request should be directed to Building Permit Clerk, Ron Nippe; [rnippe@cityofapalachicola.com](mailto:rnippe@cityofapalachicola.com); 850-653-7592.
  - c. Repair/Replacement permit request is handled by Code Enforcement Officer; PJ Erwin, [perwin@cityofapalachicola.com](mailto:perwin@cityofapalachicola.com); 850-653-8222.

A materially-altered fence is one in which greater than 50% of the fence is repaired or replaced, and/or structure, materials, height are changed.

**All persons installing the fence except for homeowner must have a City Business License.**

2. Repair/Replacement permit request:
  - a. Once a property owner submits a fence permit application:
    - i. Review the permit application to ensure that the appropriate materials are attached to the application (e.g. photos of existing fence and description of repair work to be completed). *You may need to conduct a visual review onsite to determine the work to be completed.*
    - ii. Be sure to ascertain that the work to be completed fits within the less than 50% and no materially altered work is proposed.
    - iii. There isn't a fee for this permit. It is a no-fee permit; however, a Certificate of Appropriateness \$25.00 may be due. Check with City Planner if property is within a historic district.
  - b. Enter the permit application into Community Core and issue permit to property owner(s). Remind them to contact CEO for a final inspection once fence is complete.
  - c. Once the inspection is complete, enter the details of the inspection in Community Core and close the file.
  - d. Paper copies of permits are kept by fiscal year and placed in storage at the beginning of a new fiscal year.
3. New or materially altered Fence Permit Request.
  - a. Once P&Z has approved a request to apply for a permit for a New or Materially-altered Fence, the permit application will come to the Code Enforcement Office.
  - b. Once a property owner submits a fence permit application:
    - i. Review the permit application to ensure that the appropriate materials are attached to the application (e.g. photos of existing fence and description of repair work to be completed). *You may need to conduct a visual review onsite to determine the work to be completed.*
    - ii. Be sure to ascertain property owner has obtained P&Z approval and note on the application.
    - iii. Assess the appropriate fee; \$75.00 for application fee. If applicable, the \$25.00 Certificate of Appropriateness fee would have been collected by City Planner. If

the property is within a historic district, verify that the Certificate of Appropriateness fee has been collected.

- iv. Property owners can pay by check or credit card. There is a 3% fee for credit card payments. Use the credit card machine in COE office. Make sure to complete a receipt if property owner pays by check (receipt is in bottom tray on COE desk).
- c. Enter the permit application into Community Core and issue permit to property owner(s). Remind them to contact CEO for a final inspection once fence is complete.
- d. Make copy of front page of permit, attach check or credit card receipt and put in Angela's (Finance Clerk's) box.
- e. Once the inspection is complete, enter the details of the inspection in Community Core and close the file.
- f. Paper copies of permits are kept by fiscal year and placed in storage at the beginning of a new fiscal year.



- (a) Corner lots in residential districts are platted in such a manner as to change the normal yard pattern along either of the intersecting streets. The required front yard shall be provided across the end of the lot fronting on the street, and a yard measuring not less than 15 feet from the lot line, shall be provided along the full length of the lot on the side toward the intersecting street. No portion of any principal or accessory building shall encroach upon the setbacks of either the front or side yard fronting a street.
- (b) Visibility at intersections in residential districts. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such manner as materially to impede vision between a height of two and one-half feet (30 inches) and ten feet (120 inches) above the centerline grade of the intersecting street in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.
- (c) Alleys. Ten-foot alleys are intended to accommodate utility lines, such as water and sewer, and are not intended to support traffic. Ten-foot alleys are not to be used for ingress and egress.
- (d) Garages for sales, storage, repairs, and/or services; service stations; sales lot for new or used motor vehicles; parking lots and similar uses. The following limitations shall apply to commercial structures and uses involving the sale, storage, service, or repair of motor vehicles:
- (1) No public street, parking, sidewalk or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal permitted parking by individual private owners or operators of such vehicles.
  - (2) No operation in connection with such establishments shall be conducted in a manner, which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.
  - (3) All motor vehicles being handled, stored or repaired by such operations shall be maintained in such conditions that they may be moved under their own power at any time except such vehicles as may be stored or under repair in garages or other buildings as provided below.
  - (4) No repair of motor vehicles or parts thereof shall be made except within garages, service stations, body shops, or other enclosed buildings, provided for such purposes, and no storage of parts of motor vehicles shall be other than in an enclosed building.
  - (5) No permit shall be issued for the erection of a garage for storage of more than five motor vehicles, or for service stations, or for conversion to such purposes of any premises not so used, on any portion of any lot or plot on which is located a school, a church, a theater or auditorium containing 100 or more seats, a public library, or a hospital or sanitarium.
- (e) Fences.
- (1) Requirements applying to all zoning districts and the historic district.
    - a. Application for approval of any new fence or material alteration of an existing fence must be made in the same manner as for authorization of a building permit with a full description of materials to be used, dimensions and placement clearly stated on the plans. It is not necessary for a landscape architect or engineer to draw or sign and seal the plans.

b. Fences shall be erected on the lot of the applicant and shall not extend into a public right-of-way.

Fences may be erected within the required setback area (i.e. area between the front, side, and rear property lot lines and the front, side, and rear setback lines).

c. A fence may abut but shall not be located on any property line.

(2) All residential districts.

a. Height, location, and design.

1. If there are located utility electrical transformer banks, water towers or other facilities owned or leased by a public utility in residential zones which require the fencing of such for safety precautions, the responsible utility provider shall erect fences at least six feet (72 inches) in height around them.

2. No fence or wall in excess of four feet (48 inches) in height shall be allowed in the front yard (for corner lots, the two sides of the lot paralleling the two streets).

3. As required in section 11-288(b) above, front-yard fences on corner lots may not exceed two and one-half feet (30 inches) in height within 50 feet of the point of intersection of two streets.

4. A fence extending from the side of a principal structure to the side lot line shall attach to the structure no closer to the front lot line than where the facade (not including any covered front porch, uncovered porch, uncovered steps, and uncovered balconies) is located. These fences shall not exceed six feet (72 inches) in height.

5. No fence or wall in excess of six feet (72 inches) in height shall be allowed in side and/or rear yards. These fences may begin from the rear of the principal structure facade.

6. All fence construction, repair and replacement of any section or portion thereof must be consistent with the remaining fence on the property. The intent of this section is to ensure that all fencing erected on a property is uniform and consistent in construction and appearance.

(f) No permit shall be issued for any tavern, bar, lounge, or package store not associated with a restaurant, as defined in F.S. § 562.45, where such a tavern, bar, lounge or package store will be located within 500 feet of any portion of any lot or plot on which is located a school or church. No tavern, bar, lounge, or package store shall be located within 200 feet of any residential district R-1, R-2, or R-3, except as an approved special exception by the planning and zoning board after one public hearing.

(1) *Home occupations.*

a. Home occupations shall not involve employment of nonresidents of the premises;

b. Home occupations shall be conducted entirely and only within the principal residential structure and shall not occupy more than 25 percent of the floor area of such structure;

c. There shall be no external evidence of the conduct of such occupation except one sign, not illuminated, and not exceeding one square foot in area, mounted flat against the wall of the residence;



Fill Permit Application\*

\* this permit is in the process of being updated to ensure FEMA standards are met.



**OFC USE**

**FEES**

Base Rate: \$ \_\_\_\_\_

Additional cu yds: \_\_\_\_\_

Total: \_\_\_\_\_

Date Paid: \_\_\_\_\_



**Flood Plain Administrator must determine Flood Zone Designation before a fill permit may be issued:**  
FEMA designation: \_\_\_\_\_  
Date: \_\_\_\_\_

## Fill Permit Application

(For further details, see Apalachicola Land Development Code Sec 115-2)

### APPLICANT TO COMPLETE THE FOLLOWING:

**SITE INFORMATION:**

PARCEL I.D. \_\_\_\_\_  
SEC. TWP. RNG. SUBDI BLOCK LOT

ADDRESS OF SITE: \_\_\_\_\_

**APPLICANT INFORMATION:**

NAME: \_\_\_\_\_ PHONE: ( ) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**PROPERTY OWNER INFORMATION (IF DIFFERENT THAN APPLICANT)**

NAME: \_\_\_\_\_ PHONE: ( ) \_\_\_\_\_

ADDRESS: \_\_\_\_\_

**DESCRIPTION OF WORK (MUST INCLUDE SITE PLAN)**

FILL MATERIAL: \_\_\_\_\_ LOT SIZE: \_\_\_\_\_

AMOUNT OF FILL(CUBIC YARDS): \_\_\_\_\_ PURPOSE OF FILL: \_\_\_\_\_

EXISTING ELEVATION: \_\_\_\_\_

- |  |     |    |
|--|-----|----|
| 1. Has fill/dirt material been brought to the property?      | Yes | No |
| 2. Has the fill/dirt material been spread or fill work done? | Yes | No |
| 3. Have you received a site Violation Notice?                | Yes | No |

**NOTICE OF DEED RESTRICTIONS**

The property for which this permit is requested might be subject to deed restrictions. As owner or authorized agent for the owner you are responsible for determining, prior to adding fill, whether the addition of fill is a violation of deed restrictions.

**SUBMIT A SEPARATE SITE PLAN OR SURVEY. APPROVED SITE PLAN MUST BE POSTED AT THE JOB LOCATION!**

**SITE PLAN TO SHOW THE FOLLOWING:**

- A. AREA & DEPTH OF PROPOSED FILL
- B. ANY PROPOSED DRAINAGE IMPROVEMENTS (POND, PIPE, SWALE, ETC.)
- C. EXISTING STRUCTURES, WITH DIMENSIONS & PROPERTY LINE SETBACKS
- D. STREETS & ROADWAYS
- E. EASEMENTS (DO NOT ENCROACH INTO DRAINAGE EASEMENTS WITH NEW FILL)
- F. BODIES OF WATER
- G. TREES WITHIN FILL AREA
- H. ARROWS TO SHOW DIRECTION OF EXISTING AND/OR PROPOSED DRAINAGE FLOW
- I. NORTH ARROW

**FLOOD ZONES RATED A & V ZONES\*:**

- 10 cubic yards or less:
  - Site plan showing proposed location of fill
  - Best management practice method to ensure stormwater runoff is maintained onsite.
- More than 10 cubic yards:
  - Floodplain management permit in addition to building permit
  - Sealed grading plan prepared by a Florida licensed professional architect, surveyor or engineer.

**X-RATED FLOOD ZONES\*:**

- Less than 20 cubic yards:
  - Site plan showing proposed location of fill
  - Best management practice method to ensure stormwater runoff is maintained onsite
- 20 cubic yards or greater:
  - Sealed grading plan prepared by a Florida licensed professional architect, surveyor or engineer.

\*After site improvements are completed, an "As Built" Certification from a Florida licensed engineer, surveyor or engineer may be required to demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lot on all sides.

**OWNER/APPLICANT STATEMENT:**

I hereby certify, affirm, and swear that I am the owner or the authorized agent for the owner of the property for which this permit is requested. The information provided herein is true and correct to the best of my knowledge. I release the City of Apalachicola from all responsibility for damages incurred as a result of the fill activity.

SIGNATURE: \_\_\_\_\_  
Owner  Agent

DATE: \_\_\_\_\_

APPLICANT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

CODE ENFORCEMENT OFFICER: \_\_\_\_\_

DATE: \_\_\_\_\_

BUILDING OFFICIAL: \_\_\_\_\_

DATE: \_\_\_\_\_

**FILL FEES:**

**A&V Flood Zones**

Less than 10 cu.yds. \$100

10-20 cu.yds \$200

Each additional cu.yd \$20

**X Flood Zones**

less than 20 cu.yds. \$100

each additional cu.yd \$10

## Processing a Fill Permit:

1. Once you receive a Fill Permit Application,
  - a. review and print off the tax page for the particular property.
  - b. Print off the FEMA Flood Zone Designation (if there is any question or if the property is near a change in flood designation, consult with the Flood Plain Administrator. When looking at the FEMA map <https://msc.fema.gov/portal/home> be sure to zoom in to ensure that you are seeing the correct designation.
  
2. **A & V Flood Zones**
  - a. 10 cubic yards or less. Applicants need to submit the following along with their application:
    - i. A site plan that shows the proposed location of fill and notes the 9 things the application calls for on the site plan.
    - ii. Ensure that applicants are showing their best management practice to show how stormwater runoff is maintained onsite.
    - iii. Assess the Fee (\$100.00).
    - iv. Issue permit through Community Core.
    - v. If a contractor is performing the work of spreading the fill, they need to be licensed with the City of Apalachicola.
    - vi. Once the work is completed, complete a final inspection to ensure the work has been completed according to Code.
  - b. Above 10 cubic yards of fill. Applicants need to submit the following along with their application:
    - i. Need a floodplain management permit/certificate. That is obtained from the City's Floodplain Administrator (currently Keisha Messer, [keishakk@yahoo.com](mailto:keishakk@yahoo.com) )
    - ii. Sealed grading plan prepared by a Florida licensed professional architect, surveyor or engineer.
    - iii. Assess the Fee (\$200.00 up to 20 cubic yards, plus \$20.00 for each additional cubic yard).
    - iv. Issue permit through Community Core.
    - v. If a contractor is performing the work of spreading the fill, they need to be licensed with the City of Apalachicola.
    - vi. Once the work is completed, the Building Official needs to complete a final inspection to ensure the work has been completed according to FL Building Code requirements.
  
3. **X Flood Zones**
  - a. 20 Cubic yards or less. Applicants need to submit the following along with their application:
    - i. A site plan that shows the proposed location of fill and notes the 9 things the application calls for on the site plan.
    - ii. Ensure that applicants are showing their best management practice to show how stormwater runoff is maintained onsite.
    - iii. Assess the Fee (\$100.00).
    - iv. Issue permit through Community Core.



- v. If a contractor is performing the work of spreading the fill, they need to be licensed with the City of Apalachicola.
  - vi. Once the work is completed, complete a final inspection to ensure the work has been completed according to Code.
  - b. Above 20 cubic yards of fill. Applicants need to submit the following along with their application:
    - i. Sealed grading plan prepared by a Florida licensed professional architect, surveyor or engineer.
    - ii. Assess the Fee (\$100.00 up to 20 cubic yards, plus \$10.00 for each additional cubic yard).
    - iii. If a contractor is performing the work of spreading the fill, they need to be licensed with the City of Apalachicola.
    - iv. Once the work is completed, the Building Official needs to complete a final inspection to ensure the work has been completed according to FL Building Code requirements.
4. Processing Fee/Application
- a. Once you have determined fee, let property owners know the amount. Property owners can pay by check or credit card. There is a 3% fee for credit card payments. Use the credit card machine in COE office. Make sure to complete a receipt if property owner pays by check (receipt is in bottom tray on COE desk).
  - b. Enter the permit application into Community Core and issue permit to property owner(s).
  - c. Make copy of front page of permit, attach check or credit card receipt and put in Angela's (Finance Clerk's) box.
  - d. Once the inspection is complete, enter the details of the inspection in Community Core and close the file.
  - e. Paper copies of permits are kept by fiscal year and placed in storage at the beginning of a new fiscal year.
5. Additional Considerations:
- a. If property owner is bringing in impermeable fill, you will need to consult with City Planner (Bree Robinson) to ensure that they property is not over its lot coverage ratios per their particular zoning and also ensure if they need P&Z approval before beginning work.
  - b. Permeable Fill:
    - i. Dirt, sand, etc.
    - ii. Crushed oyster shells
    - iii. Pea gravel, #57 gravel and the like
  - c. Impermeable Fill:
    - i. Concrete
    - ii. Pavers
    - iii. Pavement

If there are questions about permeable/impermeable, consult the City Planner.

- d. After site improvements are complete, an "AS BUILT" certification from a Florida licensed engineer, surveyor or engineer may be required to demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lots on all sides. (Check with Building Official to determine this).
  - e. No lot shall be filled to a height that would result in water being conveyed to an adjacent property.
  - f. No fill shall be placed in city rights-of-way.
  - g. Prohibited fill: All types of solid waste, sludges, hazardous materials and hazardous waste so designated by the United States Environmental Protection Agency, the Florida Department of Environmental Protection, and local health and environmental protection agencies. All bio-medical wastes that may cause pathogenic contamination of water resources. Industrial chemicals, petroleum products, putrescible household waste, and other materials that would contaminate permitted fill material.
  - h. Fill may not be placed in wetlands and must be setback at least 20 feet from jurisdictional wetlands or surface water.
6. Once the final inspection is complete, enter the details of the inspection in Community Core and close the file.
- Paper copies of permits are kept by fiscal year and placed in storage at the beginning of a new fiscal year.

Sec. 115-2. - Fill and lot grading requirements.

(1) Areas of special flood hazard (rated A and V zones) and water front district.

Fill, lot grading or landscaping involving up to ten cubic yards of fill. Fill as defined, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils involving less than ten cubic yards of fill on an individual lot or parcel shall require a building permit and floodplain management permit. In a V zone, the use of earthen fill to elevate buildings and structures shall not be permitted. Note: 20 cubic yards is approximately 2.5 pick-up truck- loads of fill.

At a minimum, the floodplain management permit shall include the following:

- a. Site plan showing proposed location of proposed fill; and
- b. Best management practice method employed to ensure stormwater runoff is maintained onsite. (See city website).

Fill involving more than ten cubic yards: Fill or lot grading involving more than the deposition of ten cubic yards of fill shall require a building permit and floodplain management permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill, the amount, type, source of fill, compaction specifications and ensure that fill will remain stable under conditions of flooding. The plan shall provide existing site details including the existing and proposed elevation of structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade elevation and proposed grade elevation at property corners and the street centerline and must detail how drainage will be affected and how grade changes will impact stormwater runoff from the site to adjacent lots. The plan shall show the location of existing structures or features of the site. The plan shall detail drainage swales including design high points; intermediate grade points; and the location, height, width and extent of retaining structures. The plan shall reflect surface slopes of drainage swales with flow direction arrows and include the elevation at any discharge point. The plan shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development or redevelopment conditions.

Note: No lot shall be filled to a height that would result in water being conveyed to an adjacent property. No fill shall be placed in city rights-of-way.

After site improvements are completed and prior to the issuance of a certificate of occupancy by the city, when applicable, an "As Built" Certification from a Florida licensed engineer, surveyor or architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the centerline of the road and the adjacent lot on all sides.

Note: In designated V zones, fill may not be placed for use as structural support.

(2) Areas outside the area of special flood protection (A and V Zones) and waterfront district:



Fill, lot grading or landscaping involving up to 20 cubic yards of fill. Fill, lot grading and/or landscaping activities involving the deposition/addition, movement and placement of soils involving less than 20 cubic yards of fill on an individual lot or parcel shall require a building permit. At a minimum, the building permit shall include the following:

- a. Site plan showing proposed location of proposed fill;
- b. Best management practice method employed to ensure stormwater runoff is maintained onsite.

Fill involving more than 20 cubic yards: Fill or lot grading involving more than the deposition of 20 cubic yards of fill shall require a building permit. Additionally, the application requires a sealed grading plan prepared by a Florida licensed professional architect, surveyor, or engineer. The plan shall delineate the amount and type of fill, the amount, type, source of fill, compaction specifications and ensure that fill will remain stable under conditions of flooding, and include existing site details including structures, infrastructure, drive ways, etc. The plan shall indicate the existing grade and proposed grade in contour intervals of enough clarity to indicate the nature and extent of the work, including the type and amount of fill material that will be used. The plan shall contain elevations for existing and proposed grades at property corners and the street centerline and must detail how drainage will be affected. The plan shall show the location of existing structures or features of the site.

The plan shall show the location of existing structures or features of the site. The plan shall indicate drainage swales including design high points; intermediate grade points; and the location, height, and extent of retaining structures. The plan shall reflect surface slopes of drainage swales with flow direction arrows and include the elevation at the discharge ends of the swale's drainage pattern. The building permit shall include documentation to show that the volume, rate and quality of stormwater runoff following the filling or grading of land shall not exceed pre-development run-off conditions.

Note: No lot shall be filled to a height that would result in water being conveyed to an adjacent property. No fill shall be placed in city rights-of-way.

After site improvements are completed and prior to the issuance of a certificate of occupancy by the city, when applicable, an "As Built" Certification from a Florida licensed engineer, surveyor or architect must demonstrate there will be no discharge of stormwater to adjacent properties and that the filled lot is not higher than the adjacent lot on all sides.

(3) Prohibited fill:

All types of solid waste, sludges, hazardous materials and hazardous waste so designated by the United States Environmental Protection Agency, the Florida Department of Environmental Protection, and local health and environmental protection agencies. All bio-medical wastes that may cause pathogenic contamination of water resources. Industrial chemicals, petroleum products, putrescible household waste, and other materials that would contaminate permitted fill material.

Fill may not be placed in wetlands and must be setback at least 20 feet from jurisdictional wetlands or surface water.

( Ord. No. 2020-03, § 3, 5-5-2020)

Sec. 115-3.. - Landscaping.

Routine maintenance of the landscaped area, plantings, or sod involving less than 1,000 square feet in area provided shall not be considered fill, provided the quantity and location meets the fill ordinance standards. Landscaping development proposed for more than 1,000 square feet requires a landscape plan to identify vegetation plantings.

( Ord. No. 2020-03, § 3, 5-5-2020)

Sec. 115-4. - Penalties.

Any person who fills or grades property without first securing a permit approval shall be subject to the penalties of this code and may be required to restore the site to the satisfaction of the city building official. In addition, all activity on the property shall cease until a permit has been issued and there shall be no other approval until such time as the filling and grading permit has been approved.

( Ord. No. 2020-03, § 3, 5-5-2020)

# Mural Permit Application





**Planning & Zoning Approval  
must precede Mural Permit  
Application.**

P&Z Approval Date: \_\_\_\_\_

## City of Apalachicola MURAL PERMIT APPLICATION

Business Owner's Name: \_\_\_\_\_ d/b/a: \_\_\_\_\_

Address of Mural Location: \_\_\_\_\_ Phone#: \_\_\_\_\_

Business License Number: \_\_\_\_\_ Zoning of Property: \_\_\_\_\_

Building Owner's Name: \_\_\_\_\_ Ph# \_\_\_\_\_

Property/Parcel ID# \_\_\_\_\_

Artist: : \_\_\_\_\_ Ph# \_\_\_\_\_

Please include the following in your application:

1. A complete description of the mural, including materials and durability, and manner of application.
2. Detailed description and plans showing the location and positioning of the mural on the building, including color graphic drawings with dimensions.
3. Written consent of the owner of the building, structure, or property where the mural will be placed.
4. Attach samples/examples of artist's work along with references.
5. Artist's Agreement.

Each applicant for a mural permit shall, upon request of the enforcement officer, submit any additional information deemed necessary.

After installation of mural, applicant must submit photographs of completed sign placement on premises within 30 days of issuance of permit.

\_\_\_\_\_  
Business Owner Date: \_\_\_\_\_

\_\_\_\_\_  
Code Enforcement Officer Date: \_\_\_\_\_

\_\_\_\_\_  
Building Official Date: \_\_\_\_\_

<b>OFC USE</b>	<b>FEES:</b>
	Application Fee: \$100.00
	Total: _____
	Paid: _____



ARTIST'S AGREEMENT

Business Owner's Name: \_\_\_\_\_ d/b/a: \_\_\_\_\_

Address of Mural Location: \_\_\_\_\_ Phone#: \_\_\_\_\_

Business License Number: \_\_\_\_\_ Zoning of Property: \_\_\_\_\_

Building Owner's Name: \_\_\_\_\_ Ph# \_\_\_\_\_

Property/Parcel ID# \_\_\_\_\_

Artist's Name: \_\_\_\_\_ Ph# \_\_\_\_\_

1. Artist, Business Owner, and Property Owner agree that the proposed mural will remain in place for a minimum of two (2) years.
2. No compensation will be given or received for the right to display the mural or the right to place the mural on the property. The artist may be compensated for the completion of the mural, however.
3. Any fees assessed by the City for application and approval must be received prior to mural installation.
4. Artist hereby waives and releases the right of attribution or integrity which Artist has in mind under 17 U.S.C. SS106A and 113(d) Visual Artist Rights Act in favor of the City and the building owner.
5. Artist hereby agrees to allow the City or the building owner to remove the mural within ninety (90) days' notice to the Artist at the address provided in the application and the building owner if the mural is not maintained, or if it becomes a safety hazard.
6. Artist and business owner hereby agree to abide by all mural requirements <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cityofapalachicola.com/wp-content/uploads/2023/11/mural-permit-application-form79.pdf> and execute all necessary documents.

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me by means of [ ] physical presence or [ ] online notarization, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_,

(NOTARY SEAL)

\_\_\_\_\_  
Signature, Business Owner

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Name

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_,

(NOTARY SEAL)

\_\_\_\_\_  
Signature, Property Owner

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Name Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_, 20\_\_\_,

(NOTARY SEAL)

\_\_\_\_\_  
Signature, Artist

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Name Date: \_\_\_\_\_



## Processing a Mural Permit:

1. To apply for a mural permit, a property owner must first obtain Planning & Zoning Approval. The process for approval begins with Bree Robinson, City Planner.
2. An Application for a Mural Permit comes to Code Enforcement after the business owner has obtained approval from P&Z. Once a property owner submits an Application for Mural Permit.
  - a. Verify that P&Z has given approval and note approval date on the application.
  - b. Verify that the application includes<sup>1</sup>:
    - i. A complete list of the mural project, including materials and durability, and manner of application.
    - ii. Detailed description and plans showing the location and positioning of the mural on the building, including color graphics drawings with dimensions.
    - iii. Written consent of the owner of the building, structure, or property where the mural is to be placed.
    - iv. Samples/examples of artist's work along with references.
    - v. Artist's Agreement.
  - c. Assess the permit fee. The application fee is \$100.00.
    - i. If applicable, the \$25.00 Certificate of Appropriateness fee would have been collected by City Planner. If the property is within a historic district, verify that the Certificate of Appropriateness fee has been collected.
    - ii. Property owners can pay by check or credit card. There is a 3% fee for credit card payments. Use the credit card machine in COE office. Make sure to complete a receipt if property owner pays by check (receipt is in bottom tray on COE desk).
  - d. Enter the permit application into Community Core and issue permit to property owner(s). Remind them to contact CEO for a final inspection once mural is complete.
  - e. Make copy of front page of permit, attach check or credit card receipt and put in Angela's (Finance Clerk's) box.
  - f. Enter the permit application into Community Core and issue permit to property owner(s).
  - g. Attach photos of mural to completed Application.
3. Once the inspection is complete, enter the details of the inspection in Community Core and close the file.
4. Paper copies of permits are kept by fiscal year and placed in storage at the beginning of a new fiscal year.

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<sup>1</sup> Attaching the completed P&Z application should provide this information.

(a) (1) Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Maintenance" with respect to artwork, means the required repairs or cleaning to keep a work of art in its intended condition, including preventative maintenance at scheduled intervals to curtail future deterioration, and ordinary repairs or maintenance, including but not limited to, painting, repair, or replacement.

"Original artwork mural" means a painting or artwork temporarily or permanently affixed to a privately owned building. An "original artwork mural" is not a "sign" under this chapter. An "original artwork mural" which is not visible from a public right of way is not regulated by this section or by any other section in this chapter.

(2) Location of original artwork murals. Installation of original artwork murals shall be limited to business and commercial zones C-1, C-2, C-3, C-4 and RF.

(3) Purpose.

a. This section is intended to permit original artwork murals on a content neutral basis that: (i) are sufficiently durable and will be properly maintained; (ii) are located on appropriate places on buildings and constitute a particular scale of the building facade; (iii) do not include any unsafe features or would not pose any unsafe conditions to vehicular or pedestrian traffic; (iv) provide avenues for artistic expression, and (v) are assets to the community.

b. The regulations and permit requirements set forth in this chapter are also intended to promote public safety and welfare by establishing the following:

1. That the design, construction, installation, repair, and maintenance of the displays will not interfere with traffic safety or otherwise endanger public safety.
2. That this regulation will provide reasonable protection by controlling the size and locations of such displays.
3. That the public will enjoy the aesthetic benefits of viewing such displays in numbers and sizes that are reasonably and objectively regulated.
4. There will be no cost to the city.
5. That the city will not consider the content of the mural in the permitting process.

(4) Mural permit application.

a. No person, firm, corporation, or other entity may authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any original artwork mural within the city prior to obtaining a permit as set forth herein. Such permit shall be known as a mural permit.

b.

An application for a mural permit shall be filed jointly by a building owner and an artist with the planning department by way of a form prepared by the planning department and shall include the following:

1. Name of the artist and the owner. Street address and location of the proposed mural.
2. Examples of previous work done by the artist, with references.
3. Description of the materials to comprise the proposed mural and manner of application.
4. Statement regarding durability of the materials considering the location and positioning of the proposed mural.
5. Plans and specifications for the proposed mural including an exact picture graphic and other description. The application should include clear and legible drawings with description showing the location of the mural, drawings should show the dimensions and materials. Color photos of the building must accompany the mural sketch, showing the wall to be painted in relation to adjacent streets and buildings.
6. Statement that the proposed mural will remain in place for at least two years.
7. Statement that no compensation will be given or received for the right to display the mural or the right to place the mural on the property. The artist may be compensated for the completion of the mural, however.
8. Any fees assessed by the city for application and approval must be received prior to mural installation.
9. Artist must waive and release, in favor of the city and the building owner, the right of attribution or integrity which artist has in the mural under *17 U.S.C. §§ 106A and 113(d) (Visual Artist Rights Act)*.
10. Artist's agreement to allow the city or the building owner to remove the mural with 90 days' notice to the artist at the address provided in the application and building owner if the mural is not maintained, or if it becomes a safety hazard.
11. Signed acknowledgement by artist and business owner to abide by all mural requirements and execute all necessary documents.

(5) Mural permit application review.

- a. The mural permit application shall be submitted to the planning department for review and then to the Planning & Zoning Board for final decision and issuance of a certificate of appropriateness. The applicant must submit application materials to the planning department ten business days prior to the next monthly Planning & Zoning Board meeting for inclusion on the agenda. The planning department is authorized to utilize additional time for good cause, with notice to the applicant stating the basis for the delay.
- b. Review criteria. The application shall be reviewed using the following criteria:
  1. The mural must be durable, permanent, and easily protected from vandalism and weathering; consideration shall be given to the structural and surface integrity and stability of the building facade, the permanence and durability of the mural, and the mural's



resistance to weathering, theft, and vandalism.

2. The mural must not have any unsafe features or conditions that may affect public safety.
  3. The mural must not disrupt traffic nor create any unsafe conditions or distractions to motorists or pedestrians.
  4. The mural surface must be prepared with an outdoor primer to ensure good adhesion for the artwork.
  5. Clear, anti-graffiti coating must be applied over the completed artwork.
  6. The mural must not extend more than two inches from the plane of the wall to which it is attached.
  7. The mural must be located on only one facade of a building. The mural may not be placed on the primary facade of the structure. Exceptions from this paragraph 7 can be applied for, reviewed by the city planning department, and approved by the Planning & Zoning Board, when the nature of the business is creative, artistic or some other special circumstance is presented.
  8. The mural must be compatible with the character of the surrounding area (particularly when near residential areas) in terms of its size, style, colors, materials, general appearance, and location.
  9. Any licensed, copyrighted, or trademarked characters or likenesses used on murals must have permission from the holder or owner of the license, copyright, or trademark.
  10. No approval shall be issued for mural installation if there are outstanding code enforcement violations charged by the city on the property where the mural is to be located. Outstanding debts to the city must be paid in full prior to issuance of the mural permit.
- c. The Planning & Zoning Board will review the recommendation of the planning department and make the final decision based on the criteria in paragraph (2) of this section.
  - d. Persons aggrieved by the decision of the Planning & Zoning Board may appeal that decision to the city commission.
- (6) Prohibited murals. The following are prohibited in the city:
- a. A mural that covers more than one single facade of a building.
  - b. A mural that violates federal, state, or local law.
  - c. A mural that includes any words, numbers, letters or symbols that are obscene, offensive, of a political nature or are derogatory.
- (7) Permit expiration and extension.
- a. Except as provided in subsection b. below, if installation of the permitted original artwork mural has not taken place within 12 months of the date of issuance of the mural permit, the permit is void and no further work on the mural may be done at the site until a new permit has been approved and new fee paid.

b. An approved mural permit may be extended by the planning department for an additional period of no more than 12 months upon the planning department finding that the applicant was unable to begin or continue the installation of the approved mural for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the planning department before the original permit expiration date.

(8) Maintenance.

- a. The property owner is responsible for ensuring that a permitted original artwork mural is maintained in good condition and fully repaired in the case of vandalism or accidental destruction.
- b. Failure to maintain the original artwork mural is declared to be a public nuisance and may be summarily abated or repaired by the city. The city may pursue additional remedies to obtain compliance with this section as appropriate, including removal of the mural.
- c. In addition to other remedies provided by law, in the event the property owner fails to maintain the mural, the city may perform all necessary repairs or removal of the mural, and all costs incurred by the city shall become a lien against the property.

(9) Mural alterations. In order to make alterations to an original artwork mural, the artist and building owner must obtain a new mural permit.

(10) Removal or replacement of murals; violations; enforcement

- a. Murals installed in accordance with this section shall remain on site in the approved location and cannot be altered, replaced or removed except as provided in this section, or when deemed to be unsafe by the city building official, or when the city determines replacement is necessary due to damage from natural disasters. The seller of property containing a mural installed in compliance with this article shall include restrictions by deed or other instrument that requires the buyer to agree to retain and maintain the mural in compliance with this article.
- b. Removal of murals; violations, enforcement. This section 113-32 may be enforced in accordance with the code enforcement guidelines in the Land Development Code of the City of Apalachicola. Should an approved mural become deteriorated, or otherwise no longer satisfy the terms of the permit, enforcement shall include the city's right to enter upon the property and abate by such reasonable action as necessary to remove or restore the mural, in the city's discretion.
  1. Costs of abatement by the city. Upon the city's abatement of the mural, the costs, including the administrative costs incurred by the city, shall be assessed against the real property from which the mural was removed, together with any fine imposed by code enforcement, all of which shall become a lien against the real property.
  2. Alternative remedies. Nothing in this section shall in any way limit the city to the remedy listed above. This remedy shall be in addition to any other remedy which the city can legally pursue, including, but not limited to, code enforcement measures of the Land Development Code of the City of Apalachicola.

- c. Recording requirements. The mural permit and the determination of removal shall be recorded in the records of the city and maybe recorded in the official records of Franklin County, and shall be binding upon the heirs, personal representatives, grantees, heirs and successors of the parties.

( Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)



# Sidewalk Permit Application



CITY OF APALACHICOLA

SIDEWALK PERMIT APPLICATION

<b>Fees:</b> <b>\$250.00 Restaurant</b> <b>\$200.00 Shop</b> <b>Paid: _____ Date: _____</b>
--

Applicant: \_\_\_\_\_ email: \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Federal Tax ID# \_\_\_\_\_ City of Apalachicola Business License: \_\_\_\_\_

Name & Address of Adjacent Businesses: #1 \_\_\_\_\_ Ph#: \_\_\_\_\_

Type of Business: \_\_\_\_\_ Type of Ownership: (e.g Sole Proprietor, Corporation, Partnership, LLC): \_\_\_\_\_

#2 \_\_\_\_\_ Ph#: \_\_\_\_\_

Type of Business: \_\_\_\_\_ Type of Ownership: (e.g Sole Proprietor, Corporation, Partnership, LLC): \_\_\_\_\_

**By signing this permit, the permittee agrees to indemnify, defend, save, and hold harmless the City of Apalachicola, its Officers, and Employees of/from and against any and all claims, liability, lawsuits, damages and cause of action which may arise out of the permit or the permittee activity on the permitted premises or adjacent hereto or invitees of the permittee.**

The permittee agrees to **meet and maintain for the entire permit period**, at its own expense, the following:

1. Commercial General Liability Insurance in the amount of \$1,000,000.00 per occurrence for Bodily Injury and Property Damage. The City of Apalachicola must be name as additional Insured on this policy and a Certificate of Insurance containing an endorsement must be issued as part of the policy. (attach)
2. For commercial operations permitted which serve alcoholic beverages an Alcohol-License Liability Insurance in the amount of \$1,000,000.00 per occurrence for Bodily Injury and property Damage. The City of Apalachicola must be named as additional Insured on this policy and a Certificate of Insurance containing an endorsement must be issued as part of the policy. (attach if applicable)
3. Workers' Compensation and Employers' Liability as required by the State of Florida. (attach)
4. All policies must be issued by companies authorized to do business in the state and rated B1 + V1 or better per Best Key Rating Guide, latest edition.
5. The City of Apalachicola must receive 30 calendar days written notice prior to any cancellations, non-renewal or material change in the coverage provided.
6. Submit drawings and photos of the sidewalk area with application.

**By signing this Application, I agree that I have read and agree with the entire "Sidewalk Ordinance".**

\_\_\_\_\_ Date: \_\_\_\_\_

Business Owner

\_\_\_\_\_ Date: \_\_\_\_\_

Building Owner

\_\_\_\_\_ Date: \_\_\_\_\_

Adjacent Property Owner

\_\_\_\_\_ Date: \_\_\_\_\_

Adjacent Property Owner

\_\_\_\_\_ Date: \_\_\_\_\_

Code Enforcement Officer Approval

\_\_\_\_\_ Date: \_\_\_\_\_

City Planner

## Processing a Sidewalk (Business) Permit:

1. Sidewalk Permits are issued annually. A sidewalk permit is good from October 1 to September 30<sup>th</sup>. This is the same time that businesses renew their annual Business/Occupational License. City Clerk processes Business/Occupational Licenses; Code Enforcement processes Sidewalk Permits.
2. Once you receive a Sidewalk Permit Application,
  - a. Review the application to ensure that applications
    - i. Are fully completed
    - ii. Have the necessary addresses and signatures
    - iii. Documentation required in Items 1-6 of Application are attached.
    - iv. DO NOT PROCESS THE APPLICATION UNTIL ALL DOCUMENTATION IS PROVIDED!!
3. Before issuing the Permit:
  - a. Complete a visual of the sidewalk and business to ensure that all codes regarding sidewalks are being followed.
  - b. Items must not exceed nor be placed in an area in excess of 36 inches in depth from the front edge of the business property out into the sidewalk, and in any event, a minimum of at least 48 inches from the street edge of the sidewalk toward the business property shall remain clear (of private items or commercial activity or operations) for pedestrian traffic at all times. (Sec 36-55(1)).
4. Issue Permit:
  - a. Assess Fee: \$200 for shop; \$250 for restaurant. If a business is a corner lot and has sidewalks on each side; they pay for both sidewalks if they use both sidewalks for other than walking.
  - b. Enter the permit application into Community Core and issue permit to property owner(s).
  - c. Give a copy of the permit application, along with credit card receipt or check to Angela, (Finance Clerk).
5. Regular Inspections of sidewalks is a part of the Code Enforcement Officer's daily/weekly inspections.

*This procedure guideline only covers the issuance of Sidewalk Permits. Code Violations regarding Sidewalks are covered in the section on Code Violations.*



## ARTICLE III. - OBSTRUCTIONS AND ENCROACHMENTS

### Sec. 36-48. - Definitions.

When the terms "street," "avenue," "road," "alley" or "sidewalk" are used herein, they are defined to mean, as the context permits, any public avenue, street, road, boulevard, circle, alley, highway, sidewalk, or right-of-way within the city, singular or plural in number.

(Code 1976, § 18-25; Ord. No. 61-4, § 1, 9-7-1961; Ord. No. 2007-01, § 1, 5-8-2007; Ord. No. 2017-03, § 1, 11-7-2017)

**SIDEWALK**

### Sec. 36-49. - Obstructions and encroachments prohibited without permit from city.

No person shall erect, construct, place, exhibit, show or maintain any item (including, but not limited to, items for sale, exhibition, show, storage or otherwise such as personal property, signs, advertisements, mats, rugs, utility items or trash or garbage receptacles or other items of private property) on the streets, alleys, rights-of-way or public space or property as defined above nor take any action or maintain an obstruction or encroachment whatsoever on the streets, alleys or sidewalks, rights-of-way or public space or property except where a permit has been issued by the city for the same and all requirements of this article and other rules, regulations and laws/ordinances of the city and other jurisdiction have been and are met.

(Code 1976, § 18-26; Ord. No. 61-4, § 2, 9-7-1961; Ord. No. 2007-01, § 2, 5-8-2007; Ord. No. 2017-03, § 2, 11-7-2017)

### Sec. 36-50. - Commercial activity. **✓ same**

No person shall cause, allow, conduct or maintain on the street, sidewalk, right-of-way or public space or place, as defined in section 1-2, commercial activity, including activity such as selling, serving or allowing or promoting the sale of food or beverages or other items or consumption of the same, on the street, sidewalk, right-of-way or public space or place as defined herein in front of or now adjacent to a commercial business or operation in the city except where a permit has been issued by the city for the same and all requirements of this article and other rules, regulations, and laws/ordinances of the city and other jurisdiction have been and are met.

(Ord. No. 2017-03, § 3, 11-7-2017)

### Sec. 36-51. - Vehicles not to be left standing on streets, sidewalks, etc., without permit.

No cars, trucks, boats, trailers or other vehicles or personal property items shall be allowed to stand or be parked on any street, sidewalk, right-of-way, a public space or place, as defined in section 1-2, for more than eight hours without a permit from the city for the same and no such item shall be parked or placed or maintained on any street, sidewalk, right-of-way or public space or place so as to constitute a danger or harm and/or obstruction to pedestrian or vehicle traffic.

(Code 1976, § 18-27; Ord. No. 61-4, § 3, 9-7-1961; Ord. No. 2007-01, § 3, 5-8-2007; Ord. No. 2017-03, § 4, 11-7-2017)



Sec. 36-52. - Private property not to remain on streets or sidewalks without permit. *✓ same*

No private property shall be allowed to remain overnight on the streets and sidewalks of the city for more than one week, except by permit. No private property for sale shall be allowed upon the streets, sidewalks, or public space of the city, except by permit. No permit shall be issued for permission to place private property for sale on the city streets which would so obstruct vehicular or pedestrian traffic, or endanger or prohibit public use thereof.

(Code 1976, § 18-28; Ord. No. 61-4, § 5, 9-7-1961; Ord. No. 2007-01, § 5, 5-8-2007)

Sec. 36-53. - Obstructions caused by building operations; permit; liability insurance; pedestrian traffic not to be obstructed.

It shall be unlawful for any person in the construction or repair of any building to place or deposit, or cause or allow to be placed or deposited, on any street, alley or sidewalk, or public space within the limits of the city, any building materials whatsoever, or any other articles or things which may obstruct or hinder the traffic thereon, without a written permit from the city. Such permit shall state clearly what space will be allowed on which the same may be placed or deposited, the length of time the permit shall remain in force, and the terms and conditions upon which such material or other articles or things may be placed thereon. When in the discretion of the city, it becomes necessary for the further protection of pedestrians, the person erecting or repairing any building shall strictly observe such further safety provisions in the permit and shall take out liability insurance covering such risks to the public, passersby, when deemed necessary by the city. Under no condition shall the sidewalk be so obstructed as not to allow pedestrian traffic.

(Code 1976, § 18-29; Ord. No. 61-4, § 4, 9-7-1961; Ord. No. 2007-01, § 4, 5-8-2007; Ord. No. 2017-08, § 5, 11-7-2017)

Sec. 36-54. - Liability insurance.

Permits granted under this article shall require the permittee to obtain insurance covering liability of the city for the sidewalk area in front of the business permitted under this article as further specified in this article naming the city as an additional insured for an amount not less than \$1,000,000.00 with a provision that does not allow cancellation without 30 days' written notice to the city.

(Ord. No. 2017-03, § 6, 11-7-2017)

Sec. 36-55. - Permits.

No private property shall be allowed to be placed, positioned, maintained or remain on the sidewalks, streets, right-of-way or public property in the city downtown commercial area except by permit. No permit shall be issued for sale or display of private property or to conduct business activities on the streets, sidewalks or rights-of-way in the city (except where special permission under required safety and other safeguards is approved by the city for special events) which would so obstruct vehicular or pedestrian traffic or endanger or prohibit public use thereof. Business owners may apply for a permit as set forth in this article which shall, as a minimum, require the following, with other requirements to be specified by resolution of the city commission:



(1) Items must not exceed nor be placed in an area in excess of 36 inches in depth from the front edge of the business property out into the sidewalk, and in any event, a minimum of at least 48 inches from the street edge of the sidewalk toward the business property shall remain clear (of private items or commercial activity or operations) for pedestrian traffic at all times. Business owners receiving permits under this article are responsible to clean and maintain all items of private property in the permitted area and ensure that they are safe and attractive for use by the public. Items on the permitted area must be owned by and relate directly to the commercial activities of the adjacent permitted business. All permits issued will also require an encroachment agreement with the city on terms required by the city.

(2) The city administration shall have the right to order the immediate removal of any tables, chairs, benches, personal or private property (including items offered for sale or on display), or advertising of any kind or type which is located on the streets, avenues, roads, sidewalk or other public property (or property of the city) placed or used in that location in front of or adjacent to a business or other commercial operation which does not have a valid permit for the same from the city. Such notice may be given by hand-delivery, or by posting such notice on the door of the adjacent business or commercial operation, or to the person to whom the object or items belongs. Repeat orders shall result in a violation of the provisions of this article, punishable as provided herein, or at the election of the city as a civil infraction under chapter 14.

(3) Application.

- a. The city administrator shall prepare an application for permits to be issued under this article.
- b. Application for a permit to place or locate items on the sidewalk or street or public place or to conduct business on sidewalks or streets or public places shall include, but not be limited to, the following information:
  1. The name, address and telephone number of the applicant.
  2. The name and address of the adjacent business or commercial operation including the type of organization (corporation, LLC, partnership, etc.) and the names and addresses of the members, owners and officers of the owner and operation of the business as well as a statement of the business being conducted by the applicant in the adjacent business.
  3. A copy of a valid and current city occupational license to operate the business or commercial operation behind or adjacent to the sidewalk, street or public place where the items, personal property or commercial activity are requested to be located and any other license or permit required by the city for operation.
  4. A copy of the current certificate of insurance in the amounts and categories and coverage types required by this article.
  5. An affidavit from the owners of the property in front of which the proposed commercial activities or operation or items of personal property will be located, consenting to the operation of the commercial activity and/or items at the proposed location and joining in the hold harmless, indemnity and defense and liability insurance requirements of the city.



6. The annual application shall be accompanied by a non-refundable base application fee and any additional fee for usage of sidewalk area in front of or adjacent to the business as set by the city.
7. Applications shall be reviewed for compliance with city ordinances and must be approved as appropriate by the planning and zoning department, fire department, police department, the city administrator, and any other city department deemed necessary by city staff.
8. The city administrator may suspend or prorate the annual permit fee in cases of public construction or emergency situations, in which case, all items on the sidewalk shall be immediately (within 48 hours) removed by and at the expense of the permittee and all permitted commercial activity on the sidewalk shall cease or the city administrator shall be and is hereby authorized by the permittee to remove the same at the expense of the permittee.
9. Permit fees shall be paid on or before October 1 of each year and shall cover the time period from October 1 through September 30 of the following calendar year. No permit shall be issued for any portion of a year. Except as provided in this section, no refund of the fees shall be granted.
10. Late payments for permit renewal fees shall accrue at the rate of ten percent per annum. If the permit renewal fee is not paid within 60 days after it is due, the permit shall terminate automatically. Any continued operation under the previous permit or otherwise by the business or commercial operator after termination shall be construed as operating without a permit, and the city administrator shall have the right to order the removal of any tables, chairs and any other objects used in connection with the commercial activity, after 48 hours' notice and all permitted commercial activities shall cease or be removed by the city at the expense of the permittee. Such notice may be given by hand, or by posting such notice on the door of the business.

(Ord. No. 2007-01, § 6, 5-8-2007; Ord. No. 2017-03, § 7, 11-7-2017)

#### Sec. 36-56. - Permit fees.

The city, by resolution, is authorized to set and change the permit application fee for permits applied for in this article, which resolutions are incorporated by reference herein.

(Ord. No. 2017-03, § 15, 11-7-2017)

#### Sec. 36-57. - Liability, indemnity and insurance.

- (a) The permittee agrees to indemnify, defend, save, and hold harmless the city, its officers and employees of, from and against, any and all claims, liability, lawsuits, damages and causes of action which may arise out of the permit or the permittee's activity on the permitted premises or adjacent thereto or invitees of the permittee, and shall sign a document agreeing to and evidencing such.

(b) The permittee agrees to meet and maintain for the entire permit period, at its own expense, the following requirements:

- (1) Commercial general liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage including any activities or items in or connected with the permitted area to cover any liability claimed or asserted or determined against the city therefor. The city must be named as an additional insured on this policy and a certificate of insurance containing an endorsement must be issued as part of the policy.
- (2) For commercial operations permitted which serve alcoholic beverages, alcoholic license liability insurance in the amount of \$1,000,000.00 per occurrence for bodily injury and property damage including any activities or items in or connected with the permitted area to cover any liability claimed or asserted or determined against the city therefor. The city must be named as an additional insured on this policy, and a certificate of insurance containing an endorsement must be issued as part of the policy.
- (3) Workers' compensation and employers' liability as required by the state.
- (4) All policies must be issued by companies authorized to do business in the state and rated B+VI or better per Best's Key Rating Guide, latest edition.
- (5) The city must receive 30 calendar days' written notice prior to any cancellation, non-renewal or material change in the coverage provided.
- (6) The permittee must provide and have approved by the city an original certificate of insurance as evidence that the requirements set forth in this section have been met prior to commencing operations. Failure to comply with these requirements shall cause a suspension or revocation of the permit.

(Ord. No. 2007-01, § 7, 5-8-2007; Ord. No. 2017-03, § 8, 11-7-2017)

#### Sec. 36-58. - Supplemental enforcement.

This article may also be enforced at the discretion of the city by notice and citation issued in accordance with chapter 14 as a civil citation and by following the requirements of that supplemental procedure, including a hearing as necessary before the county court. Fines, when applied pursuant to that section, shall be as provided in chapter 14 as a civil infraction. Furthermore, continued violation shall be enjoined by the appropriate court in the county.

(Ord. No. 2007-01, § 8, 5-8-2007; Ord. No. 2017-03, § 9, 11-7-2017)

#### Sec. 36-59. - Dogs.

It is hereby authorized for persons seated at tables while outside dining on the sidewalk areas pursuant to a valid permit granted by this article to have and keep their dogs by them at the tables on leashes in a manner that does not disrupt or interfere with persons on sidewalks, streets, rights-of-way or other public places.

(Ord. No. 2017-03, § 10, 11-7-2017)

Sec. 36-60. - Signs.

All advertisements or signs in or on a public place within the city for a business or operation or commercial activity within the city shall only be placed in an area (and in a manner) that is permitted by state law and city laws, rules and regulations for that business or operation or commercial activities.

(Ord. No. 2017-03, § 11, 11-7-2017)



Sign Permit Application



## Processing a Sign Permit:

1. To apply for a sign permit, a property owner must first obtain Planning & Zoning Approval, which necessitates working with the City Planner, Bree Robinson.
2. Once a property owner submits an Application for a Sign Permit.
  - a. Verify that P&Z has given approval and note approval date on the application.
  - b. Verify that the application includes<sup>1</sup>:
    - i. A complete list describing each existing sign on the premises, including sign type, copy, sign area, location on premises and date to be installed.
    - ii. Detailed drawings showing the location of the affected lot, buildings, and signs showing both existing and proposed signs.
    - iii. A scale drawing of each proposed sign or sign revision, including location, size, height, copy, structural and footing details, material, method of attachment, illumination, front and end views of canopies and any other information required to ensure compliance with appropriate laws.
    - iv. Written consent of the owner of the building, structure, or property where the sign is to be erected.
  - c. Assess the permit fee. The application fee is \$50.00. The sign fee is \$2.00 per square foot for each sign approved. Let the property owner know the amount of the permit. You can accept check or credit card for payment. There is a 3% fee for using a credit card for payment.
  - d. Enter the permit application into Community Core and issue permit to business owner(s).
  - e. Make a copy of the front page of the application and attach the check or credit card receipt and put it in Angela's box.
  - f. Remind the property owner to contact CEO for a final inspection.
  - g. Attach photos of sign to completed Application.  
**NOTE: Signs must meet Florida Building Codes. The final inspection must be completed by the Building Official.**
3. Once the inspection is complete, enter the details of the inspection in Community Core and close the file.

Paper copies of permits are kept by fiscal year and placed in storage at the beginning of a new fiscal year.

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<sup>1</sup> Attaching the completed P&Z application should provide this information.



## Chapter 113 - SIGN REGULATIONS

### ARTICLE I. - IN GENERAL

#### Sec. 113-1. - General provisions.

All signs within the city shall be erected, constructed, maintained or permitted in accordance with the provisions of this chapter, and only those signs allowed in this chapter shall be erected within the city.

(LDC, art. V, § A)

#### Sec. 113-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Blade or bracket signs* means a small, pedestrian-oriented, double-faced sign, less than four square feet, that projects perpendicular from a structure (blade sign) or is hung beneath a marquee (bracket sign).

*Building facade* means that portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation, including window areas.

*Building facade sign* means a sign attached to the building facades and include, but not necessarily be limited to, wall signs, painted signs, marquee signs, projecting signs, blade signs, and awning signs.

*Election sign* means a temporary sign related to an election or voter referendum.

*Frontage* means the length of the property line of any one parcel along a street on which it borders.

*Outdoor advertising sign* means any sign which is designed, intended, or used to publicize products and services not available on the premises where the sign is located and the message of the sign is visible from any place on the main-traveled way of interstate and primary road systems, whether the same be permanent or portable installation. Types of outdoor advertising include billboards, bus benches, interiors and exteriors of buses, taxis and business vehicles.

*Sign frame and structure* means any frame and/or structure that is designed and intended to provide support for a sign.

Other sign definitions relative to article 113 Sign Regulations may be found in section 101-8 Definitions of the Apalachicola Land Development Code.

(LDC, art. V, § C; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

#### Sec. 113-3. - Computations.

The following principles shall control the computation of sign area and sign height:

- (1) *Computation of sign area.* The surface area of a sign shall be computed as including the entire area within a regular geometric form comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area and shall be kept to the minimum requirements necessary to meet the Florida Building Code. Where a sign has two or more faces, the area of all faces shall be combined in determining the area of the sign.

(LDC, art. V, § D; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

#### Sec. 113-4. - Purpose and scope of sign regulations.

The requirements of this chapter are the minimum necessary to promote the public health, safety, and welfare, including traffic safety, and to protect the character and aesthetics of residential, commercial, and business areas throughout the city. Therefore, the display of signs should be appropriate to the land, building, structure, or use to which they are appurtenant and be adequate, but not excessive, for their intended purpose.

It is the intent of this chapter that signs be accessory and incidental to their respective land, building, structure, or use.

( Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-5—113-26. - Reserved.

## ARTICLE II. - APPLICABILITY

#### Sec. 113-27. - Exempt signs.

The following signs are exempt from the application of these sign regulations and from the requirements in this article that a permit be obtained for the erection of permanent signs, provided they are not placed within the right-of-way of any road or constructed as to create a hazard of any kind:

- (1) Legal notices and instruments. This may include temporary political signs announcing a campaign drive or event, provided such signs are not erected in a public right-of-way and are removed within five days following a campaign drive or event.
- (2) Signs necessary to promote health, safety and welfare and other regulatory, statutory, traffic control or directional signs erected on public property with permission from the United States, the state, the county or the city.
- (3) Temporary decorative flags, decorations, and bunting for a holiday celebration, convention or commemoration of significance to the entire community.
- (4) Merchandise displays behind storefront windows so long as no part of the display contains flashing lights.
- (5)

Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.

- (6) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machinery or equipment, such signs customarily affixed to vending machines, newspaper racks, and gasoline pumps.
- (7) Public warning signs no larger than four square feet to indicate the dangers of trespassing, unfriendly animals or similar hazards.
- (8) Signs carried by a person.
- (9) One sign per residential use indicating a resident's name, street address of the premises and/or an accessory use sign for an allowed home occupation, and/or such sign for a permitted professional activity, provided that such sign shall not exceed an area of two square feet.
- (10) Bulletin boards for public, charitable, educational or religious institutions, provided such sign is located on the premises of said institution. Such sign shall be placed flat against the principal use structure or not less than five feet from the property line.
- (11) One temporary non-illuminated real estate sign advertising only the sale, lease or rental of the premises or property upon which said sign is located, or one non-illuminated sign indicating a building is open for public inspection. For residential zoned districts, such signs shall not exceed four square feet in sign area or exceed four feet in height. Such signs shall be placed no closer than five feet from the street right-of-way line or shall be attached to the principal use structure. For nonresidential zoned districts such signs shall not exceed 12 square feet in area and shall be placed no closer than ten feet from the street right-of-way line or shall be attached to the principal structure. All such signs shall be removed within five days after the property has been sold, leased or rented.

(LDC, art. V, § F; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-28. - Signs regulated but not requiring permits.

The following types of signs are exempted from sign permit requirements, and shall not be considered in determining the allowable size or number of signs on a zoned lot; provided, however, that they must comply with all other applicable sections of this article. The erection of any sign not listed in this section or exempted by section 113-27 shall require a permit.

- (1) Window signs on or within windows relating to the business conducted within; or to nonprofit civic or charitable organizations provided that no more than 25 percent of any window area is utilized for such signs.
- (2) Temporary signs as defined in section 113-30.
- (3) Signs required by law, statute or ordinance.

(LDC, art. V, § G; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)



Sec. 113-29. - Signs permitted in all zones.

The signs enumerated in sections 113-27 and 113-28, but not requiring permits, apply to all zones, except are restricted by zoning codes applicable for each zone.

(LDC, art. V, § L; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-30. - Permitted temporary signs.

- (a) *Where allowed.* Temporary signs are allowed throughout the city, subject to the restrictions imposed by this section and other relevant parts of this article.
- (b) *Sign types allowed.* A temporary sign may be a ground or building sign but may not be an electric sign.
- (c) *Removal of illegal temporary signs.* Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal by the city. Any fee incurred by the city for removal of illegal signs will be charged to the owner. Fees shall be a minimum of \$20.00, but not to exceed \$200.00.
- (d) *Restrictions on content of temporary signs.* A temporary sign may display any message so long as it does not contain any of the following:
  - (1) Language, pictures or any other content that is harmful to minors.
  - (2) Offensive words, pictures, nudity or profanity.
  - (3) Advertising, except that advertising for the following purposes may be displayed:
    - a. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding 14 days.
    - b. To indicate the existence of a new business or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 30 days or until installation of permanent signs, whichever shall occur first.
    - c. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets or any public, charitable, educational or religious event or function. Such message shall be removed within five days after the special event.

(LDC, art. V, § H)

Sec. 113-31. - Signs prohibited within city limits.

All signs not expressly permitted under this article or exempt from regulation hereunder in accordance with this section are prohibited within the city limits. Such signs include, but are not limited to:

- (1) Banners, streamers, pennants, festoons and other wind signs, except as exempted herein.
- (2) Temporary signs, except as exempted under the provisions of this article.
- (3) Portable, trailer, and curb signs.
- (4)

Searchlights, strobe or flashing lights (except as required for public safety by state or local regulation).

- (5) Strings of lights not permanently mounted to a rigid background, except those exempted under the provisions of this article.
- (6) Illuminated tubing outlining property lines, open sale areas, doors, windows, or wall edges of any building.
- (7) Internally-illuminated signs.
- (8) Animated signs.
- (9) Bench signs (unless approved by the city commission).
- (10) Snipe signs.
- (11) Roof signs of all types.
- (12) Signs that emit audible sound, odor or visible matter such as smoke or steam.
- (13) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement or any portion of any sidewalk or street.
- (14) Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes and signs authorized in writing pursuant to FS § 337.407.
- (15) Signs displaying copy that is harmful to minors.
- (16) Inflatable signs and tethered balloons.
- (17) Any abandoned sign or sign structure.
- (18) Signs that are in violation of the building or electrical code adopted by the city.
- (19) Any sign that, when determined by the city building inspector, does or may constitute a safety hazard. Such signs include those which may create a vision impairment by obstructing the vision of pedestrians, cyclists or motorists traveling on or entering onto public streets.
- (20) Signs that involve the use of live animals intended to attract attention.
- (21) Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this chapter or other ordinance of the city.
- (22) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color would conflict with the proper functioning of any traffic sign or signal or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal a traffic control device.
- (23) Nongovernmental signs that use the words "stop," "look," "danger" or any similar word, phrase or symbol.
- (24) Signs within ten feet of any public right-of-way or 100 feet of traffic control lights that contain red or green lights that might be confused with traffic control lights.
- (25)

Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

- (26) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- (27) Signs erected over or across any public street except as otherwise may be expressly authorized by this article and exempt governmental signs erected by or on the order of a public officer.
- (28) Signs placed within public rights-of-way, except publicly-owned, authorized or maintained signs which serve an official public purpose.
- (29) Signs which advertise any activity, service or product prohibited by the laws and regulations of the United States or the state or by ordinances or resolutions of the city.
- (30) Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy.
- (31) Outdoor advertising signs.
- (32) Off-premises advertising signs.

(LDC, art. V, § I; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-32—113-50. - Reserved.

### ARTICLE III. - PERMITS

Sec. 113-51. - Permitting.

Except as specifically exempted or prohibited in this section, all signs constructed or modified shall require a permit in accordance with the provisions of this article.

(LDC, art. V, § E)

Sec. 113-52. - Permits required.

- (a) If a sign requiring a permit under the provisions of this article is to be placed, constructed, erected or modified, the person or entity proposing the sign shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of section 113-54.
- (b) No permit of any kind shall be issued for a proposed sign unless such sign is consistent with the requirements of this article (including those protecting existing signs) in every respect.



- (c) A sign permit shall expire if the sign for which the permit was issued has not been erected, installed or completed within six months after the date of permit issuance.

(LDC, art. V, § J)

Sec. 113-53. - Compliance and building code review; permit issuance.

No sign except those listed in section 113-27 and section 113-28 shall be constructed, erected or modified without a compliance and building code review by the building inspector, or his designee. The building inspector shall issue a permit only for a proposed sign that meets the requirements of this article.

(LDC, art. V, § R; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-54. - Sign permit applications.

Sign permit application forms shall be obtained from the building inspector. Each application shall be accompanied by the following information:

- (1) Name of business and address where work is to be performed.
- (2) Name and title of applicant.
- (3) Name, address and telephone number of the firm doing installation work.
- (4) Name and address of the sign owner if other than business installing sign.
- (5) A complete list describing each existing sign on the premises, including sign type, copy, sign area, location on premises and date installed.
- (6) A site plan showing the location of the affected lot, buildings and signs showing both existing and proposed signs.
- (7) A scale drawing of each proposed sign or sign revision, including location, size, height, copy, structural and footing details, material, method of attachment, illumination, front and end views of canopies and any other information required to ensure compliance with appropriate laws.
- (8) Written consent of the owner of the building, structure, or property where the sign is to be erected.
- (9) Owner must provide to the code enforcement officer photographs of completed sign placement on premises within 30 days of issuance of permit.

Each applicant for a sign permit shall, upon request of the code enforcement officer, submit any additional information deemed necessary.

(LDC, art. V, § S; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-55—113-81. - Reserved.

Sec. 113-82. - Design, construction and maintenance.

All signs requiring a permit shall be designed, constructed and maintained in accordance with the following standards:

- (1) All signs shall comply with applicable provisions of the Florida Building Code at all times.
- (2) All signs requiring permits shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- (3) Signs that are illuminated shall only be illuminated in accordance with the following additional standards:
  - a. Full cutoff fixtures must be used. Up-lighting is prohibited. No sign shall have internal illumination.
  - b. Illumination shall be with white light only.
  - c. Any external lighting used to illuminate signs shall be shielded so that the light source cannot be seen from abutting roads or properties.
  - d. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface.
  - e. Illuminated signs shall have luminance no greater than 140 foot-candles as measured one foot from the sign. (One foot-candle is equal to 10.76 lumens; one lumen is equal to 0.001496 watts. 140 foot-candles is equal to approximately 1500 lumens and 2-3 watts, according to Illuminating Engineering Society (IES).
  - f. External lighting fixtures shall be fully shielded and directed down.
  - g. Letters shall be individual halo-lit letters with solid opaque faces that do not permit any light to come through the face and that are silhouetted against the illuminated wall.
- (4) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code at all times. The building inspector shall have the right to order the repair or removal of any sign which is defective, damaged or substantially deteriorated as defined in the Florida Building Code.
- (5) "A"-frame or sandwich signs shall be no larger than 24 by 40 inches and shall only be displayed during a business' hours of operation. Only one such sign shall be allowed per storefront. Each business shall have a valid sidewalk permit to display a sandwich or A-frame sign, renewed annually as required by section 36-54 of the LDC.

(LDC, art. V, § K; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-83. - Signs permitted in residential zones.

For the purposes of this section, the following shall be considered residential districts: R1, R2, R3, R4 and OR. Signs are permitted in these districts as follows:

- (1) For home occupations: one non-illuminated wall sign, not to exceed three square feet in size is permitted.
- (2) For permitted nonresidential uses other than home occupations, including churches and synagogues: one freestanding monument sign not to exceed 12 square feet in area or eight feet in height.

(LDC, art. V, § M)

Sec. 113-84. - Signs permitted in commercial zones.

Signs in these zones may be illuminated in accordance with section 113-82. Signs are permitted in these districts as follows:

	Maximum Number	Maximum Area (Total)	Maximum Area (Individual signs)	Maximum Height
Building facade sign (wall and awning signs)	Up to 3 signs per facade	5% of total building facade area (includes any Marquee sign)	10% of frontage street facade; 5% of side or rear building facade	The roofline
Marquee Sign	1 per building	5% of building facade area (includes any Building facade sign as defined above)	200 square feet	
Blade or bracket sign	1 per facade		4 sq feet	N/A
Window Signs	N/A	N/A	25% of total window area	N/A
Sandwich or Board Sign*	1 per ground floor building facade frontage	N/A	8 sq. feet	3 feet



Freestanding Sign and/or Monument Sign	Street Frontage: 0100' = 1 Greater than 100' = 2	N/A	200 square feet	No higher than 8 feet including any base or pole
--	--	-----	-----------------	--

\* Notes: One sandwich or sidewalk sign may be placed in the public right-of-way with a permit issued from the code enforcement officer provided the proposed sign meets the standards for sandwich or sidewalk signs in this chapter.

- (1) In addition to the above maximum total signage allowances, each business with an off-street entrance may have one non-illuminated, attached directory sign per occupancy, not to exceed three square feet.
- (2) Computation of height. The height of the sign shall be computed as the distance from the ground directly below the center of the sign or from the grade of the closest point in the traveled way of the road or street the sign is located along, whichever is higher, to the sign or sign structure's highest point.
- (3) Freestanding or monument signs are accessory structures and need a building permit, along with abiding by particular zoning ordinances for accessory structures.
- (4) A building facade sign can be ten percent of total building facade area or 24 s.f. which ever is greater.

(LDC, art. V, § N; Ord. No. 2023-03, § 1(Exh. A), 10-3-2023)

Sec. 113-85. - Projecting signs.

- (a) Such signs shall be hung at a 90-degree angle from the building face.
- (b) Each sign face shall not exceed eight square feet of sign area.
- (c) The bottom of said sign shall allow an eight-foot pedestrian clearance from the sidewalk level.
- (d) The top of the sign may be suspended no higher than the bottom of the sills of the first level of windows above the first story in a multi-story building.

(LDC, art. V, § O)

Sec. 113-86. - Murals, original artwork murals on private property.

- (a) (1) Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"Maintenance" with respect to artwork, means the required repairs or cleaning to keep a work of art in its intended condition, including preventative maintenance at scheduled intervals to curtail future deterioration, and ordinary repairs or maintenance, including but not limited to, painting, repair, or replacement.

"Original artwork mural" means a painting or artwork temporarily or permanently affixed to a privately owned building. An "original artwork mural" is not a "sign" under this chapter. An "original artwork mural" which is not visible from a public right of way is not regulated by this section or by any other section in this chapter.

- (2) Location of original artwork murals. Installation of original artwork murals shall be limited to business and commercial zones C-1, C-2, C-3, C-4 and RF.
- (3) Purpose.
  - a. This section is intended to permit original artwork murals on a content neutral basis that: (i) are sufficiently durable and will be properly maintained; (ii) are located on appropriate places on buildings and constitute a particular scale of the building facade; (iii) do not include any unsafe features or would not pose any unsafe conditions to vehicular or pedestrian traffic; (iv) provide avenues for artistic expression, and (v) are assets to the community.
  - b. The regulations and permit requirements set forth in this chapter are also intended to promote public safety and welfare by establishing the following:
    1. That the design, construction, installation, repair, and maintenance of the displays will not interfere with traffic safety or otherwise endanger public safety.
    2. That this regulation will provide reasonable protection by controlling the size and locations of such displays.
    3. That the public will enjoy the aesthetic benefits of viewing such displays in numbers and sizes that are reasonably and objectively regulated.
    4. There will be no cost to the city.
    5. That the city will not consider the content of the mural in the permitting process.
- (4) Mural permit application.
  - a. No person, firm, corporation, or other entity may authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any original artwork mural within the city prior to obtaining a permit as set forth herein. Such permit shall be known as a mural permit.
  - b. An application for a mural permit shall be filed jointly by a building owner and an artist with the planning department by way of a form prepared by the planning department and shall include the following:
    1. Name of the artist and the owner. Street address and location of the proposed mural.
    2. Examples of previous work done by the artist, with references.
    3. Description of the materials to comprise the proposed mural and manner of application.

4. Statement regarding durability of the materials considering the location and positioning of the proposed mural.
5. Plans and specifications for the proposed mural including an exact picture graphic and other description. The application should include clear and legible drawings with description showing the location of the mural, drawings should show the dimensions and materials. Color photos of the building must accompany the mural sketch, showing the wall to be painted in relation to adjacent streets and buildings.
6. Statement that the proposed mural will remain in place for at least two years.
7. Statement that no compensation will be given or received for the right to display the mural or the right to place the mural on the property. The artist may be compensated for the completion of the mural, however.
8. Any fees assessed by the city for application and approval must be received prior to mural installation.
9. Artist must waive and release, in favor of the city and the building owner, the right of attribution or integrity which artist has in the mural under *17 U.S.C. §§ 106A and 113(d) (Visual Artist Rights Act)*.
10. Artist's agreement to allow the city or the building owner to remove the mural with 90 days' notice to the artist at the address provided in the application and building owner if the mural is not maintained, or if it becomes a safety hazard.
11. Signed acknowledgement by artist and business owner to abide by all mural requirements and execute all necessary documents.

(5) Mural permit application review.

- a. The mural permit application shall be submitted to the planning department for review and then to the Planning & Zoning Board for final decision and issuance of a certificate of appropriateness. The applicant must submit application materials to the planning department ten business days prior to the next monthly Planning & Zoning Board meeting for inclusion on the agenda. The planning department is authorized to utilize additional time for good cause, with notice to the applicant stating the basis for the delay.
- b. Review criteria. The application shall be reviewed using the following criteria:
  1. The mural must be durable, permanent, and easily protected from vandalism and weathering; consideration shall be given to the structural and surface integrity and stability of the building facade, the permanence and durability of the mural, and the mural's resistance to weathering, theft, and vandalism.
  2. The mural must not have any unsafe features or conditions that may affect public safety.
  3. The mural must not disrupt traffic nor create any unsafe conditions or distractions to motorists or pedestrians.
  - 4.



The mural surface must be prepared with an outdoor primer to ensure good adhesion for the artwork.

5. Clear, anti-graffiti coating must be applied over the completed artwork.
  6. The mural must not extend more than two inches from the plane of the wall to which it is attached.
  7. The mural must be located on only one facade of a building. The mural may not be placed on the primary facade of the structure. Exceptions from this paragraph 7 can be applied for, reviewed by the city planning department, and approved by the Planning & Zoning Board, when the nature of the business is creative, artistic or some other special circumstance is presented.
  8. The mural must be compatible with the character of the surrounding area (particularly when near residential areas) in terms of its size, style, colors, materials, general appearance, and location.
  9. Any licensed, copyrighted, or trademarked characters or likenesses used on murals must have permission from the holder or owner of the license, copyright, or trademark.
  10. No approval shall be issued for mural installation if there are outstanding code enforcement violations charged by the city on the property where the mural is to be located. Outstanding debts to the city must be paid in full prior to issuance of the mural permit.
- c. The Planning & Zoning Board will review the recommendation of the planning department and make the final decision based on the criteria in paragraph (2) of this section.
  - d. Persons aggrieved by the decision of the Planning & Zoning Board may appeal that decision to the city commission.
- (6) Prohibited murals. The following are prohibited in the city:
- a. A mural that covers more than one single facade of a building.
  - b. A mural that violates federal, state, or local law.
  - c. A mural that includes any words, numbers, letters or symbols that are obscene, offensive, of a political nature or are derogatory.
- (7) Permit expiration and extension.
- a. Except as provided in subsection b. below, if installation of the permitted original artwork mural has not taken place within 12 months of the date of issuance of the mural permit, the permit is void and no further work on the mural may be done at the site until a new permit has been approved and new fee paid.
  - b. An approved mural permit may be extended by the planning department for an additional period of no more than 12 months upon the planning department finding that the applicant was unable to begin or continue the installation of the approved mural for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the planning department before the original permit expiration date.
- (8)

Maintenance.

- a. The property owner is responsible for ensuring that a permitted original artwork mural is maintained in good condition and fully repaired in the case of vandalism or accidental destruction.
  - b. Failure to maintain the original artwork mural is declared to be a public nuisance and may be summarily abated or repaired by the city. The city may pursue additional remedies to obtain compliance with this section as appropriate, including removal of the mural.
  - c. In addition to other remedies provided by law, in the event the property owner fails to maintain the mural, the city may perform all necessary repairs or removal of the mural, and all costs incurred by the city shall become a lien against the property.
- (9) Mural alterations. In order to make alterations to an original artwork mural, the artist and building owner must obtain a new mural permit.
- (10) Removal or replacement of murals; violations; enforcement
- a. Murals installed in accordance with this section shall remain on site in the approved location and cannot be altered, replaced or removed except as provided in this section, or when deemed to be unsafe by the city building official, or when the city determines replacement is necessary due to damage from natural disasters. The seller of property containing a mural installed in compliance with this article shall include restrictions by deed or other instrument that requires the buyer to agree to retain and maintain the mural in compliance with this article.
  - b. Removal of murals; violations, enforcement. This section 113-32 may be enforced in accordance with the code enforcement guidelines in the Land Development Code of the City of Apalachicola. Should an approved mural become deteriorated, or otherwise no longer satisfy the terms of the permit, enforcement shall include the city's right to enter upon the property and abate by such reasonable action as necessary to remove or restore the mural, in the city's discretion.
    1. Costs of abatement by the city. Upon the city's abatement of the mural, the costs, including the administrative costs incurred by the city, shall be assessed against the real property from which the mural was removed, together with any fine imposed by code enforcement, all of which shall become a lien against the real property.
    2. Alternative remedies. Nothing in this section shall in any way limit the city to the remedy listed above. This remedy shall be in addition to any other remedy which the city can legally pursue, including, but not limited to, code enforcement measures of the Land Development Code of the City of Apalachicola.
  - c. Recording requirements. The mural permit and the determination of removal shall be recorded in the records of the city and maybe recorded in the official records of Franklin County, and shall be binding upon the heirs, personal representatives, grantees, heirs and successors of the parties.

Secs. 113-87—113-113. - Reserved.

## ARTICLE V. - NONCONFORMING SIGNS

Sec. 113-114. - Nonconforming permanent signs.

Subject to the following conditions, all permanent signs made nonconforming by the passage of this article or by any subsequent amendment, may be continued in operation and maintained. Such signs shall not be:

- (1) Replaced with another nonconforming sign.
- (2) Enlarged, extended, constructed, reconstructed, moved or structurally altered except to bring the sign into conformance with all provisions of this article.
- (3) Re-established after damage or destruction if such damage to the sign exceeds 50 percent of its total surface area. The extent of the damage shall be determined by the building inspector.
- (4) Re-established after it has been removed or has been abandoned for 60 days or more.

Any change in use shall require the sign be brought into conformance.

(LDC, art. V, § P)

~~Sec. 113-115.~~ - Nonconforming portable, temporary or wind signs.

Any portable, temporary or wind signs which are made nonconforming as a result of this article, or from any subsequent amendment to this article, shall be removed within 60 days of the effective date of the ordinance creating the nonconforming status.

(LDC, art. V, § Q)

Secs. 113-116—113-143. - Reserved.

## ARTICLE VI. - APPEALS, INTERPRETATIONS AND ENFORCEMENT

Sec. 113-144. - Appeal.

Any aggrieved person may appeal the decision of the enforcement officer by filing a written request for appeal to the city board of adjustment within 15 days of notification of inspectors' decision.

(LDC, art. V, § T)

Sec. 113-145. - Interpretations.



Where there is any dispute concerning the interpretation of this article, the decision of the enforcement officer shall prevail, subject to appeal to the board as provided above.

(LDC, art. V, § U)

Sec. 113-146. - Enforcement and penalties.

- (a) This article shall be administered and enforced by the city enforcement officer or his designee.
- (b) The enforcement officer or his designee may issue a citation for violation of this article by any person, including, if applicable, the owner, manager or tenant of the lot on which a sign is located; for a sign erected, altered, maintained, converted, or used in violation of this article; or in violation of any other applicable ordinance, including, but not limited to, building and electrical codes.
- (c) Any person who shall violate any of the provisions of this article or fail to comply with any of its requirements shall be subject to fines not to exceed \$500.00 per day.
- (d) Every violation of this article shall constitute a misdemeanor and be punishable as such, but nothing herein contained shall prevent the city from taking such other action as is necessary to prevent or remedy any violation.
- (e) The enforcement officer or his designee may remove any sign or structure illegally placed upon a public right-of-way without any notice and may dispose of said sign or structure at owner's expense. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.

(LDC, art. V, § V)

Sec. 113-147. - Removal of signs.

- (a) Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located within 60 days after the business or services advertised by the sign is no longer conducted on the premises.
- (b) The enforcement officer may order the removal of any sign erected, installed or allowed to remain in violation of this article. He shall give at least 30 days' notice in writing, to the owner of such sign or of the building, structure or premises on which the sign is located to remove the sign or to bring it into compliance with this article. The enforcement officer may order the removal of the sign at the expense of the owner of the premises if compliance with the written order is not obtained. Notice to the owner shall be deemed to be given as of the date of deposit in U.S. certified mail addressed to the address of record at the office of the county property appraiser or the city water and sewer department.

(LDC, art. V, § W)

# Tree Permit Application



# TREE PERMIT APPLICATION

## City of Apalachicola Tree Removal or Alteration of Protected Trees

Applicant's Name: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_ City, State, Zip: Apalachicola, FL 32320

General Contractor/Tree Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_

Applicants Signature/Date \_\_\_\_\_ Date: \_\_\_\_\_

Development Plan Attached: Y N

New Construction: Y N

1. **Protected trees** – Enter the number of trees to be removed or altered (significant cutting of limbs and branches)

	4" to 16"	Greater than 16" to less than 35"	35" and larger (Patriarch Tree)
Bald & Pond Cypress			
Eastern & Southern Red Cedar			
Live Oak			
Longleaf Pine			
Pecan			
Sabal Palm			
Slash Pine			
Southern Magnolia			
Sycamore			
Water Oak			
<b>Total</b>			
Size is measured at breast height (4.5 Feet above ground surface)			

2. **Reason(s) for removal or substantial alteration** (Mark all that apply with "X")

**\*Substantial Alteration means, "the heavy cutting of top branches (topping) cutting of major lower limbs (elevating), or significant trimming of a tree that alters the natural symmetry of the tree.**

Owner's Private Property	
Removal	Substantial Alteration*
Tree located within or too close to footprint of proposed new building or addition	Limbs and branches encroaching where structure is to be built
Tree roots damaging building foundation or underground utilities	Limbs and branches rubbing on side of roof of building
Imminent hazard to property or human safety	Imminent hazard to property or human safety
Diseased or pest-infested tree	Diseased or pest-infested tree
Storm damaged tree (other than City declared emergency; e.g., lightning)	Storm-damaged tree (other than during City declared emergency; e.g., lightning)
Tree in decline (loss of vigor, poor growth, dieback of twigs & branches)	



City Property (City Street ROWs adjacent to private property)	
<b>Removal</b>	<b>Substantial Alteration: Requested by Private Property Owner (Significant cutting of limbs &amp; branches)</b>
Tree located where access to private property is proposed (driveway, etc.) <b>(cost borne by Property Owner)</b>	Imminent hazard to property or human safety
Imminent hazard to property or human safety	Diseased or pest-infested tree
Diseased or pest-infested tree	Storm-damaged tree (other than City declared emergency). E.g. lightning).
Storm damaged tree (other than City declared emergency; e.g., lightning)	
Requested by City Department	
Interference with City utilities (e.g., water, sewer, stormwater) or Imminent Hazard	Growth encroaching on street or alley

3. Provide photos of proposed trees to be removed or substantially altered.
4. Attach a map with the following drawn to scale:
  - Lot boundaries
  - Footprints of existing and proposed structures (principal structure, all accessory structures (garage, shed(s), etc.), driveways, parking areas, & walkways)
  - Types & Diameters of protected trees (measured at breast height in inches)
  - Protected trees that are proposed to be removed or altered.

**OFFICE USE ONLY**

<b>PERMIT PROCESSING FEE (\$50.00 or \$100.00)</b>	<b>50.00</b>
<b>REFORESTATION FUND</b>	
Number of Trees 4" to 16" x \$25.00/Tree (Non-Patriarch Trees)	
Number of Trees greater than 16" to less than 35" x \$35.00/Tree (Non-Patriarch Trees)	
Non-Patriarch Tree Total (\$250.00 Max per lot)	
Number of Trees 35" and larger x \$1,000.00	
Reforestation Fund Total	
<b>TOTAL DUE</b>	

Code Enforcement Officer, City Manager, or Designee decision (When no development plan is submitted)

Patriarch Tree \_\_\_\_\_ Non-Patriarch Tree \_\_\_\_\_  Approved  Denied

Reason if Denied: \_\_\_\_\_

\_\_\_\_\_  
Code Enforcement Officer or Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Manager (if patriarch tree)

\_\_\_\_\_  
Date

Planning & Zoning Board (When Development plan is submitted)

Patriarch Tree \_\_\_\_\_ Non-Patriarch Tree \_\_\_\_\_  Approved  Denied

Reason if Denied: \_\_\_\_\_

Date approved by P&Z Board: \_\_\_\_\_

## Things to keep in mind with tree permits:

1. Only the ten different native trees that are listed in the Tree Ordinance are protected and only if they are greater than 4" in diameter. Any other tree; native, non-native, protected less than 4" in diameter does NOT need a permit to be removed.
2. To measure the diameter of a tree;
  - a. Using the caliper, measure at 4 ½ feet in height. The caliper will give you the diameter.
  - b. If you do not have access to a caliper, calculate the circumference of the tree at 4 ½' and divide that number by pi, 3.14 to get the diameter.
3. Questions to answer:
  - a. Is this a new development or new construction? If yes, then remember that a Tree Permit must be issued with a Building Permit and not before.
  - b. Does the property owner only desire to do "light" pruning? If so, a permit is not needed. Put a note in the completed paper copy files for Tree permits that you have talked with property owner and let them know they do not need a permit for pruning.
4. When you receive a Tree Permit Application:
  - a. Verify the information at the top part of the application. Pay particular attention to the General Contractor/Tree Contractor. They must have a Business License.
  - b. Verify if this is connected to **new construction** which means you cannot issue a Tree permit without a development plan and a building permit.
  - c. Section 1 – Protected Trees:
    - i. Applicant will have submitted a map of property with location of tree(s), and photos. You will need to verify that the dimensions are accurate.
  - d. Section 2 – Reason(s) for removal or substantial alteration:
    - i. Owner's Private Property.
      1. Determine if the request is for removal or substantial alteration
      2. Determine the state of the tree(s). You will need familiarity with the Tree Ordinance to make this assessment.
    - ii. City Property
      1. If a citizen is requesting removal or significant alteration
        - a. Note if removal request is for development on their private property. In that case, the cost of removal, if approved, is borne by **property owner**.
        - b. If removal is due to hazard, disease, or pest-infested tree or some other damage, the City is responsible for removing the tree(s)
        - c. The same would apply for a request for substantial alteration of a tree on City ROW.
  - e. Section 3 – Make sure to attach photos to permit application.
  - f. Section 4 – Make sure to attach map with pertinent information.
5. Assessing permit fee and completing the Permit Processing Fee and Reforestation Fund:

- a. For all resident permit applications the general tree **permit fee** is \$50.00 for applications received prior to removal/significant alteration of trees; \$100.00 for applications received after removal.
  - b. For COA – ROW tree permits, where the City is responsible for removal, **there is no application fee.**
  - c. **Determining Reforestation Fund:** Using the data in Section, Based on the number and size of trees in Section 1, calculate the Reforestation Fund. Multiply the number of trees 4" to 16" by \$25.00. For trees 16" to 35", multiply by \$35.00. Put these fees for reforestation in the appropriate column. **(The total of these two amounts should NOT exceed \$250.00. If it does, just put \$250.00 in the Reforestation Fund).**
  - d. For applications without any patriarch trees, add the total Permit Processing Fee and Reforestation Fund Fees and put the total in the Total Due column. Collect that amount from the property owner to process the application. **(FOR PATRIARCH TREES, SEE #10 BELOW).**
  - e. Once you have determined the fee for the permit, let the property owner know. They can pay by check or credit card. There is a 3% fee for using a credit card for payment.
6. Check the appropriate boxes below the Fee columns and gather appropriate signatures.
  7. Enter permit application into Community Core and issue permit to property owner.
  8. Make a copy of the front of the application whether it's a City permit or one for a property owner. Attach payment if applicable and put in Angela's box.
  9. Add the address to regular monthly inspections. Once tree work is completed and you have inspected the property site, enter inspection information into Community Core and close file.
  10. Paper copies of permits, are kept by fiscal year and permit type with files moved to storage at the beginning of each new fiscal year.
  11. Patriarch Trees. **Note: Code Enforcement Officers do NOT make decisions about patriarch trees.**
    - a. As a part of a development – site plan project:
      - i. Send a copy of the Tree Permit Application to the Tree Committee, requesting a recommendation from them. (They are not a part of the decision-making process, except for submitting a recommendation to the Code Enforcement Officer).
      - ii. In the case of a development – site plan project (e.g. new construction, major addition, etc.), the Planning & Zoning Board is the decision-making body for a patriarch tree. Be familiar with Sec 105-26(1) c for steps of approval/disapproval from P&Z.
      - iii. Once P&Z have given approval, calculate the appropriate reforestation fund fee (\$1,000.00 for removal of a patriarch tree). (I typically assess a \$35.00 fee for significant alteration, but the ordinance does not set forth clearly what the fee for alteration should be).
      - iv. Go back and ensure that Items 6-9 above are done).
    - b. Not a part of a development – site plan project:



- i. Send a copy of the Tree Permit Application to the Tree Committee, requesting a recommendation from them. (They are not a part of the decision-making process, except for submitting a recommendation to the Code Enforcement Officer).
- ii. In this instance, the City Manager must sign the Tree Permit Application and state in writing their reason for approving/disapproving the permit application.
- iii. Go back and ensure that Items 6-9 above are done).

## ARTICLE II. - TREE PROTECTION

### Footnotes:

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**Editor's note**— Ord. No. 2018-07, § I, adopted February 5, 2019, amended art. II in its entirety, with the exception of § 105-21, purpose and intent, to read as herein set out. Former art. II, §§ 105-22—105-30, pertained to tree protection and preservation, and derived from LDC, art. XII, §§ II—X; Ord. No. 2011-01, §§ II—X, 2-8-2011.

### Sec. 105-21. - Purpose and intent.

- (a) Trees are recognized to be a valued asset, providing a healthier and more beautiful environment in which to live. Tree preservation enhances the value and marketability of property and thereby promotes the stability of residential neighborhoods, making them more livable and desirable.
- (b) This article establishes protective regulations for tree preservation and a permitting process to ensure good management practices on private and city-owned property, including utility easements for continued healthy and beautiful trees.

(LDC, art. XII, § I; Ord. No. 2011-01, § I, 2-8-2011)

### Sec. 105-22. - Definitions.

*Tree.* A woody plant having one or more well-defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity of a minimum of 15 feet.

*Diameter at breast height.* The diameter of a tree trunk as measured four and a half (4 ½) feet above ground level.

*Drip line.* The limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than ten feet from the trunk, whichever is greater.

*Patriarch tree.* A protected native tree (section 105-23) whose trunk is 35 or more inches in diameter at breast height.

*Relocate.* As used in article II, tree protection regulations and elsewhere in this Code, the digging up of a protected tree by a property owner from a place on the owner's property and the planting of the same tree in another place on the same property or in a public place.

*Substantial alteration.* The heavy cutting of top branches (topping), cutting of major lower limbs (elevating), or significant trimming of a tree that alters the natural symmetry of the tree. The term does not include customarily opted practices used by certified arborists for pruning shade trees.

(Ord. No. 2018-07, § I, 2-5-2019)

### Sec. 105-23. - Protected native trees.

The native trees predominately foresting the City of Apalachicola are:

- Bald and pond cypress (*Taxodium distichum* and *Taxodium ascendens*),
- Eastern and southern redcedar (*Juniperus virginiana* and *Juniperus solidicola*),
- Live oak (*Quercus virginiana*),
- Longleaf pine (*Pinus palustris*),
- Pecan (*Carya illinoensis*),
- Sabal (cabbage) palm (*Sabal palmetto*),
- Slash pine (*Pinus elliottii*),
- Southern magnolia (*Magnolia grandiflora*),
- Sycamore (*Platanus occidentalis*), and
- Water oak (*Quercus nigra*).

Individual trees of these species having diameters of four or more inches at breast height are protected (hereinafter referred to as "protected trees"). Other native trees and all nonnative trees are not protected.

( Ord. No. 2018-07, § I, 2-5-2019)

Sec. 105-24. - Preservation of patriarch trees.

No patriarch tree on privately- or city-owned property shall be removed or substantially altered by a private landowner or a department of the city unless:

- (1) Under a declared emergency (section 105-25(1)(c)) or in the case of an imminent hazard (section 105-25(2)), the code enforcement officer, city manager, or a designee in their absence finds for a specific tree that immediate action is required to eliminate a condition endangering public safety or property.
- (2) In a non-emergency or non-imminent hazard situation:
  - a. On private property, the planning and zoning board approves the issuance of a tree permit to a private landowner to remove or substantially alter a tree on a lot because not doing so would make the lot undevelopable for any principal structure (section 105-26(1)(c)). *Site plan*
  - b. On private or city property, the city manager documents in writing his or her reasons for allowing removal or substantial alteration (sections 105-26(1)(c) and 105-26(2)(c)).

( Ord. No. 2018-07, § I, 2-5-2019)



Sec. 105-25. - Activities exempted from or requiring a tree permit.

(1) A tree permit is not required for the following exempt activities:

- a. Unprotected trees—The removal, relocation, or substantial alteration of:
  - Native trees not listed in section 105-23;
  - Native trees listed in section 105-23 that are less than four inches in diameter at breast height;
  - Cultivated varieties of once native trees developed by selective breeding and sold by plant nurseries;
  - and
  - Nonnative trees, including invasive species.
- b. Pruning—Pruning of unprotected trees, and **light pruning of protected trees that does not substantially alter the protected trees.**
- c. Emergency—The removal or substantial alteration of any significantly-damaged, protected, non-patriarch tree during or following a natural or man-made disaster (e.g., hurricane, tornado, high wind, flood, or forest fire) when the city commission or manager declares a state of emergency and determines that permitting requirements will hamper private or public work to restore safety and order to the city. **Permission is required to remove or substantially alter a patriarch tree (section 105-24(1)).**
- d. Highway and electric utility rights-of-way—The removal or trimming of protected trees by:
  - The Florida Department of Transportation along roads under its jurisdiction to maintain safe lines of sight at road intersections and alleys and horizontal clearance areas along roadways where errant vehicles leaving the roadway might travel.
  - The electric utility along power lines necessary for the maintenance of accepted public safety standards and system reliability.

(2) A tree permit is required for the following activities.

**Any removal or substantial alteration of a protected tree not exempted in section 105-25(1). Some specific situations requiring a permit include:**

**Imminent hazard**—The removal or substantial alteration of a protected tree when an applicant proposes that immediate action is required due to a condition endangering public safety or property.

**Diseased or pest-infested tree**—The removal or substantial alteration of a diseased or pest-infested, protected tree when an applicant proposes that doing so will prevent the spread of the disease or pests to healthy trees.

**Storm-damaged tree**—The removal or substantial alteration of a protected tree damaged by a storm for which the city commission or manager did not declare a state of emergency.



Tree in decline—The removal or substantial alteration of a protected tree that has lost vigor and displays pale green or yellow leaf color, small leaves, poor growth, leaf drop, or dieback of twigs and branches.

(Ord. No. 2018-07, § 1, 2-5-2019)

Sec. 105-26. - Permits for removal, relocation, or substantial alteration of protected trees.

Any person wishing to remove or substantially alter a protected tree shall make application to the code enforcement officer on a tree application form provided by the officer.

A tree permit shall be issued to remove or substantially alter a protected tree only if such action is in compliance with these article II requirements and the section 109-50 site plan requirements.

Substantial alteration of a protected tree shall be allowed only under a declared emergency (sections 105-24(1) and 105-25(1)(c)), when a permit is obtained in the case of an imminent hazard (sections 105-24(1) and 105-25(2)), or when a permit is obtained in a non-emergency or non-imminent hazard situation to eliminate limbs that encroach on an adjacent structure.

(1) Private property.

- a. If the proposed tree removal or substantial alteration is in conjunction with proposed development the planning and zoning board reviews (e.g., a newly-proposed structure, the expansion of an existing structure where the footprint increases in size, the construction of a driveway or walkway, or other such development that disturbs the land surface), the board shall implement these tree protection requirements at the time it reviews and decides to approve, conditionally approve, or disapprove the site plan.
- b. If the proposed tree removal or substantial alteration is not in conjunction with proposed development that the planning and zoning board reviews (e.g., tree removal due to tree roots affecting the structural integrity of a building foundation), the code enforcement officer, city manager, or a designee shall implement these tree protection requirements at the time he or she reviews and decides to approve, conditionally approve, or disapprove the proposal. Only the city manager shall make decisions on patriarch trees (subsection c).
- c. If the proposal is the removal or substantial alteration of a patriarch tree, the code enforcement officer shall provide a copy of the tree application to the tree committee appointed by the city commission. The committee shall review the tree permit application and make a recommendation to the decision maker (the planning and zoning board (subsection a) or the city manager (subsection b)).

When the board is the decision maker, approval or conditional approval to remove or substantially alter a patriarch tree on a privately-owned lot shall only be made when no principal structure could be legally built on the lot taking into consideration the location of the tree and such requirements as



setbacks and minimum required size for single-family dwellings. Through the variance process the board of adjustment may consider reducing setbacks or minimum dwelling size if doing so would spare the tree.

When the city manager is the decision maker, the manager's reasons for allowing removal or substantial alteration of a patriarch tree shall be documented in writing.

(2) **City property.**

- a. A person wanting to remove or substantially alter a protected tree on city property adjacent to private property owned by the person (e.g., to create an entryway to a proposed driveway on private property) shall apply for a tree permit. Cost of the permit and tree removal or substantial alteration shall be borne by the applicant.
- b. A city department wanting to remove or substantially alter a protected tree on city property shall make a request to the code enforcement officer. To document the request, the code enforcement officer shall prepare a tree application for the proposed action. Removal or substantial alteration of the tree shall not occur unless the code enforcement officer, city manager, or one of their designees approves the removal or substantial alteration.
- c. If the proposal is the removal or substantial alteration of a patriarch tree, the code enforcement officer shall provide a copy of the tree application to the city manager and tree committee appointed by the city commission. The committee shall review the tree permit application and make a recommendation. The city manager shall make a decision on the proposal and document in writing the reasons for allowing any removal or substantial alteration.

As a condition of approval, decision makers may require that certain protected trees or native trees listed in section 105-23 that are less than four inches in diameter at breast height be relocated from the area of proposed development to an undeveloped location.

Under a tree permit, thinning of healthy protected trees may be justified if selective removal of trees improves the development of remaining trees and allows them to grow faster and in a fuller, characteristic form.

To ensure that a tree permit is not prematurely issued for a proposed development that is never approved, the tree permit and building permit will be issued simultaneously.

( Ord. No. 2018-07, § 1, 2-5-2019)

Sec. 105-27. - Protection of trees during building operations.

Within the drip line radius of a protected tree, the following activities shall not occur during development, redevelopment, or improvement: deposition of debris and fill; storage of gasoline, oil, paint, chemicals, and other toxic materials harmful to trees; and attachment of wire to trees.

Driveways and sidewalks of impervious concrete and asphalt may not be constructed within the drip line of protected trees.



( Ord. No. 2018-07, § I, 2-5-2019)

Sec. 105-28. - Utility easement trimming.

Electric utility companies and their contractors that perform vegetation maintenance and tree pruning or trimming within electric utility right-of-way corridors shall do so in accordance with the following requirements. As defined in State law (F.S. § 163.3209), "vegetation maintenance and tree pruning or trimming" means "the mowing of vegetation within the right-of-way, removal of trees or brush within the right-of-way, and selective removal of tree branches that extend within the right-of-way."

- (1) All tree management will be limited to what is necessary for the proper maintenance of existing and new utility facilities in order to provide safe and reliable utility service.
- (2) Prior to vegetation maintenance and tree pruning or trimming, the utility shall provide the city manager with a minimum of five business days' advance notice. Such advance notice is not required for vegetation maintenance and tree pruning or trimming required to restore electric service or to avoid an imminent vegetation-caused outage.
- (3) The electric utility shall meet with the city manager, or the manager's designee (e.g., code enforcement officer), to discuss and submit the utility's vegetation maintenance plan, including the utility's trimming specifications and maintenance practices. The plan shall identify any patriarch trees that are proposed for trimming and the amount of trimming proposed.
- (4) Vegetation maintenance and tree pruning or trimming conducted by utilities shall conform to American National Standards Institute (ANSI) A300 (Part I)—2008 (R2014) pruning standards and ANSI Z133.1-2000 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements.
- (5) Vegetation maintenance and tree pruning or trimming conducted by utilities must be supervised by qualified electric utility personnel or contractors licensed to do business in the City of Apalachicola and trained to conduct vegetation maintenance and tree trimming or pruning consistent with these requirements or by certified arborists certified by the certification program of the International Society of Arboriculture. Trimming of patriarch trees may only be performed by certified arborists.

( Ord. No. 2018-07, § I, 2-5-2019)

Sec. 105-29. - Reforestation fund.

Fees collected for the lawful removal of protected trees shall be placed in a reforestation fund maintained by the City of Apalachicola. (Fees for the administrative processing of tree permit applications (e.g., \$50.00 per application) and fines for the unlawful removal or substantial alteration of protected trees (section 105-30) shall be placed in the reforestation fund.) Reforestation fund fees shall be spent to establish, maintain, and promote a reforestation program on city property, primarily in parks, squares, and along highway and street corridors.

Following are the reforestation fund fees that shall be collected for removal of protected trees.

Diameter at breast height of protected tree removed (inches)	Fee for each tree (\$)
4 to 16	25
Greater than 16 to less than 35	35
35 and larger (patriarch tree)	1,000

For a tree permit applicant not proposing to remove a patriarch tree, the maximum total reforestation fund fee collected for each lot covered by the application shall not exceed \$250.00.

For a tree permit applicant proposing to remove a patriarch tree, the maximum total reforestation fund fee collected for each lot covered by the application shall not exceed \$250.00 for the non-patriarch trees plus an additional \$1,000.00 for each patriarch tree.

( Ord. No. 2018-07, § I, 2-5-2019)

Sec 105-30. - Penalties for violations.

Any person that removes or substantially alters a protected tree before a tree permit is obtained shall be charged a doubled permit application processing fee (e.g., \$100.00) for an after-the-fact permit.

If an after-the-fact tree permit is not issued because the tree removal or substantial alteration is not in accordance with these tree protection regulations, a fine in the amount specified in section III.D.1 of this Code shall be imposed. Each tree that is illegally removed or substantially altered is a separate offense.

Any person that illegally removes or substantially alters a patriarch tree shall be fined up to \$25,000.00.

Commercial tree care contractors or general contractors are required to be licensed by the city in order for them to conduct business within the city. Two or more violations of any provision of these tree protection requirements by any commercial tree care contractor or general contractor may result in revocation of such person's license to do business within the city.

( Ord. No. 2018-07, § I, 2-5-2019)

Sec 105-31—105-30. - Reserved.



Select Year:

## The 2023 Florida Statutes (including Special Session C)

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### CHAPTER 162 COUNTY OR MUNICIPAL CODE ENFORCEMENT

#### PART I LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS (ss. 162.01-162.13)

#### PART II SUPPLEMENTAL COUNTY OR MUNICIPAL CODE OR ORDINANCE ENFORCEMENT PROCEDURES (ss. 162.21-162.30)

#### PART I LOCAL GOVERNMENT CODE ENFORCEMENT BOARDS

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- 162.10 Duration of lien.
- 162.11 Appeals.
- 162.12 Notices.
- 162.125 Actions for money judgments under this chapter; limitation.
- 162.13 Provisions of act supplemental.

**162.01 Short title.**—Sections 162.01-162.13 may be cited as the “Local Government Code Enforcement Boards Act.”  
**History.**—s. 1, ch. 80-300; s. 72, ch. 81-259; s. 1, ch. 82-37.  
**Note.**—Former s. 166.051.

**162.02 Intent.**—It is the intent of this part to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist.  
**History.**—s. 1, ch. 80-300; s. 2, ch. 82-37; s. 1, ch. 85-150; s. 1, ch. 86-201; s. 1, ch. 89-268.  
**Note.**—Former s. 166.052.



F.S. 162  
Municipal Code Enforcement

Select Year:

## The 2023 Florida Statutes (including Special Session C)

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[Title XI](#)  
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**History.**—s. 1, ch. 80-300; s. 2, ch. 82-37; s. 1, ch. 85-150; s. 1, ch. 86-201; s. 1, ch. 89-268.  
**Note.**—Former s. 166.052.



**162.03 Applicability.—**

(1) Each county or municipality may, at its option, create or abolish by ordinance local government code enforcement boards as provided herein.

(2) A charter county, a noncharter county, or a municipality may, by ordinance, adopt an alternate code enforcement system that gives code enforcement boards or special magistrates designated by the local governing body, or both, the authority to hold hearings and assess fines against violators of the respective county or municipal codes and ordinances. A special magistrate shall have the same status as an enforcement board under this chapter. References in this chapter to an enforcement board, except in s. 162.05, shall include a special magistrate if the context permits.

History.—ss. 1, 2, ch. 80-300; s. 3, ch. 82-37; s. 2, ch. 86-201; s. 1, ch. 87-129; s. 2, ch. 89-268; s. 2, ch. 99-360; s. 63, ch. 2004-11.

Note.—Former s. 166.053.

**162.04 Definitions.—**As used in ss. 162.01-162.13, the term:

(1) “Local governing body” means the governing body of the county or municipality, however designated.

(2) “Code inspector” means any authorized agent or employee of the county or municipality whose duty it is to assure code compliance.

(3) “Local governing body attorney” means the legal counselor for the county or municipality.

(4) “Enforcement board” means a local government code enforcement board.

(5) “Repeat violation” means a violation of a provision of a code or ordinance by a person who has been previously found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within 5 years prior to the violation, notwithstanding the violations occur at different locations.

History.—s. 1, ch. 80-300; s. 4, ch. 82-37; s. 10, ch. 83-216; s. 3, ch. 86-201; s. 3, ch. 89-268; s. 3, ch. 99-360; s. 22, ch. 2001-60.

Note.—Former s. 166.054.

**162.05 Local government code enforcement boards; organization.—**

(1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 persons may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 persons must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

(2) Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

(3)(a) The initial appointments to a seven-member code enforcement board shall be as follows:

1. Two members appointed for a term of 1 year each.
2. Three members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

(b) The initial appointments to a five-member code enforcement board shall be as follows:

1. One member appointed for a term of 1 year.
2. Two members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

Thereafter, any appointment shall be made for a term of 3 years.

(c) The local governing body of a county or a municipality that has a population of less than 5,000 persons may reduce a seven-member code enforcement board to five members upon the simultaneous expiration of the terms of office of two members of the board.

(d) A member may be reappointed upon approval of the local governing body.



(e) An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.

(f) The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

(4) The members of an enforcement board shall elect a chair, who shall be a voting member, from among the members of the board. The presence of four or more members shall constitute a quorum of any seven-member enforcement board, and the presence of three or more members shall constitute a quorum of any five-member enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the local governing body or as are otherwise provided by law.

(5) The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities.

History.—s. 1, ch. 80-300; s. 5, ch. 82-37; s. 4, ch. 86-201; s. 2, ch. 87-129; s. 4, ch. 89-268; s. 1, ch. 94-291; s. 1441, ch. 95-147.

Note.—Former s. 166.055.

#### **162.06 Enforcement procedure.—**

(1)(a) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.

(b) A code inspector may not initiate enforcement proceedings for a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an enforcement proceeding may occur. This paragraph does not apply if the code inspector has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(2) Except as provided in subsections (3) and (4), if a violation of the codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 162.12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 162.12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

(3) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 162.12. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the code enforcement board.

(4) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

(5) If the owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner shall:

(a) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

(b) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.



(c) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

(d) File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.

A failure to make the disclosures described in paragraphs (a), (b), and (c) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

History.—s. 1, ch. 80-300; s. 5, ch. 86-201; s. 1, ch. 87-391; s. 5, ch. 89-268; s. 2, ch. 94-291; s. 1442, ch. 95-147; s. 2, ch. 96-385; s. 4, ch. 99-360; s. 64, ch. 2004-11; s. 2, ch. 2021-167.

Note.—Former s. 166.056.

#### **162.07 Conduct of hearing.—**

(1) Upon request of the code inspector, or at such other times as may be necessary, the chair of an enforcement board may call a hearing of an enforcement board; a hearing also may be called by written notice signed by at least three members of a seven-member enforcement board or signed by at least two members of a five-member enforcement board. Minutes shall be kept of all hearings by each enforcement board, and all hearings and proceedings shall be open to the public. The local governing body shall provide clerical and administrative personnel as may be reasonably required by each enforcement board for the proper performance of its duties.

(2) Each case before an enforcement board shall be presented by the local governing body attorney or by a member of the administrative staff of the local governing body. If the local governing body prevails in prosecuting a case before the enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the board and such costs may be included in the lien authorized under s. 162.09(3).

(3) An enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The enforcement board shall take testimony from the code inspector and alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(4) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of a seven-member enforcement board, or three members of a five-member enforcement board, must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in s. 162.09(1), the cost of repairs may be included along with the fine if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

History.—s. 1, ch. 80-300; s. 6, ch. 82-37; s. 44, ch. 83-217; s. 6, ch. 86-201; s. 6, ch. 89-268; s. 3, ch. 94-291; s. 1443, ch. 95-147; s. 2, ch. 95-297.

Note.—Former s. 166.057.

#### **162.08 Powers of enforcement boards.—**Each enforcement board shall have the power to:

(1) Adopt rules for the conduct of its hearings.

(2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality.

(3) Subpoena evidence to its hearings.

(4) Take testimony under oath.

(5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

History.—s. 1, ch. 80-300; s. 7, ch. 82-37; s. 7, ch. 86-201; s. 7, ch. 89-268.

Note.—Former s. 166.058.



### **162.09 Administrative fines; costs of repair; liens.—**

(1) An enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in s. 162.06(4), the enforcement board shall notify the local governing body, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).

(2)(a) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

(b) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(c) An enforcement board may reduce a fine imposed pursuant to this section.

(d) A county or a municipality having a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines in excess of the limits set forth in paragraph (a). Such fines shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs pursuant to subsection (1). Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines, including, but not limited to, those factors set forth in paragraph (b).

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

History.—s. 1, ch. 80-300; s. 8, ch. 82-37; s. 2, ch. 85-150; s. 8, ch. 86-201; s. 2, ch. 87-391; s. 8, ch. 89-268; s. 4, ch. 94-291; s. 1, ch. 95-297; s. 5, ch. 99-360; s. 1, ch. 2000-125; s. 65, ch. 2004-11.

Note.—Former s. 166.059.

**162.10 Duration of lien.—**No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless



within that time an action is commenced pursuant to s. 162.09(3) in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The local governing body shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

History.—s. 9, ch. 82-37; s. 9, ch. 86-201; s. 9, ch. 89-268; s. 5, ch. 94-291; s. 2, ch. 2000-125.

**162.11 Appeals.**—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note.—Former s. 166.061.

### **162.12 Notices.**—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, and at the option of the local government return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the postmarked date of mailing, notice may be provided by posting as described in subparagraphs (2)(b)1. and 2.;

(b) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;

(c) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or

(d) In the case of commercial premises, leaving the notice with the manager or other person in charge.

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published in print in a newspaper or on a publicly accessible website as provided in s. 50.0311 for 4 consecutive weeks. If published in print, the notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

(b)1. In lieu of publication as described in paragraph (a), such notice may be posted at least 10 days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be, in the case of municipalities, at the primary municipal government office, and in the case of counties, at the front door of the courthouse or the main county governmental center in said county.

2. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1).

(3) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

History.—s. 1, ch. 80-300; s. 11, ch. 86-201; s. 3, ch. 87-391; s. 10, ch. 89-268; s. 6, ch. 94-291; s. 6, ch. 99-360; s. 3, ch. 2000-125; s. 1, ch. 2012-13; s. 2, ch. 2013-193; s. 1, ch. 2014-154; s. 14, ch. 2021-17; s. 14, ch. 2022-103.

Note.—Former s. 166.062.



**162.125 Actions for money judgments under this chapter; limitation.**—Actions for money judgments under this chapter may be pursued only on fines levied after October 1, 2000.

History.—s. 4, ch. 2000-125.

**162.13 Provisions of act supplemental.**—It is the legislative intent of ss. 162.01-162.12 to provide an additional or supplemental means of obtaining compliance with local codes. Except as provided in s. 162.06(1)(b), nothing contained in ss. 162.01-162.12 shall prohibit a local governing body from enforcing its codes by any other means.

History.—s. 11, ch. 82-37; s. 3, ch. 2021-167.

**PART II**  
**SUPPLEMENTAL COUNTY OR MUNICIPAL CODE**  
**OR ORDINANCE ENFORCEMENT PROCEDURES**

162.21 Enforcement of county or municipal codes or ordinances; penalties.

162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.

162.23 Notice to appear.

162.30 Civil actions to enforce county and municipal ordinances.

**162.21 Enforcement of county or municipal codes or ordinances; penalties.**—

(1) As used in this section, “code enforcement officer” means any designated employee or agent of a county or municipality whose duty it is to enforce codes and ordinances enacted by the county or municipality.

(2) A county or a municipality may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the county or the municipality. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or firesafety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of ss. 943.085-943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(3)(a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance and that the county court will hear the charge.

(b) A code enforcement officer may not initiate an investigation of a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an investigation may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources.

(c) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if a repeat violation is found or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(d) A citation issued by a code enforcement officer shall be in a form prescribed by the county or the municipality and shall contain:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the civil infraction was committed.
4. The facts constituting reasonable cause.
5. The number or section of the code or ordinance violated.



6. The name and authority of the code enforcement officer.
7. The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(4) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.

(5) A county or a municipality is authorized to enforce codes and ordinances under the provisions of this section and may enact an ordinance establishing procedures for the implementation of such provisions, including a schedule of violations and penalties to be assessed by code enforcement officers. If a county or municipality chooses to enforce codes or ordinances under the provisions of this section, each code or ordinance or the ordinance enacted by the county or municipality establishing procedures for implementation of this section shall provide:

- (a) That a violation of a code or an ordinance is a civil infraction.
- (b) A maximum civil penalty not to exceed \$500.
- (c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.
- (d) For the issuance of a citation by a code enforcement officer who has reasonable cause to believe that a person has committed an act in violation of a code or an ordinance.
- (e) For the contesting of a citation in county court.
- (f) Such procedures and provisions as are necessary to provide for the enforcement of a code or an ordinance under the provisions of this section.

(6) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7) The provisions of this part shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code adopted pursuant to s. 553.73 as applied to construction, provided that a building permit is either not required or has been issued by the county or the municipality.

(8) The provisions of this section are additional and supplemental means of enforcing county or municipal codes or ordinances and may be used for the enforcement of any code or ordinance, or for the enforcement of all codes and ordinances. Except as provided in paragraph (3)(b), nothing contained in this section shall prohibit a county or municipality from enforcing its codes or ordinances by any other means.

History.—s. 11, ch. 89-268; s. 7, ch. 94-291; s. 1444, ch. 95-147; s. 3, ch. 96-385; s. 4, ch. 98-287; s. 115, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 4, ch. 2021-167.

**162.22 Designation of enforcement methods and penalties for violation of municipal ordinances.**—The governing body of a municipality may designate the enforcement methods and penalties to be imposed for the violation of ordinances adopted by the municipality. These enforcement methods may include, but are not limited to, the issuance of a citation, a summons, or a notice to appear in county court or arrest for violation of municipal ordinances as provided for in chapter 901. Unless otherwise specifically authorized and provided for by law, a person convicted of violating a municipal ordinance may be sentenced to pay a fine, not to exceed \$500, and may be sentenced to a definite term of imprisonment, not to exceed 60 days, in a municipal detention facility or other facility as authorized by law.

History.—s. 1, ch. 94-255.

**162.23 Notice to appear.**—

(1) Notwithstanding s. 34.07, a code enforcement officer, designated pursuant to s. 162.21(1) and (2), may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code enforcement officer has no authority to arrest such person.



(2) Prior to issuing a notice to appear, a code enforcement officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than 5 days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. A code enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare or that the violator is engaged in violations of an itinerant or transient nature, as defined by local code or ordinance within the jurisdiction, or if the violation is irreparable or irreversible.

History.—s. 1, ch. 96-385; s. 7, ch. 99-360.

**162.30 Civil actions to enforce county and municipal ordinances.**—In addition to other provisions of law authorizing the enforcement of county and municipal codes and ordinances, a county or municipality may enforce any violation of a county or municipal code or ordinance by filing a civil action in the same manner as instituting a civil action. The action shall be brought in county or circuit court, whichever is appropriate depending upon the relief sought. Counties and municipalities are authorized and required to pay any counsel appointed by the court to represent a private party in such action if the provision of counsel at public expense is required by the Constitution of the United States or the Constitution of the State of Florida and if the party is indigent as established pursuant to s. 27.52. The county or municipality shall bear all court fees and costs of any such action, and may, if it prevails, recover the court fees and costs and expense of the court-appointed counsel as part of its judgment. The state shall bear no expense of actions brought under this section except those that it would bear in an ordinary civil action between private parties in county court.

History.—s. 87, ch. 2003-402.

Chapter 28. Nuisances  
Article I - IN General

## Chapter 28 - NUISANCES

### ARTICLE I. - IN GENERAL

#### DIVISION 1. - GENERAL PROVISIONS; ADMINISTRATIVE AUTHORITY; DEFINITIONS

##### Sec. 28-1. - Division of standards and enforcement; jurisdiction.

The building inspector shall have jurisdiction and control over the administration and enforcement of all ordinances of the city fixing and prescribing standards for all existing structures and land, property maintenance and related code enforcement within the city. The city police department shall, at the request of the building inspector, assist in the enforcement of said ordinances.

(Ord. No. 93-1, art. I, div. 1, § 1, 4-15-1993)

##### Sec. 28-2. - Application of standards.

The standards established by this chapter do not replace or modify standards established by other ordinances or sections of this Code for the construction, replacement or repair of structures. In any case where the provisions of this chapter impose a different standard than the standard set forth in the Florida Building Code, then the Florida Building Code shall prevail.

(Ord. No. 93-1, art. I, div. 1, § 2, 4-15-1993)

##### Sec. 28-3. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning:

*Approved* means authorized by this Code as confirmed by order of the building inspector.

*Garbage* means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in or storage of edibles and any other matter of any nature whatsoever which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

*Household* means one or more persons living together, whether related by blood, marriage or adoption, and having common housekeeping facilities.

*Occupant* means the head of the household and, when used in the plural, shall include all other persons over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit.



*Owner* means a holder of any legal or equitable estate in the premises, whether alone or jointly with others and whether in possession or not, and, if the case permits, shall include all individuals, associations, partnerships, corporations and others who have interest in a structure and any who are in possession or control thereof as agent of the owner, as executor, administrator, trustee, or guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter and of the rules and regulations adopted pursuant thereto to the same extent as if he were the owner, and upon failure to comply therewith, shall be subject to the same penalties hereinafter set out. Any person who is a lessee of any part or all of any commercial premises shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises occupied by the lessee.

*Rubbish* means any refuse, accumulations of paper, packing material, rags or wooden or paper boxes or containers, sweepings, and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places, and also any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water-breeding insects.

(Ord. No. 93-1, art. I, div. 1, § 3, 4-15-1993)

Sec. 28-4. - Code enforcement officer.

- (a) The code enforcement officer shall have all powers, duties and responsibilities to administer and enforce all provisions of this chapter. The code enforcement officer shall be deemed to be an officer for the purpose of enforcing the provisions of this chapter.
- (b) Any action to be taken by the code enforcement officer pursuant to this chapter in regard to the enforcement of any section hereof shall be considered cumulative and in addition to penalties and to other remedies provided elsewhere by ordinance or law.
- (c) The code enforcement officer shall have the right of entry upon real property only for just cause, but not to enter a locked occupied, or unoccupied structure. not legal
- (d) It shall be unlawful for any person to oppose, obstruct or resist the code enforcement officer or his authorized agents, assistants, employees and contractors employed on behalf of the city in connection with such enforcement in the discharge of his duties as provided in this chapter.
- (e) The building inspector/code enforcement officer shall have the right to request the assistance of the city police department, and in such event, the city police department shall have all of the rights and immunities of the building inspector/code enforcement officer provided herein.

(Ord. No. 93-1, art. I, div. 1, § 4, 4-15-1993)

Sec. 28-5. - Authority of code enforcement officer.

- (a) The code enforcement officer is authorized in the course of his duties in the administration and enforcement of this chapter to issue the following orders:

(1)



**Order to repair.** Whenever the code enforcement officer determines that a structure does not meet the standards required by this chapter, he may order the repair, restoration or replacement of any part of the structure, including the removal of any work done in violation of this Code, if the cost of repairing, restoring or replacing any part will not exceed 50 percent of the assessed value of the building or structure. In the event of default by the owner, occupant or operator in repairing, restoring or replacing the part of the structure ordered repaired, restored or replaced within the time fixed in the order conforming to state statutes, after a hearing before the code enforcement board approving the action, the code enforcement officer may order the vacation, demolition or removal of the structure as appropriate as a nuisance only upon approval by the city commission.

(2) **Order to demolish.**

- a. Whenever the code enforcement officer determines that any structure constitutes a nuisance as herein defined and is damaged, deteriorated or defective to such an extent that the cost of restoration or repair thereof will exceed 50 percent of the assessed value thereof, he may order the vacation and demolition or removal of the structure. If the owner does not demolish or remove the structure within the time fixed in the order of demolition, the code enforcement officer may, after a hearing before the code enforcement board approving the action, demolish or remove the structure only upon approval of all or three-fourths of the commission, and may do so either by use of city forces or by an independent contractor secured by the purchasing agent of the city through normal purchasing processes as established by that office from time to time. Any order regarding a structure that has been identified for demolition by the code enforcement officer must be approved by the city commission, and, prior to the order to demolish, in cases where the cost of repairs is not in excess of 70 percent of the assessed value thereof, the concurrence of all of the members of the commission at a meeting in which a quorum has been established shall be required.
- b. Notice of orders to demolish or remove shall be in writing, contain an accurate description of the structure and the lot or parcel of land upon which the structure is affixed and shall be served upon the owner, lienor and other parties having an interest in the property of record as provided herein not less than 30 days before the date therein fixed for compliance.
- c. The entire cost of demolition or removal shall be assessed against the real property upon which the structure was affixed. The assessment, when made, shall constitute a lien upon the real property superior to all other liens except taxes. A notice of assessment and lien shall be filed among the public records of the county which shall show the nature of the assessment and lien, the amount thereof and an accurate description of the real property affected thereby. The lien shall date from the date of filing the notice of lien, shall bear interest from that date at the rate of 12 percent and shall be enforceable, if unsatisfied after the expiration of two years from the date of filing such notice of lien, as other liens may be enforced by the city. The lien amount shall include a fee as prescribed in a resolution of the city commission, which fee represents the administrative charges incurred in the removal or demolition of the structure.
- d.



If the code enforcement officer must demolish or remove the offending structure under the provisions of subsection (a)(2) or (a)(5) of this section, he shall notify, in writing, the owner of any personal property kept in or on the premises to remove same within 60 days from the date of the notice issued after all required approval of demolition or removal action has been obtained, and appeals filed for by the violators decided and the decision becomes final. If the owner of the personal property fails or refuses to remove the personal property within the time fixed in the notice, he shall be deemed to have abandoned the personal property and to have forfeited all of his rights, title and interest in and to same.

e. After advertising for two weeks the sale of said material or personal property in a local weekly newspaper which advertisement shall reference the right of the city to refuse all bids or offers and retain the property or sell it at a later date, the code enforcement officer immediately may sell any material and/or personal property salvaged from any removed or demolished structure and credit the proceeds thereof against the cost of demolition or removal or, where an independent contractor is obtained to demolish or remove any structure, to convey such material and/or property to the contractor as compensation or partial compensation for the demolition or removal. Should the proceeds from the sale of such materials and/or personal property exceed the cost of demolition or removal, the excess shall be used, applied or paid over in accordance with the written directions of the parties entitled thereto.

- (3) **Order designating building or dwelling as unfit for human habitation.** Whenever the code enforcement officer determines that any building or dwelling or any part thereof constitutes a serious threat or hazard to the safety or health of the occupants or to the general public because it lacks maintenance, sanitary facilities or otherwise fails to comply with the standards established by this chapter, the code enforcement officer may issue an order designating such building or dwelling unfit for human habitation. Any building or dwelling or any part thereof designated as unfit for human habitation shall be posted with notice of the same, and it shall be unlawful to alter, deface or remove any notice so posted during the pendency of the order.
- (4) **Order to vacate.** Whenever the code enforcement officer designates a building or dwelling as unfit for human habitation, determines that an emergency exists, orders a building or dwelling to be demolished or whenever there is a violation of a final order of repair or final decision of the code enforcement officer, after any appeals or approvals required hereunder have been heard and decided, said officer may order the affected building or dwelling vacated. It is unlawful for any person to enter the building or dwelling until the order to vacate is rescinded or modified.
- (5) **Emergency order.** Whenever, in the opinion of the code enforcement officer, any building, staging or other structure shall become unsafe so as imminently to endanger life or limb by reason of the bad condition of walls, overloaded floors, defective construction, decay, conditions that are dangerous in case of fire or any other cause, he shall notify the city, and if by vote of all or three-fourths of the commission, it shall be determined that the building or other structure is so unsafe as to endanger life or limb and that the danger to life or limb is so imminent as to require immediate action in response to an emergency, the commissioners shall cause the code enforcement officer to notify the owner, occupant, operator or other party having an interest in the building or other structure of



its decision. Immediately upon receipt of the notice, the owner, occupant, operator or other party shall cause the same to be made safe and secure or taken down. When public safety requires immediate action, the code enforcement officer may enter upon the premises with such assistants as may be necessary, using city forces or independent contractor as secured by the purchasing agent of the city through a summary procedure or without advertising for bids, and cause the structure to be secured or taken down without delay, at the expense of the owner, occupant, operator or other party interested.

- (6) *Order revoking certificate of compliance with housing standards.* Whenever the code enforcement officer determines that there are conditions existing on the premises of a dwelling unit in violation of the provisions of this Code, he shall issue an order revoking any certificate of compliance with housing standards previously issued for the dwelling.
  - (7) *Order to terminate a public nuisance.* If a nuisance is not terminated by the owner, agent, custodian, lessee or occupant of the property involved within 30 days from the date of effective service of the notice, except where otherwise provided in this chapter, whether it be the date of mailing of notice, the date of personal service or the first date of the physical posting on the property, or, if a hearing on the matter is to be or has been held by the code enforcement board and/or the city, then within 31 days from the date of the order from said board or commission or such longer time period established by the said board in said order if the board orders removal, termination or abatement of the nuisance, the code enforcement officer may cause any such condition to be terminated by an independent contractor on behalf of the city or through use by city workers or those working on behalf of the city.
- (b) The code enforcement officer shall, upon approval by the city to take such action, commence actions in the appropriate courts for abatement of nuisances, injunctive relief, collection of sums due hereunder for fees or penalties, enforcement of penalties, prosecution of violators, enforcement of liens or other relief to which the city is entitled in the administration of this chapter.

(Ord. No. 93-1, art. I, div. 1, § 5, 4-15-1993)

Sec. 28-6. - *Final order and orders binding.*

- (a) *Final order.* All orders of the code enforcement officer shall be final as modified, approved or altered by the code enforcement board or the city as appropriate upon the expiration of 31 days from the date of execution of the last order from the code enforcement officer, the code enforcement board or city, unless, prior to the expiration of such period, a written petition for appeal is made to the next review board in the review process and after the city commission has reviewed and decided the matter on appeal, then written petition for appeal is to the circuit court of the county filed in the clerk's office in accordance with the Florida Rules of Appellate Procedure before the expiration of such time.
- (b) *Orders binding.* No order of the code enforcement officer shall be diminished, cancelled or in any way affected by the conveyance of the title to any real property, building or other structure or of any interest in any real property, building or other structure. A person who acquires such an interest while a

dwelling or dwelling unit is subject to an order of the code enforcement officer shall comply with that order to the same extent as if he had held his interest at the time the order of the code enforcement officer was issued. Upon request, the code enforcement officer shall provide all persons acquiring such interest with copies of all notices and orders previously served and issued with respect to the real property, building or other structure conveyed at the expense of the person requesting the copies.

(Ord. No. 93-1, art. I, div. 1, § 6, 4-15-1993)

Sec. 28-7. - Emergency order.

Whenever, in the opinion of the code enforcement officer, any violation of this chapter is an immediate threat to life, limb, health, welfare or property, he may immediately cause the termination of the violation.

(Ord. No. 93-1, art. I, div. 1, § 7, 4-15-1993)

Secs. 28-8—28-32. - Reserved.

## DIVISION 2. - PROPERTY MAINTENANCE REGULATIONS

Sec. 28-33. - Unlawful to allow or maintain a nuisance.

- (a) *Generally*. It shall be unlawful for any owner, agent, custodian, lessee or occupant of any real property within the city to allow or permit or maintain at any time upon the real property a nuisance as defined in this chapter.
- (b) *Property abutting public rights-of-way*. It shall be unlawful for any owner, agent, custodian, lessee or occupant of any real property abutting any public street, right-of-way or land area dedicated for use as a public street within the city to allow to exist a nuisance, as defined in section 1-2, between the paved or graded surface of any public street intended or designed for vehicular travel and the property line of the abutting real property.
- (c) *Undeveloped or vacated rights-of-way or abandoned alleys*. It shall be unlawful for any owner, agent, custodian, lessee or occupant of any real property abutting any undeveloped or vacated right-of-way or abandoned alley within the city to allow or permit or maintain at any time a nuisance, as defined in section 1-2, between the centerline of the undeveloped or vacated right-of-way or abandoned alley and the property line of the abutting real property.

(Ord. No. 93-1, art. I, div. 2, § 1, 4-15-1993)

Sec. 28-34. - Offensive conditions specifically declared a public nuisance; prohibited conditions enumerated.

Nothing shall be allowable on a premises within the corporate limits of the city that shall be harmful to the health or safety of persons by reason of the emission of odors, gases, dust, smoke, light, vibration or noise.

(Ord. No. 93-1, art. I, div. 2, § 2, 4-15-1993)

Sec. 28-35. - Certain structures declared a public nuisance.

- (a) Any structure in the city which by reason of fire damage, age, decay, deterioration, structural defects, disrepair, improper design, unstable foundation, termites or other causes is dangerous to the occupants thereof or to surrounding buildings and the occupants thereof or a menace to public health or a fire hazard or so unsafe as to endanger life or property or render the use of the public streets dangerous shall constitute a nuisance. The owner of any structure which constitutes such a nuisance shall cause the abatement of the nuisance within 60 days in a manner that is in accordance with the Florida Building Code as it is applicable, and if not, then as determined by the code enforcement officer.
- (b) In appropriate cases and for good cause, the code enforcement board may grant a 30-day extension to the time specified above.
- (c) Any variance from subsections (a) and (b) of this section must be granted by the municipal code enforcement board.
- (d) The building inspector/code enforcement officer and the municipal code enforcement board shall give due regard to the hardship cases that may be presented due to such factors as failing health, advanced age and inability to pay to terminate the condition causing the nuisance.

(Ord. No. 93-1, art. I, div. 2, § 3, 4-15-1993)

Sec. 28-36. - Excessive accumulation of debris, rubbish, trash, etc., declared a public nuisance.

The existence of any accumulations of debris, rubbish, trash, garbage, refuse, garden trash and junk, as defined in this chapter or in section 1-2, upon any lot, tract or parcel of land, improved or unimproved, within the incorporated boundaries of the city, to the extent and in the manner that such lot, tract or parcel of land actually harbors or is infested or inhabited by rodents, vermin, reptiles or other wild animals, which threaten or endanger the public health, safety or welfare or may reasonably cause disease is hereby prohibited and declared to be a nuisance.

(Ord. No. 93-1, art. I, div. 2, § 4, 4-15-1993)

Sec. 28-37. - Excessive undergrowth, etc., declared a public nuisance; prohibited; exemption.

The existence of excessive accumulations or untended growth of weeds, undergrowth or other dead or living plant life (but not including any trees, plants or other vegetation protected by state law or ordinance by this city) upon any lot, tract or parcel of land, improved or unimproved, within 200 feet of the boundary line of any improved property or within 25 feet of any paved or graded road surface intended or designed for vehicular travel or located within any street right-of-way or land area dedicated for use as a public street or within 200 feet of any recreational area, all within the incorporated boundaries of the city, to the extent and in the manner that such lot, tract or parcel of land actually harbors or is infested or inhabited by rodents, vermin, reptiles or other wild



animals, which may reasonably threaten or endanger the public health or safety or may reasonably cause disease, or adversely affects and impairs the economic welfare of adjacent property, is hereby prohibited and declared to be a nuisance.

(Ord. No. 93-1, art. I, div. 2, § 5, 4-15-1993)

Sec. 28-38. - Excessive vehicles declared a public nuisance.

Any motorized vehicles including, but not limited to, cars, trucks, vans, motorcycles, minibikes, all-terrain vehicles or boats which by quantity or placement would in any way constitute a nuisance endangering the health, safety or welfare of persons as defined in this chapter shall be considered to be a violation of this Code.

(Ord. No. 93-1, art. I, div. 2, § 6, 4-15-1993)

Sec. 28-39. - Placing or permitting offensive matter on streets, vacant lots, in streams, etc.

- (a) It is unlawful for any person to accumulate or permit the accumulation of any trash, debris, garbage or waste of any kind on property under his control or ownership which creates a nuisance as defined in section 1-2.
- (b) It is unlawful for any person to dump or dispose of any trash, debris, garbage or waste of any kind so as to constitute a nuisance except in such places or in such a manner as is lawful for the disposal of the waste under existing city, county, state and/or federal ordinances, laws and regulations.
- (c) It shall be unlawful for any person to bury any garbage or trash within the city, except at such landfills or resource recovery facilities designated by the city, or to burn any garbage or trash within the city, except at such designated resource recovery facilities or landfills, without first obtaining a permit from the city.

(Ord. No. 93-1, art. I, div. 2, § 7, 4-15-1993)

Sec. 28-40. - Storage of inoperative vehicles, junk or scrap metal in residential or commercial sections prohibited.

- (a) *Storage.* It shall be unlawful for any person to keep, store or allow to remain on any property within any residential or commercial section of the city or upon any public property any dismantled, partially dismantled, inoperative or discarded machinery, vehicle, boat or parts thereof, scrap metal or junk for a period of time in excess of six months from the date it was moved or left on the property after it became in the condition referenced in this provision.
- (b) *Time limitation.* It shall be unlawful for any person in charge of or in control of any property in a residential or commercial section of the city, whether as owner, lessee, tenant, occupant or otherwise, to allow any dismantled, partially dismantled, inoperative or discarded machinery, vehicle, boat or parts thereof, scrap metal or junk to remain on such property longer than six months beginning on the date it was moved onto or left upon said property in the condition referenced in this subsection. It shall be unlawful for any person to have any such items on any residential, commercial or public property within the city for a longer time than six months.

(c)

*Exceptions.* This section shall not apply with regard to such machinery, vehicles, boats or parts thereof, scrap metal or junk in an enclosed building or on the premises of a business enterprise operated in a lawful place and manner and in accordance with permissive uses as authorized under the zoning laws of the city, when necessary to the operation of such business enterprise, or in an appropriate storage place or depository maintained in a lawful place and manner by the city.

- (d) *Enforcement.* The provisions of this section shall be enforced by the building inspector and/or the chief of police or any members of their respective departments designated by them. The code enforcement officer and/or the chief of police is authorized to remove or have removed any such machinery, vehicle, boat or parts thereof, scrap metal and junk when such item is in violation of this section after hearing on the same by the municipal code enforcement board in which said order or action is approved. Towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person shall be in accordance with F.S. § 715.07.
- (e) *Notice to remove; forfeiture of rights.* If the code enforcement officer must remove the offending property under the provisions, he shall notify, in writing, the owner of any personal property kept in or on the premises as well as the property owner on which the offending material is located to remove same within 30 days from the date of the notice. If the said persons fail or refuse to remove the personal property within the time fixed in the notice, they shall be deemed to have abandoned the personal property and to have forfeited all of their rights, title and interest in and to same.
- (f) *How proceeds utilized.* After advertising for two weeks the sale of the material or personal property in a local weekly newspaper, which advertisement shall reference the right of the city to refuse all bids or offers and retain the property or sell it at a later date, only after order by all or three-fourths of the commission, against the cost of removal, storage, or, where an independent contractor is obtained, to remove and dispose of said material, to convey such material and/or property to the contractor as compensation or partial compensation for the demolition or removal. Should the proceeds from the sale of such materials and/or personal property exceed the cost of removal, the excess shall be used, applied or paid over in accordance with the written directions of the parties entitled thereto.
- (g) *Notice of violation placement.* For purposes of notification of violation of this section, the code enforcement officer and/or the chief of police is authorized to place a notice of violation tag upon any machinery, vehicle, boat or parts thereof, scrap metal and junk when such item reasonably appears to be in violation of this section.
- (h) *Tagging of items.* The building code inspector and/or the city police shall have the authority and shall to the best of his efforts mark the pieces of machinery, vehicle, boat or parts thereof, scrap metal and junk with a tag as soon as said items appear to be in violation of this article (irrespective of the time limits set forth in subsection (b) of this section) which tag shall state the date of its being affixed to said item, shall state that the item may be in violation of this chapter unless removed by a specified date in accordance with the provisions of this section, and that, if not removed, it will be removed by or on behalf of the city and at that time become the property of the city with charges, fines and liens to be placed against the owner and the owner of the property where it is located.

Secs. 28-41—28-68. - Reserved.

DIVISION 3. - FEE AUTHORITY AND TYPES

Sec. 28-69. - Cost of clearance, removal and disposal; special assessment against property; lien foreclosure.

- (a) Within 30 days from the completion of any work by the city or an independent contractor to effect necessary correction of any violations, the code enforcement officer shall file a report with the city commission naming the legal owner of and stating by address and/or legal description the real property cleared and the actual costs of clearing or removing and disposing of same, which actual cost shall include the cost of serving notice as required by this chapter and the cost of obtaining title information, lien recording fees and all other related costs, and shall be based upon the charges established by city commission resolution.
- (b) Within 15 days of receipt of the report of the code enforcement officer, the city commission shall, by resolution, determine the actual cost of clearing, removal and disposal each parcel of real property and levy a reimbursement fee for such cost against each such parcel by address and/or legal description. Such cost reimbursement fee shall constitute a lien upon the real property for the work accomplished.
- (c) Within 15 days from the adoption of the resolution by the city commission, the code enforcement officer shall cause to be prepared a notice of lien for the cost reimbursement fee showing the actual cost of clearing the offending property and/or removing and disposing of the material, the date of completion of the work, the real property upon which a lien is claimed and such other information as the code enforcement officer may deem advisable and shall have the notice of lien filed for record with the county clerk of the circuit court and shall cause to be published a notice of the completion of the work and the fact that such lien has been recorded as aforesaid, which notice shall be published two times in a newspaper of general circulation published in the city, giving the lien held by the city against each piece of real property by lot and block number or other proper description.
- (d) Any person owning or having any interest, legal or equitable, in the real property shall have the right, within 30 days after the publication of notice by the code enforcement officer, to present to the city commission a sworn petition stating his interest in the property and alleging that, in the opinion of the petitioner, the cost of the work as shown in the notice of lien exceeds the actual cost thereof or is otherwise erroneously entered and shall be heard upon the petition. If it shall appear to the satisfaction of the city commission that the cost is erroneously stated, then the city commission, by resolution, shall so declare and shall fix such amount to be charged against the real property as shall be just and proper, and the code enforcement officer shall have the corrected notice of lien for the amount filed in the office of the clerk of the circuit court.
- (e)



Where no petition is filed as provided for herein, the cost of the work as shown in the recorded notice of lien shall become a fixed lien on the real property upon which the work has been done from the time or recordation of the notice of lien, and the lien shall be superior to all other liens except prior liens for taxes.

- (f) The cost reimbursement fee levied against each parcel of real property shall be dated from the date or recordation of the notice of lien. Such liens may be paid within 90 days after the publication of notice provided for herein without interest, and thereafter the amount so fixed with interest at the rate of 12 percent per annum, from the date of the record of such lien, and all costs of collection, including all publication and title information costs, shall continue to be a lien against the real property until paid, and collection thereof shall be enforced as provided by F.S. ch. 162.

(Ord. No. 93-1, art. I, div. 3, § 1, 4-15-1993)

Sec. 28-70. - Fees—City commission to establish.

The city commission shall have the authority to set fees by resolution.

(Ord. No. 93-1, art. I, div. 3, § 2, 4-15-1993)

Sec. 28-71. - Fees—Types enumerated.

Fees may be charged for the following:

- (1) Certificate of compliance.
- (2) Demolition or removal.
- (3) Property maintenance.

(Ord. No. 93-1, art. I, div. 3, § 3, 4-15-1993)

Sec. 28-72. - Fining and recovery of costs of removal.

Machinery or parts thereof, scrap metal and junk in violation of this chapter shall be removed, and the cost thereof fined and recovered as set by city commission resolution.

(Ord. No. 93-1, art. I, div. 3, § 4, 4-15-1993)

Secs. 28-73—28-102. - Reserved.

## ARTICLE II. - NOTICES; APPEALS; BOARDS

### DIVISION 1. - NOTICES

Sec. 28-103. - Notice, generally.

(a) *Service of notice.* Whenever the code enforcement officer determines that a violation exists or that there are reasonable grounds to believe that a violation exists, he shall give notice of the violation or alleged violation to the owner, occupant, operator, resident agent or any other person required to furnished notice by any section of this chapter. The notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate and structure sufficient for identification;
- (3) Specify the violation which exists and the remedial action required; and
- (4) Specify the time prescribed by law for the performance of any remedial act required by the notice.

(b) *Manner of service of notice.* The notice provided for in subsection (a) of this section shall be served upon the owner or his resident agent, the occupant or the operator, as the case may require. The notice shall be deemed properly served:

- (1) Upon the owner or resident agent or operator by delivery of a copy thereof to the owner or resident agent or operator or by forwarding a copy thereof to the owner or resident agent or operator by registered certified mail (restricted delivery) to his last-known address or by serving the owner or resident agent or operator with such notice by any other method authorized under the laws of this state. If a notice sent by certified mail/restricted delivery shall be returned undelivered, constructive service shall be accomplished by publishing a copy of the notice two times in a newspaper of general circulation within the city. In that event, a copy of the notice shall be posted in a conspicuous place in or about the structure affected by the notice; and
- (2) Upon the occupant by delivery of a copy thereof to such occupant or by posting a copy thereof in a conspicuous place in or about the dwelling or structure affected by the notice or by serving the occupant with such notice by any other method authorized under the laws of this state.

(Ord. No. 93-1, art. II, div. 1, § 1, 4-15-1993)

#### Sec. 28-104. - Notice to abate nuisance.

(a) Whenever the code enforcement officer finds any one or more of the conditions set forth in this chapter exist, the code enforcement officer shall cause a notice to be posted on the property or any parcels thereof upon which the nuisance or violation exists. The posted notice shall state the name and address of the record owner thereof as shown upon the records of the property appraiser; the address and/or the legal description of the real property involved; the time period allowed for correction before the matter will be referred to the municipal code enforcement board for hearing and if the matter involves demolition or removal of a structure, approval by the city commission; that, if the condition is not corrected and terminated within the time specified, the same may be accomplished by the city with its forces or by an independent contractor at the direction of the city and the costs thereof shall be assessed and made a lien against the real property involved; and that the owner, agent, custodian, lessee or occupant of the property is subject to prosecution for violation of the provisions of this chapter.

(b) The code enforcement officer shall cause a written notice to be mailed to the last-known address by certified mail restricted delivery to be delivered or served upon the owner, and the lessee and occupant of the property, directing such person to remove, terminate and abate the nuisance within 30 days of the date of the mailing, delivery or service of the written notice, unless otherwise provided for in this chapter or, if a hearing is held by the municipal code enforcement board, within the later time period established by the municipal code enforcement board if the board orders removal, termination and abatement of the nuisance. The written notice shall include a sufficient description by address and/or legal description to identify the property upon which the nuisance exists; a description of the nuisance to be terminated; a statement that if the described nuisance is not terminated within 30 days after notice as herein provided or, if a hearing is held by the municipal code enforcement board then within the time established by the board, it may be terminated or caused to be terminated by the code enforcement officer; a statement that a code enforcement order approved by the municipal code enforcement board may be appealed to the city commission within 30 days of the date of said enforcement board order by providing such notice of appeal in writing to the city clerk and that an appealed order affirmed or modified by the city commission may be appealed to the circuit court in and for the county within 30 days of the date of said enforcement board order or as appropriate, city commission order on appeal, by providing such notice in writing to the circuit court; that the total cost of any such termination caused by the city, including administrative costs shall become a lien upon the property; and that any such person shall also be subject to prosecution for violation of the provisions of this chapter. The mailing of the notice shall be sufficient proof thereof, and the service shall be deemed complete and sufficient when deposited in the United States mail with proper postage prepaid. If the notice is returned unclaimed by postal authorities, the code enforcement officer shall cause a copy of the notice to be served by his agent upon any such person as herein stated. If the mailing address of any such person as herein stated is not known or subject to discovery by the code enforcement officer or if personal service upon such person as herein stated cannot be performed after a reasonable search by the agent of the code enforcement officer and the offending property is unoccupied, the posted notice on the property as provided in subsection (a) of this section shall constitute sufficient notice to the owner, agent, custodian, lessee or missing occupant thereof, and no additional notice shall be required for any action hereunder.

(Ord. No. 93-1, art. II, div. 1, § 2, 4-15-1993)

Secs. 28-105—28-121. - Reserved.

## DIVISION 2. - MUNICIPAL CODE ENFORCEMENT BOARD AND APPEALS

Sec. 28-122. - Municipal code enforcement board created.



- (a) It is the intent of this chapter to create a municipal code enforcement board with the authority to impose administrative fines and other non-criminal penalties to promote, protect and improve the health, safety and welfare of the city and to provide an equitable, expeditious, effective and an inexpensive method of enforcing any of the city's codes set forth in this chapter (land maintenances and nuisances) where a pending or repeated violation exists or continues to exist. This chapter has been enacted pursuant to the authority of F.S. ch. 162.
- (b) The city code enforcement board and, in the event of a plea of no contest or admission of the violation, then at the discretion of the city commission, a hearing officer, shall have jurisdiction to hear and decide cases in which violations are alleged of any provisions of this Code and its ordinances as set forth in this chapter.
- (c) Any alleged violation of this Code, Charter and ordinances may also be enforced in any court of competent jurisdiction through the assistance of the state attorney or an assistant thereof and the procedure set out by this section shall not in any manner be interpreted as a substitution for or a waiver of the right to have the same enforced by the state attorney's office through prosecution.

(Ord. No. 93-1, art. II, div. 2, § 1, 4-15-1993)

#### Sec. 28-123. - Alternate code enforcement system.

The city hereby adopts an alternate code enforcement system which gives the code enforcement board appointed by the city commission the authority to hold hearings and assess fines and approve action to be taken against violators of the city's codes and ordinances. Furthermore, the authority is granted to the city commission to appoint a hearing officer to impose fines against those violators of the city's codes and ordinances as to which the violator admits guilt or pleads no contest and consents to the assessment of penalty or fine for the hearing officer rather than having this determined by the city code enforcement board.

(Ord. No. 93-1, art. II, div. 2, § 2, 4-15-1993)

#### Sec. 28-124. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Legal counsel* means the city attorney or an assistant city attorney who shall represent the municipality and may present cases before the enforcement board.

*Repeat violation* means a violation of a provision of a code or ordinance by a person whom the code enforcement board has previously found to have violated the same provision within five years prior to the violation.

*Violator* means the property owner or business entity of the premises or any combination thereof.

(Ord. No. 93-1, art. II, div. 2, § 3, 4-15-1993)

Sec. 28-125. - Composition, appointment, terms of members, residency requirements, removal and vacancies.

- (a) The code enforcement board shall consist of seven members each serving for a term of three years except that the initial appointments to the enforcement board shall be as follows:
  - (1) Two members for a term of one year;
  - (2) Three members appointed for a term of one year each;
  - (3) Two members appointed for a term of three years each; and
  - (4) Thereafter, all appointments shall be made for terms of three years.
- (b) Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the city code enforcement board with one member to be appointed by each city commissioner and mayor, the other two members shall be selected as follows: each city commissioner shall select and write down the name of an additional candidate to serve on the board and from this collection of nominations, the names of two shall be randomly selected by the city clerk and the persons selected shall serve as the additional two members completing the seven-member board.
- (c) A member may be reappointed upon approval by a majority of the entire membership of the city commission.
- (d) Appointments to fill a vacancy shall be for the remainder of the unexpired term of office.
- (e) Members of the enforcement board shall be residents of the city at the time of their appointments and throughout their terms of office. Any member who is no longer a resident of the city shall be automatically removed and that vacancy filled as provided herein. The members shall serve in accordance with this chapter and consistent with the requirements, if any, of the chapter and other Code sections. If any code enforcement board member fails to attend any three of four consecutive meetings, without cause or without prior approval of the chairperson of the code enforcement board, the board may declare the member's office vacant and fill the vacancy as provided herein. Appointments shall be made consistent with F.S. ch. 162.

(Ord. No. 93-1, art. II, div. 2, § 4, 4-15-1993)

Sec. 28-126. - Oath of office.

Each member of the code enforcement board, upon appointment, shall, before entering upon the discharge of his duties of office, take an oath of office as required by the Charter and be required to sign a pledge acknowledging and agreeing to perform the duties required, particularly the attendance of meetings.

(Ord. No. 93-1, art. II, div. 2, § 5, 4-15-1993)

Sec. 28-127. - Organization; compensation; rules and regulations.

(a) Organization of the code enforcement board shall be as follows:

- (1) The members of the enforcement board shall elect a chairperson from among their members. The chairperson shall be allowed to vote on all matters appearing before the board.
- (2) The members of the enforcement board shall also elect a vice-chairperson from among its members. The vice-chairperson shall preside over the public hearing in the absence of the chairperson.

(b) The presence of four or more members shall constitute a quorum. Members shall not be entitled to compensation; however, all members shall receive reimbursement for mileage for any board-related business, except travel to and from regularly scheduled and specially called board meetings. Such reimbursement shall be consistent with city policy.

(c) The board may adopt such rules and regulations as are not inconsistent with the provisions of this chapter or F.S. ch. 162, which rules and regulations the board finds necessary to carry out the provisions of this chapter, subject to approval by the city commission.

(Ord. No. 93-1, art. II, div. 2, § 6, 4-15-1993)

Sec. 28-128. - Enforcement procedure.

(a) It shall be the duty of the responsible city departments to initiate enforcement proceedings of the various codes and ordinances; no member of the code enforcement board shall have the power to initiate such enforcement proceedings.

(b) In the case of a first-time violation of the city codes and ordinances, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the inspector shall notify the enforcement board and request a hearing. The enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand-delivered or mailed, as provided by this chapter, to the violator. At the option of the enforcement board, notice may additionally be served by publication or posting as provided by this chapter. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board.

(c) If a repeat violation is found, the inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The inspector, upon notifying the violator of a repeat violation, shall notify the enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice as provided by this chapter to the violator. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing and the notice shall so state.

(Ord. No. 93-1, art. II, div. 2, § 8, 4-15-1993)

Sec. 28-129. - Violations; hearings.



If the code inspector has reason to believe a violation presents a serious and immediate threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, that inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing thereon.

(Ord. No. 93-1, art. II, div. 2, § 9, 4-15-1993)

Sec. 28-130. - Conduct of hearings.

The code enforcement board shall adopt rules for governing the conduct of its affairs, not inconsistent with the provisions of this chapter, and specifically the following:

- (1) Upon request of the code enforcement officer or at other times as may be necessary, the chairperson of the enforcement board may call hearings of the enforcement board. Hearings may be also called by written notice signed by at least three members of the enforcement board. All hearings of the enforcement board shall be open to the public.
- (2) The enforcement board may set, by motion, additional meetings and locations as required. Special meetings may be called by the chairperson or vice-chairperson in the absence or unavailability of the chairperson. A hearing may also be called by written notice signed by at least three members of the enforcement board.
- (3) Minutes shall be kept of all hearings, specifically including the vote of each member upon each question, by the enforcement board, and all hearings and proceedings shall be open to the public. All testimonies shall be under oath and mechanically recorded.
- (4) The city shall provide a hearing room and clerical and administrative personnel as may be reasonably required by the enforcement board to conduct its hearings and perform its duties.
- (5) Each case before the enforcement board shall be presented by the department head or his designee of the city department which is charged with the responsibility for enforcement of those specific code sections alleged to have been violated. Additionally, the city attorney or the designated representative may present cases before the enforcement board.
- (6) All relevant evidence shall be admitted if, in the opinion of the enforcement board, it is the type of evidence upon which reasonable and responsible persons would normally rely in the conduct of business affairs, regardless of the existence of any common law or statutory rule which might make such evidence inadmissible over objections in a civil action. The chairperson of the enforcement board may exclude irrelevant or unduly repetitious evidence.
- (7) Each party to the hearing shall have the right to call and examine witnesses, introduce exhibits, cross-examine opposing witnesses, impeach witnesses and rebut evidence.
- (8) The alleged violator has the right, at his own expense, to be represented by an attorney at any board hearing.
- (9)

All testimony before the board shall be under oath and shall be recorded. The alleged violator or the city may cause the proceedings to be recorded by a certified court reporter or by a certified recording instrument.

- (10) The burden of proof shall be with the code enforcement officer to show by the greater weight of the evidence that a code violation exists, and that the alleged violator committed or was responsible for maintaining the violation.
- (11) If notice has been provided pursuant to this chapter to an alleged violator of the public hearing, the hearing may be conducted and an order rendered in the absence of the violator.
- (12) At the conclusion of the hearing, the enforcement board shall issue findings of fact, based on the evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted herein. The findings shall be by motion, approved by a majority of those members present and voting, except that at least three members must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by that date.
- (13) A certified copy of such an order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns.

(Ord. No. 93-1, art. II, div. 2, § 10, 4-15-1993)

Sec. 28-131. - Compliance with order.

If an order is recorded in the public records pursuant to this chapter and the order is complied with by the dates specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required if such is an order acknowledging compliance.

(Ord. No. 93-1, art. II, div. 2, § 11, 4-15-1993)

Sec. 28-132. - Powers of the enforcement board.

The code enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings;
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the police department;
- (3) Subpoena evidence to its hearings;
- (4) Take testimony under oath;
- (5) Issue an order having the force of law commanding whatever steps are necessary to bring the violation in compliance.

(Ord. No. 93-1, art. II, div. 2, § 12, 4-15-1993)

Sec. 28-133. - Powers of hearing officers.

The powers of any hearing officers appointed by the city commission shall be the same as the enforcement  
d.

(Ord. No. 93-1, art. II, div. 2, § 13, 4-15-1993)

Sec. 28-134. - Administrative fines; liens.

- (a) *Authority.* The code enforcement board, upon notification by the code inspector that a previous order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in the amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If a finding of a repeat violation has been made as provided in this chapter, a hearing shall not be necessary for the issuance of an order imposing the fine.
- (b) *Maximum fine; consistency; reduction of fines.*
- (1) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation.
  - (2) In formulating its order, the board should be consistent in the imposition of fines, paying special attention to the gravity of the violation, any actions by a violator to correct the violation and any previous violations committed by the violator.
  - (3) The enforcement board may reduce a fine imposed pursuant to this section. If, however, the subject violator fails to pay the reduced fine within a period of 60 days from the day the order is rendered reducing the fine, then the original fine shall be reinstated. If the violator makes arrangements through the enforcement board, city clerk or city attorney's office to pay the reduced fine in monthly payments and fails to timely make any one of the monthly payments, then the original fine, less payments made, shall be automatically reinstated.
- (c) *Lien.* A certified copy of an order imposing a fine may be recorded in the public records of the county and thereafter shall constitute a lien against the land in which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of the state, including against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose and a lien filed pursuant to this section, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the enforcement board may authorize the city attorney's office to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is homestead under section 4, article X of the state constitution.



(Ord. No. 93-1, art. II, div. 2, § 14, 4-15-1993)

Sec. 28-135. - Duration of the lien.

No lien provided under this chapter shall continue for a period of longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the city shall be entitled to recover all costs, including a reasonable attorney fee that it incurs in the foreclosure.

(Ord. No. 93-1, art. II, div. 2, § 15, 4-15-1993)

Sec. 28-136. - Appeal.

If there is no appeal by the alleged violator of the order of the code enforcement board, the city may, within 30 days of the date of the board's decision, appeal the same to the circuit court. A party aggrieved, by the order of the code enforcement board, may appeal said order to the city commission. An aggrieved party other than the city may appeal the final administrative order of the city commission within 30 days after the city commission's decision of the appeal to it to the circuit court. The appeal to the city commission shall be, but an appeal to the circuit court shall not be, a hearing de novo (not limited to appellate review of the record created before the enforcement board). An appeal shall be filed within 30 days of the execution of the order to be appealed unless approval by the city is required in which case the appeal, if any, shall be filed within 30 days of the decision rendered by the city. A copy of the notice of appeal shall be filed with the secretary for the enforcement board and to the clerk of the county or circuit court as appropriate for the Second Judicial Circuit of the State of Florida, in and for the county.

(Ord. No. 93-1, art. II, div. 2, § 16, 4-15-1993)

Sec. 28-137. - Rehearing provision.

A party who is dissatisfied with the result of the public hearing before the code enforcement board may move for a new hearing on the matter. A motion for rehearing must be served within ten days after filing the code enforcement order. The time cannot be extended. A motion that is served within the ten-day period may be amended to allege new grounds with leave of the code enforcement board. The time for service of the motion is ten days after the filing of the code enforcement order. On its own initiative, the enforcement board may order a new public hearing or rehearing within ten days after the entry of the code enforcement order or within the time for ruling on a timely motion for a new hearing or rehearing made by a party. A timely motion by a party extends the time for the code enforcement board to act on its own initiative. After timely service of a motion, the time to file a notice of appeal runs from the date of rendition of the order on the motion, not from any code enforcement order that has been entered. If a notice of appeal is filed by the moving party before the motion for the new public hearing or for rehearing is heard, the motion is waived. The ground of a motion for rehearing or new public hearing shall fall into one or more of the following categories:

- (1) Errors on the face of the record.

- (2) Errors committed during the public hearing.
- (3) Misconduct of the code enforcement board.
- (4) Misconduct of a party.
- (5) Misconduct of a third person.
- (6) Misconduct of a witness.
- (7) Newly discovered evidence.
- (8) The verdict is contrary to the evidence.
- (9) The verdict is contrary to law.

(Ord. No. 93-1, art. II, div. 2, § 17, 4-15-1993)

Sec. 28-138. - Notices.

- (a) All notices required by this chapter shall be provided to the alleged violator by certified mail, return receipt requested; by hand-delivery of the police department or other law enforcement officer, a code inspector or other person designated by the city council; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age informing such person of the contents of the notice.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the enforcement board, notice may also be served by publication or posting as follows:
  - (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the city. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.
  - (2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051. Notice by publication or posting may run concurrently with or may follow an attempt to provide notice by hand-delivery or by mail as required under subsection (a) of this section.
- (c) Evidence that an attempt has been made to hand-deliver or mail notices as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this chapter have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 93-1, art. II, div. 2, § 18, 4-15-1993)

Sec. 28-139. - Supplemental enforcement.

Nothing contained in this chapter shall prohibit the city from enforcing its codes by any other means.

(Ord. No. 93-1, art. II, div. 2, § 19, 4-15-1993)

Sec. 28-140. - Conflict of interest.

Conflict of interest provisions shall apply to members of the code enforcement board pursuant to F.S. §§ 112.3143 and 286.012.

( J. No. 93-1, art. II, div. 2, § 20, 4-15-1993)

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Code Enforcement form  
Complaint



## CODE ENFORCEMENT COMPLAINT FORM

### **YOUR CONTACT INFORMATION (REQUIRED):**

Effective 7/1/2021 – Florida Statute Chapter 162 prohibits code inspectors from investigating potential violations of city code and ordinances by way of anonymous complaints. Anyone who reports potential violations must provide specific identifying information before an investigation occurs. All complaints received by the Office of Code Enforcement are subject to public records law.

\_\_\_\_\_  
Name

Date: \_\_\_\_\_

\_\_\_\_\_  
Email

\_\_\_\_\_  
Phone Number

Address: \_\_\_\_\_

\_\_\_\_\_  
Violation Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Location of Violation (give street address if possible or list intersections or cross-streets)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To provide additional details or inquire regarding complaints, please contact P.J. Erwin, Code Enforcement Officer at (850)653-8222 or [perwin@cityofapalachicola.com](mailto:perwin@cityofapalachicola.com).

Local Business Taxes  
F.2. Chapter 27



Select Year:

## The 2023 Florida Statutes (including Special Session C)

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TAXATION AND FINANCE

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CHAPTER 205  
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- 205.1973 Telemarketing businesses; consumer protection.
- 205.1975 Household moving services; consumer protection.

**205.013 Short title.**—This chapter shall be known and may be cited as the “Local Business Tax Act.”  
History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 1, ch. 2006-152.



**205.022 Definitions.**—When used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Business,” “profession,” and “occupation” do not include the customary religious, charitable, or educational activities of nonprofit religious, nonprofit charitable, and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

(a) “Charitable institutions” means only nonprofit corporations operating physical facilities in this state at which are provided charitable services, a reasonable percentage of which are without cost to those unable to pay.

(b) “Educational institutions” means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and eligible for exemption.

(c) “Religious institutions” means churches and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

(2) “Classification” means the method by which a business or group of businesses is identified by size or type, or both.

(3) “Enterprise zone” means an area designated as an enterprise zone pursuant to s. 290.0065. This subsection expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(4) “Independent contractor” has the same meaning as provided in s. 440.02(18)(d)1.a. and b.

(5) “Local business tax” means the fees charged and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection. Unless otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under the provisions of this chapter.

(6) “Local governing authority” means the governing body of any county or incorporated municipality of this state.

(7) “Person” means any individual, firm, partnership, joint adventure, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary, and includes the plural as well as the singular.

(8) “Receipt” means the document that is issued by the local governing authority which bears the words “Local Business Tax Receipt” and evidences that the person in whose name the document is issued has complied with the provisions of this chapter relating to the business tax.

(9) “Taxpayer” means any person liable for taxes imposed under the provisions of this chapter; any agent required to file and pay any taxes imposed hereunder; and the heirs, successors, assignees, and transferees of any such person or agent.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 5, ch. 82-75; s. 31, ch. 84-356; s. 50, ch. 91-45; s. 69, ch. 94-136; s. 18, ch. 2005-287; s. 2, ch. 2006-152; s. 1, ch. 2011-78; s. 52, ch. 2023-8.

**205.023 Requirement to report status of fictitious name registration.**—As a prerequisite to receiving a local business tax receipt under this chapter or transferring a business license under s. 205.033(2) or s. 205.043(2), the applicant or new owner must present to the county or municipality that has jurisdiction to issue or transfer the receipt either:

(1) A copy of the applicant’s or new owner’s current fictitious name registration, issued by the Division of Corporations of the Department of State; or

(2) A written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act.

History.—s. 1, ch. 94-87; s. 3, ch. 2006-152.

**205.0315 Ordinance adoption after October 1, 1995.**—Beginning October 1, 1995, a county or municipality that has not adopted a business tax ordinance or resolution may adopt a business tax ordinance. The business tax rate structure and classifications in the adopted ordinance must be reasonable and based upon the rate structure and classifications prescribed in ordinances adopted by adjacent local governments that have implemented s. 205.0535. If no adjacent local government has implemented s. 205.0535, or if the governing body of the county or municipality finds that



the rate structures or classifications of adjacent local governments are unreasonable, the rate structure or classifications prescribed in its ordinance may be based upon those prescribed in ordinances adopted by local governments that have implemented s. 205.0535 in counties or municipalities that have a comparable population.

History.—s. 1, ch. 93-180; s. 4, ch. 2006-152.

**205.032 Levy; counties.**—The governing body of a county may levy, by appropriate resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. However, the governing body must first give at least 14 days' public notice between the first and last reading of the resolution or ordinance by publishing a notice in a newspaper of general circulation within its jurisdiction as defined by law. The public notice must contain the proposed classifications and rates applicable to the business tax.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 2, ch. 93-180; s. 5, ch. 2006-152.

**205.033 Conditions for levy; counties.**—

- (1) The following conditions are imposed on the authority of a county governing body to levy a business tax:
  - (a) The tax must be based upon reasonable classifications and must be uniform throughout any class.
  - (b) Unless the county implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate provided by this chapter in effect for the year beginning October 1, 1971; however, beginning October 1, 1980, the county governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, the increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to licenses or receipts granted to any utility franchised by the county for which a franchise fee is paid.
  - (c) A receipt is not valid for more than 1 year, and all receipts expire on September 30 of each year, except as otherwise provided by law.
- (2) Any receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual business tax, but not less than \$3 nor more than \$25, and presentation of the original receipt and evidence of the sale.
- (3) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another location in the same county upon payment of a transfer fee of up to 10 percent of the annual business tax, but not less than \$3 nor more than \$25.
- (4) The revenues derived from the business tax, exclusive of the costs of collection and any credit given for municipal business taxes, shall be apportioned between the unincorporated area of the county and the incorporated municipalities located therein by a ratio derived by dividing their respective populations by the population of the county. This subsection does not apply to counties that have established a new rate structure under s. 205.0535.
- (5) The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days following the month of receipt. This subsection does not apply to counties that have established a new rate structure under s. 205.0535.
- (6)(a) Each county, as defined in s. 125.011(1), or any county adjacent thereto may levy and collect, by an ordinance enacted by the governing body of the county, an additional business tax up to 50 percent of the appropriate business tax imposed under subsection (1).
  - (b) Subsections (4) and (5) do not apply to any revenues derived from the additional tax imposed under this subsection. Proceeds from the additional business tax must be placed in a separate interest-earning account, and the governing body of the county shall distribute this revenue, plus accrued interest, each fiscal year to an organization or agency designated by the governing body of the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.
  - (c) An ordinance that levies an additional business tax under this subsection may not be adopted after January 1, 1995.
- (7) Notwithstanding any other provisions of this chapter, the revenue received from a county business tax may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.



History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 1, ch. 77-55; s. 54, ch. 80-274; s. 1, ch. 82-72; s. 1, ch. 85-209; s. 1, ch. 86-298; s. 3, ch. 93-180; s. 12, ch. 97-95; s. 6, ch. 2006-152.

**205.042 Levy; municipalities.**—The governing body of an incorporated municipality may levy, by appropriate resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. However, the governing body must first give at least 14 days' public notice between the first and last reading of the resolution or ordinance by publishing the notice in a newspaper of general circulation within its jurisdiction as defined by law. The notice must contain the proposed classifications and rates applicable to the business tax. The business tax may be levied on:

- (1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.
- (3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 4, ch. 93-180; s. 7, ch. 2006-152.

**205.043 Conditions for levy; municipalities.**—

- (1) The following conditions are imposed on the authority of a municipal governing body to levy a business tax:
  - (a) The tax must be based upon reasonable classifications and must be uniform throughout any class.
  - (b) Unless the municipality implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate in effect in the municipality for the year beginning October 1, 1971; however, beginning October 1, 1980, the municipal governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, an increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to receipts or licenses granted to any utility franchised by the municipality for which a franchise fee is paid.
  - (c) A receipt is not valid for more than 1 year and all receipts expire on September 30 of each year, except as otherwise provided by law.
- (2) Any business receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$25, and presentation of the original receipt and evidence of the sale.
- (3) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another location in the same municipality upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$25.
- (4) If the governing body of the county in which the municipality is located has levied a business tax or subsequently levies such a tax, the collector of the county tax may issue the receipt and collect the tax thereon.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 1, ch. 77-55; s. 55, ch. 80-274; s. 2, ch. 82-72; s. 5, ch. 93-180; s. 8, ch. 2006-152.

**205.044 Municipal business tax measured by gross receipts may continue.**—Notwithstanding the creation of s. 205.055 and the repeal of s. 205.171 by chapters 2018-80 and 2018-118, Laws of Florida, a municipality that imposes a business tax on merchants which is measured by gross receipts from the sale of merchandise or services, or both, may continue to impose such tax and may, by ordinance, revise the definition of the term “merchant.” However, the municipality may not revise the rate of the tax measured by gross sales.

History.—s. 3, ch. 2018-80; s. 26, ch. 2018-118.

**205.045 Transfer of administrative duties.**—The governing body of a municipality that levies a business tax may request that the county in which the municipality is located issue the municipal receipt and collect the tax thereon. The governing body of a county that levies a business tax may request that municipalities within the county issue the county receipt and collect the tax thereon. Before any local government may issue receipts on behalf of another local government, appropriate agreements must be entered into by the affected local governments.



**205.053 Business tax receipts; dates due and delinquent; penalties.—**

(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 40, ch. 83-204; s. 7, ch. 93-180; s. 10, ch. 2006-152; s. 1, ch. 2007-97.

<sup>1</sup>**205.0532 Revocation or refusal to renew; doing business with Cuba.—**Any local governing authority issuing a business tax receipt to any individual, business, or entity under this chapter may revoke or refuse to renew such receipt if the individual, business, or entity, or parent company of such individual, business, or entity, is doing business with Cuba.

History.—s. 4, ch. 93-218; s. 11, ch. 2006-152.

<sup>1</sup>Note.—Section 6, ch. 93-218, provides that “[t]he Governor may waive the requirements of this act in the event that there is a collapse of the existing regime in Cuba and there is a need for immediate aid to Cuba prior to the convening of the Legislature or for humanitarian reasons as a result of a national disaster on the Island of Cuba.”

**205.0535 Reclassification and rate structure revisions.—**

(1) By October 1, 2008, any municipality that has adopted by ordinance a local business tax after October 1, 1995, may by ordinance reclassify businesses, professions, and occupations and may establish new rate structures, if the conditions specified in subsections (2) and (3) are met. A person who is engaged in the business of providing local exchange telephone service or a pay telephone service in a municipality or in the unincorporated area of a county and who pays the business tax under the category designated for telephone companies or a pay telephone service provider certified pursuant to s. 364.3375 is deemed to have but one place of business or business location in each municipality or unincorporated area of a county. Pay telephone service providers may not be assessed a business tax on a per-instrument basis.

(2) Before adopting a reclassification and revision ordinance, the municipality or county must establish an equity study commission and appoint its members. Each member of the study commission must be a representative of the business community within the local government's jurisdiction. Each equity study commission shall recommend to the appropriate local government a classification system and rate structure for business taxes.

(3)(a) After the reclassification and rate structure revisions have been transmitted to and considered by the appropriate local governing body, it may adopt by majority vote a new business tax ordinance. Except that a minimum tax of up to \$25 is permitted, the reclassification may not increase the tax by more than the following: for receipts costing \$150 or less, 200 percent; for receipts costing more than \$150 but not more than \$500, 100 percent; for receipts costing more than \$500 but not more than \$2,500, 75 percent; for receipts costing more than \$2,500 but not more than \$10,000, 50 percent; and for receipts costing more than \$10,000, 10 percent; however, in no case may the tax on any receipt be increased more than \$5,000.

(b) The total annual revenue generated by the new rate structure for the fiscal year following the fiscal year during which the rate structure is adopted may not exceed:

1. For municipalities, the sum of the revenue base and 10 percent of that revenue base. The revenue base is the sum of the business tax revenue generated by receipts issued for the most recently completed local fiscal year or the amount of revenue that would have been generated from the authorized increases under s. 205.043(1)(b), whichever is greater, plus any revenue received from the county under s. 205.033(4).



2. For counties, the sum of the revenue base, 10 percent of that revenue base, and the amount of revenue distributed by the county to the municipalities under s. 205.033(4) during the most recently completed local fiscal year. The revenue base is the business tax revenue generated by receipts issued for the most recently completed local fiscal year or the amount of revenue that would have been generated from the authorized increases under s. 205.033(1)(b), whichever is greater, but may not include any revenues distributed to municipalities under s. 205.033(4).

(c) In addition to the revenue increases authorized by paragraph (b), revenue increases attributed to the increases in the number of receipts issued are authorized.

(4) After the conditions specified in subsections (2) and (3) are met, municipalities and counties may, every other year thereafter, increase or decrease by ordinance the rates of business taxes by up to 5 percent. However, an increase must be enacted by at least a majority plus one vote of the governing body.

(5) This chapter does not prohibit a municipality or county from decreasing or repealing any business tax authorized under this chapter. By majority vote, the governing body of a county or municipality may adopt an ordinance repealing a local business tax or establishing new rates that decrease local business taxes and do not result in an increase in local business taxes for a taxpayer. Such ordinances are not subject to subsections (2) and (3).

(6) A receipt may not be issued unless the federal employer identification number or social security number is obtained from the person to be taxed.

History.—s. 8, ch. 93-180; s. 60, ch. 98-419; s. 12, ch. 2006-152; s. 2, ch. 2007-97; s. 7, ch. 2014-38.

**205.0536 Distribution of county revenues.**—A county that establishes a new rate structure under s. 205.0535 shall retain all business tax revenues collected from businesses, professions, or occupations whose places of business are located within the unincorporated portions of the county. Any business tax revenues collected by a county that establishes a new rate structure under s. 205.0535 from businesses, professions, or occupations whose places of business are located within a municipality, exclusive of the costs of collection, must be apportioned between the unincorporated area of the county and the incorporated municipalities located therein by a ratio derived by dividing their respective populations by the population of the county. As used in this section, the term “population” means the latest official state estimate of population certified under s. 186.901. The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days after the month of receipt.

History.—s. 9, ch. 93-180; s. 13, ch. 2006-152.

**205.0537 Vending and amusement machines.**—The business premises where a coin-operated or token-operated vending machine that dispenses products, merchandise, or services or where an amusement or game machine is operated must assure that any required municipal or county business tax receipt for the machine is secured. The term “vending machine” does not include coin-operated telephone sets owned by persons who are in the business of providing local exchange telephone service and who pay the business tax under the category designated for telephone companies in the municipality or county or a pay telephone service provider certified pursuant to s. 364.3375. The business tax for vending and amusement machines must be assessed based on the highest number of machines located on the business premises on any single day during the previous receipted year or, in the case of new businesses, be based on an estimate for the current year. Replacement of one vending machine with another machine during a receipted year does not affect the tax assessment for that year, unless the replacement machine belongs to a business tax classification that requires a higher tax rate. For the first year in which a municipality or county assesses a business tax on vending machines, each business owning machines located in the municipality or county must notify the municipality or county, upon request, of the location of such machines. Each business owning machines must provide notice of the provisions of this section to each affected business premises where the machines are located. The business premises must secure the receipt if it is not otherwise secured.

History.—s. 10, ch. 93-180; s. 14, ch. 2006-152.

**205.054 Business tax; partial exemption for engaging in business or occupation in enterprise zone.**—

(1) Notwithstanding the provisions of s. 205.033(1)(a) or s. 205.043(1)(a), the governing body of a county or municipality may authorize by appropriate resolution or ordinance, adopted pursuant to the procedure established in s. 205.032 or s. 205.042, the exemption of 50 percent of the business tax levied for the privilege of engaging in or managing



any business, profession, or occupation in the respective jurisdiction of the county or municipality when such privilege is exercised at a permanent business location or branch office located in an enterprise zone.

(2) Such exemption applies to each classification for which a business tax receipt is required in the jurisdiction. Classifications shall be the same in an enterprise zone as elsewhere in the jurisdiction. Each county or municipal business tax receipt issued with the exemption authorized in this section shall be in the same general form as the other county or municipal business tax receipts and shall expire at the same time as those other receipts expire as fixed by law. Any receipt issued with the exemption authorized in this section is nontransferable. The exemption authorized in this section does not apply to any penalty authorized in s. 205.053.

(3) Each tax collecting authority of a county or municipality which provides the exemption authorized in this section shall issue to each person who may be entitled to the exemption a receipt pursuant to the provisions contained in this section. Before a receipt with such exemption is issued to an applicant, the tax collecting authority must, in each case, be provided proof that the applicant is entitled to such exemption. Such proof shall be made by means of a statement filed under oath with the tax collecting authority, which statement indicates that the permanent business location or branch office of the applicant is located in an enterprise zone of a jurisdiction which has authorized the exemption permitted in this section.

(4) Any receipt obtained with the exemption authorized in this subsection by the commission of fraud upon the issuing authority is void. Any person who has fraudulently obtained such exemption and thereafter engages, under color of the receipt, in any business, profession, or occupation requiring the business tax receipt is subject to prosecution for engaging in a business, profession, or occupation without having the required receipt under the laws of the state.

(5) If an area nominated as an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, the governing body of a county or municipality may enact the appropriate ordinance or resolution authorizing the exemption permitted in this section; however, such ordinance or resolution will not be effective until such area is designated pursuant to s. 290.0065.

(6) This section expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act; and a receipt may not be issued with the exemption authorized in this section for any period beginning on or after that date.

History.—s. 32, ch. 84-356; s. 46, ch. 87-224; s. 70, ch. 94-136; s. 19, ch. 2005-287; s. 15, ch. 2006-152.

#### **205.055 Exemptions; veterans, spouses of veterans and certain servicemembers, and low-income persons.—**

(1) The following persons are entitled to an exemption from a business tax and any fees imposed under this chapter:

(a) A veteran of the United States Armed Forces who was honorably discharged upon separation from service, or the spouse or unremarried surviving spouse of such a veteran.

(b) The spouse of an active duty military servicemember who has relocated to the county or municipality pursuant to a permanent change of station order.

(c) A person who is receiving public assistance as defined in s. 409.2554.

(d) A person whose household income is below 130 percent of the federal poverty level based on the current year's federal poverty guidelines.

(2) A person must complete and sign, under penalty of perjury, a Request for Fee Exemption to be furnished by the local governing authority and provide written documentation in support of his or her request for an exemption under subsection (1).

(3) If a person who is exempt under subsection (1) owns a majority interest in a business with fewer than 100 employees, the business is exempt. Such person must complete and sign, under penalty of perjury, a Request for Fee Exemption to be furnished by the local governing authority and provide written documentation in support of his or her request for an exemption for the business under this subsection.

History.—s. 1, ch. 2018-80; s. 24, ch. 2018-118.

**205.063 Exemptions; motor vehicles.—**Vehicles used by any person receipted under this chapter for the sale and delivery of tangible personal property at wholesale or retail from his or her place of business on which a business tax is paid may not be construed to be separate places of business, and a business tax may not be levied on such vehicles or the operators thereof as salespersons or otherwise by a county or incorporated municipality, any other law to the contrary notwithstanding.

History.—s. 3, ch. 72-306; s. 1, ch. 73-144; s. 1056, ch. 95-147; s. 16, ch. 2006-152.



**205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.—**

(1) A local business tax receipt is not required of any person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such person in the state.

(2) A wholesale farmers' produce market may pay a tax of not more than \$200 for a receipt that will entitle the market's stall tenants to engage in the selling of agricultural and horticultural products therein, in lieu of such tenants being required to obtain individual local business tax receipts to so engage.

History.—s. 1, ch. 74-271; s. 2, ch. 87-367; s. 17, ch. 2006-152; ss. 3, 9, ch. 2011-7; HJR 7103, 2011 Regular Session.

**205.065 Exemption; nonresident persons regulated by the Department of Business and Professional Regulation.**  
—If any person engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation has paid a business tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained, no other local governing authority may levy a business tax, or any registration or regulatory fee equivalent to the business tax, on the person for performing work or services on a temporary or transitory basis in another municipality or county. Work or services performed in a place other than the county or municipality where the permanent business location or branch office is maintained may not be construed as creating a separate business location or branch office of that person for the purposes of this chapter. Any properly licensed contractor asserting an exemption under this section who is unlawfully required by the local governing authority to pay a business tax, or any registration or regulatory fee equivalent to a business tax, has standing to challenge the propriety of the local government's actions, and the prevailing party in such a challenge is entitled to recover a reasonable attorney's fee.

History.—s. 32, ch. 92-203; s. 11, ch. 94-218; s. 1484, ch. 95-147; s. 6, ch. 99-254; s. 18, ch. 2006-152.

**205.066 Exemptions; employees.—**

(1) An individual who engages in or manages a business, profession, or occupation as an employee of another person is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual acting in the capacity of an independent contractor is not an employee.

(2) An employee may not be held liable by any local governing authority for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by any local governing authority to apply for an exemption from a local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.

(3) A principal or employer who is required to obtain a local business tax receipt may not be required by a local governing authority to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.

(4) The exemption provided in this section does not apply to a business tax imposed on individual employees by a municipality or county pursuant to a resolution or ordinance adopted before October 13, 2010. Municipalities or counties that, before October 13, 2010, had a classification system that was in compliance with the requirements of this chapter and that actually resulted in individual employees paying a business tax may continue to impose such a tax in that manner.

History.—s. 2, ch. 2011-78; s. 2, ch. 2012-102.

**205.067 Exemptions; broker associates and sales associates.—**

(1) An individual licensed and operating as a broker associate or sales associate under chapter 475 is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt.

(2) An individual exempt under this section may not be held liable by any local governing authority for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by any local governing authority to apply for an exemption from a local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.



(3) A principal or employer who is required to obtain a local business tax receipt may not be required by a local governing authority to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.

History.—s. 1, ch. 2012-102.

**205.162 Exemption allowed certain disabled persons, the aged, and widows with minor dependents.—**

(1) All disabled persons physically incapable of manual labor, widows with minor dependents, and persons 65 years of age or older, with not more than one employee or helper, and who use their own capital only, not in excess of \$1,000, may engage in any business or occupation in counties in which they live without being required to pay a business tax. The exemption provided by this section shall be allowed only upon the certificate of the county physician, or other reputable physician, that the applicant claiming the exemption is disabled, the nature and extent of the disability being specified therein, and in case the exemption is claimed by a widow with minor dependents, or a person over 65 years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a receipt which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.

(2) Neither this nor any other law exempts any person from the payment of any amount required by law for the issuance of a license to sell intoxicating liquors or malt and vinous beverages.

History.—s. 1, ch. 67-433; s. 1, ch. 85-159; s. 19, ch. 2006-152.

**205.191 Religious tenets; exemption.—**This chapter does not require a business tax receipt for practicing the religious tenets of any church.

History.—s. 1, ch. 67-433; s. 21, ch. 2006-152.

**205.192 Charitable, etc., organizations; occasional sales, fundraising; exemption.—**A business tax receipt is not required of any charitable, religious, fraternal, youth, civic, service, or other similar organization that makes occasional sales or engages in fundraising projects that are performed exclusively by the members, and the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.

History.—s. 1, ch. 70-400; s. 22, ch. 2006-152.

**205.193 Mobile home setup operations; local business tax receipt prohibited; exception.—**A county, municipality, or other unit of local government may not require a licensed mobile home dealer or a licensed mobile home manufacturer, or an employee of a dealer or manufacturer, who performs setup operations as defined in s. 320.822 to be a business tax receipt holder to engage in such operations. However, such dealer or manufacturer must obtain a local receipt for his or her permanent business location or branch office, which receipt shall not require for its issuance any conditions other than those required by chapter 320.

History.—s. 1, ch. 79-120; s. 1058, ch. 95-147; s. 23, ch. 2006-152.

**205.194 Prohibition of local business tax receipt without exhibition of state license or registration.—**

(1) Any person applying for or renewing a local business tax receipt to practice any profession or engage in or manage any business or occupation regulated by the Department of Business and Professional Regulation, the Florida Supreme Court, or any other state regulatory agency, including any board or commission thereof, must exhibit an active state certificate, registration, or license, or proof of copy of the same, before such local receipt may be issued. Online renewals may provide for electronic certification by an applicant to meet this requirement.

(2) This section shall not apply to s. 489.113, s. 489.117, s. 489.119, s. 489.131, s. 489.511, s. 489.513, s. 489.521, or s. 489.537.

History.—s. 34, ch. 85-175; s. 1, ch. 85-278; s. 12, ch. 94-218; s. 24, ch. 2006-152; s. 3, ch. 2011-78.

**205.196 Pharmacies and pharmacists.—**A state, county, or municipal licensing agency may not issue a business tax receipt to operate a pharmacy unless the applicant produces a current permit issued by the Board of Pharmacy; however, no such receipt is required to practice the profession of pharmacy.

History.—s. 2, ch. 79-226; s. 25, ch. 2006-152.



**205.1965 Assisted living facilities.**—A county or municipality may not issue a business tax receipt for the operation of an assisted living facility pursuant to chapter 429 without first ascertaining that the applicant has been licensed by the Agency for Health Care Administration to operate such facility at the specified location or locations. The Agency for Health Care Administration shall furnish to local agencies responsible for issuing business tax receipts sufficient instructions for making the required determinations.

History.—s. 16, ch. 87-371; s. 3, ch. 95-210; s. 20, ch. 99-8; s. 26, ch. 2006-152; s. 9, ch. 2006-197.

**205.1967 Prerequisite for issuance of pest control business tax receipt.**—A municipality or county may not issue a business tax receipt to any pest control business regulated under chapter 482 unless a current license has been procured from the Department of Agriculture and Consumer Services for each of its business locations in that municipality or county. Upon presentation of the requisite licenses from the department and the required fee, a business tax receipt shall be issued by the municipality or county in which application is made.

History.—s. 1, ch. 59-454; s. 1, ch. 65-295; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 375, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 82-229; ss. 31, 59, ch. 92-203; s. 27, ch. 2006-152.

Note.—Former s. 482.081.

**205.1969 Health studios; consumer protection.**—A county or municipality may not issue or renew a business tax receipt for the operation of a health studio pursuant to ss. 501.012-501.019, unless such business exhibits a current license, registration, or letter of exemption from the Department of Agriculture and Consumer Services.

History.—s. 4, ch. 93-116; s. 28, ch. 2006-152; s. 20, ch. 2014-147.

**205.1971 Sellers of travel; consumer protection.**—A county or municipality may not issue or renew a business tax receipt to engage in business as a seller of travel pursuant to part XI of chapter 559 unless such business exhibits a current registration or letter of exemption from the Department of Agriculture and Consumer Services.

History.—s. 3, ch. 93-107; s. 7, ch. 95-314; s. 29, ch. 2006-152.

**205.1973 Telemarketing businesses; consumer protection.**—A county or municipality may not issue or renew a business tax receipt for the operation of a telemarketing business under ss. 501.604 and 501.608, unless such business exhibits a current license or registration from the Department of Agriculture and Consumer Services or a current affidavit of exemption.

History.—s. 3, ch. 93-235; s. 30, ch. 2006-152.

**205.1975 Household moving services; consumer protection.**—A county or municipality may not issue or renew a business tax receipt for the operation of a mover or moving broker under chapter 507 unless the mover or broker exhibits a current registration from the Department of Agriculture and Consumer Services.

History.—s. 16, ch. 2006-4; s. 17, ch. 2007-5.



Select Year:

## The 2023 Florida Statutes (including Special Session C)

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[Title XLVI](#)

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CRIMES

VIOLATIONS OF CERTAIN COMMERCIAL RESTRICTIONS

### 865.09 Fictitious name registration.—

- (1) SHORT TITLE.—This section may be cited as the “Fictitious Name Act.”
- (2) DEFINITIONS.—As used in this section, the term:
  - (a) “Business” means any enterprise or venture in which a person sells, buys, exchanges, barter, deals, or represents the dealing in any thing or article of value, or renders services for compensation.
  - (b) “Division” means the Division of Corporations of the Department of State.
  - (c) “Fictitious name” means any name under which a person transacts business in this state, other than the person’s legal name.
  - (d) “Registrant” means a person who registers a fictitious name with the division.
- (3) REGISTRATION.—
  - (a) A person may not engage in business under a fictitious name unless the person first registers the name with the division by filing a registration listing:
    1. The name to be registered.
    2. The mailing address of the business.
    3. The name and address of each registrant.
    4. If the registrant is a business entity that was required to file incorporation or similar documents with its state of organization when it was organized, such entity must be registered with the division and in active status with the division; provide its Florida document registration number; and provide its federal employer identification number if the entity has such a number.
    5. Certification by at least one registrant that the intention to register such fictitious name has been advertised at least once in a newspaper as defined in chapter 50 in the county in which the principal place of business of the registrant is or will be located.
    6. Any other information the division may reasonably deem necessary to adequately inform other governmental agencies and the public as to the registrant so conducting business.
  - (b) Such registration shall be accompanied by the applicable processing fees and any other taxes or penalties owed to the state.
  - (c) With respect to a general partnership that is not registered with the division, its partners are the registrants and not the partnership entity. With respect to a general partnership that is registered with the division, the partnership is the registrant, and it must be in active status with the division at the time the registration is filed.
- (4) CANCELLATION AND REREGISTRATION.—If a registrant ceases to engage in business under a registered fictitious name, such registrant shall file a cancellation with the division within 30 days after the cessation occurs. If such cessation is in connection with a transfer of the business or, with respect to a general partnership that is not registered with the division, in connection with a transfer by a general partner of all or any part of the general partner’s partnership interest and, as a result, a new person will engage in business under the registered fictitious name, such new person may reregister the name pursuant to subsection (3) at the same time as the cancellation is filed.
- (5) TERM.—
  - (a) A fictitious name registered under this section shall be valid for a period beginning on the date of registration or reregistration and expiring on December 31 of the 5th calendar year thereafter, counting the period from registration or reregistration through December 31 of the year of registration or reregistration as the first calendar year.



(b) Each renewal under subsection (6) is valid for a period of 5 years beginning on January 1 of the year following the prior registration expiration date and expiring on December 31 of the 5th calendar year.

(6) RENEWAL.—

(a) Renewal of a fictitious name registration shall occur on or after January 1 and on or before December 31 of the expiration year. Upon timely filing of a renewal statement, the effectiveness of the name registration is continued for 5 years as provided in subsection (5).

(b) In the year that a registration is to expire, the division shall notify the registrant of the fictitious name registration of the upcoming expiration of the fictitious name no later than September 1. If the registrant of the fictitious name has provided the division with an electronic mail address, such notice shall be by electronic transmission. If the business is a general partnership that is not registered with the division and, thus, there is more than one registrant for the fictitious name, the division need only notify one of the registrants.

(c) If a registrant of the fictitious name registration fails to timely file a renewal and pay the appropriate processing fees on or before December 31 of the year of expiration, the fictitious name registration expires. The division shall remove any expired or canceled fictitious name registration from its records and may purge such registrations. Failure to receive the notice of expiration required by paragraph (b) shall not constitute grounds for appeal of a registration's expiration or removal from the division's records.

(d) If a registered fictitious name is prohibited by subsection (14) at the time of renewal, the fictitious name may not be renewed.

(7) EXEMPTIONS.—A business formed by an attorney actively licensed to practice law in this state, by a person actively licensed by the Department of Business and Professional Regulation or the Department of Health for the purpose of practicing his or her licensed profession, or by any corporation, limited liability company, partnership, or other business entity that is organized or registered and in active status with the division is not required to register its name pursuant to this section, unless the name under which business is to be conducted differs from the name as licensed or registered.

(8) EFFECT OF REGISTRATION.—Notwithstanding any other law, registration under this section is for public notice only, and does not give rise to a presumption of the registrant's rights to own or use the name registered, nor does it affect trademark, service mark, trade name, or corporate or other business entity name rights previously acquired by others in the same or a similar name. Registration under this section does not reserve a fictitious name against future use.

(9) PENALTIES.—

(a) If a business fails to comply with this section, neither the business nor the person or persons engaging in the business may maintain any action, suit, or proceeding in any court of this state with respect to or on behalf of such business until this section is complied with. An action, suit, or proceeding may not be maintained in any court of this state by any successor or assignee of such business on any right, claim, or demand arising out of the transaction of business by such business in this state until this section has been complied with.

(b) The failure of a business to comply with this section does not impair the validity of any contract, deed, mortgage, security interest, lien, or act of such business and does not prevent such business from defending any action, suit, or proceeding in any court of this state. However, a party aggrieved by a noncomplying business may be awarded reasonable attorney fees and court costs necessitated by the noncomplying business.

(c) Any person who fails to comply with this section commits a noncriminal violation as defined in s. 775.08, punishable as provided in s. 775.083.

(10) POWERS OF DIVISION.—The division is granted the power reasonably necessary to enable it to administer this section efficiently and to perform the duties herein imposed upon it.

(11) FORMS.—Registration, cancellation, and renewal shall be made on forms prescribed by the division, which may include the uniform business report, pursuant to s. 606.06, as a means of satisfying the requirement of this section.

(12) PROCESSING FEES.—The division shall charge and collect nonrefundable processing fees as follows:

(a) For registration of a fictitious name, \$50.

(b) For cancellation or cancellation and reregistration of a fictitious name, \$50.

(c) For renewal of a fictitious name registration, \$50.

(d) For furnishing a certified copy of a fictitious name registration document, \$30.

(e) For furnishing a certificate of status, \$10.

(13) DEPOSIT OF FUNDS.—All funds required to be paid to the division pursuant to this section shall be collected and deposited into the General Revenue Fund.



(14) PROHIBITION.—A fictitious name registered as provided in this section may not contain the following words, abbreviations, or designations:

(a) “Corporation,” “incorporated,” “Corp.,” or “Inc.,” unless the person or business for which the name is registered is incorporated or has obtained a certificate of authority to transact business in this state pursuant to chapter 607 or chapter 617.

(b) “Limited partnership,” “limited liability limited partnership,” “LP,” “L.P.,” “LLLP,” or “L.L.L.P.,” unless the person or business for which the name is registered is organized as a limited partnership or has obtained a certificate of authority to transact business in this state pursuant to ss. 620.1101-620.2205.

(c) “Limited liability partnership,” “LLP,” or “L.L.P.,” unless the person or business for which the name is registered is registered as a limited liability partnership or has obtained a certificate of authority to transact business in this state pursuant to s. 620.9102.

(d) “Limited liability company,” “LLC,” or “L.L.C.,” unless the person or business for which the name is registered is organized as a limited liability company or has obtained a certificate of authority to transact business in this state pursuant to chapter 605.

(e) “Professional association,” “PA,” “P.A.,” or “chartered,” unless the person or business for which the name is registered is organized as a professional corporation pursuant to chapter 621, or is organized as a professional corporation pursuant to a similar law of another jurisdiction and has obtained a certificate of authority to transact business in this state pursuant to chapter 607.

(f) “Professional limited liability company,” “PLLC,” “P.L.L.C.,” “PL,” or “P.L.,” unless the person or business for which the name is registered is organized as a professional limited liability company pursuant to chapter 621, or is organized as a professional limited liability company pursuant to a similar law of another jurisdiction and has obtained a certificate of authority to transact business in this state pursuant to chapter 605.

(15) LEGAL DESIGNATION OF ENTITY.—Notwithstanding any other law to the contrary, a fictitious name registered as provided in this section for a corporation, limited liability company, limited liability partnership, or limited partnership is not required to contain the designation of the type of legal entity in which the person or business is organized, including the terms “corporation,” “limited liability company,” “limited liability partnership,” “limited partnership,” or any abbreviation or derivative thereof.

History.—ss. 1-5, ch. 20953, 1941; s. 1, ch. 26760, 1951; s. 1, ch. 67-209; s. 35, ch. 70-134; s. 1121, ch. 71-136; s. 1, ch. 85-64; s. 1, ch. 90-267; s. 2, ch. 94-87; s. 253, ch. 94-218; s. 90, ch. 95-211; s. 1397, ch. 97-102; s. 240, ch. 98-166; s. 11, ch. 99-218; s. 32, ch. 99-285; s. 2, ch. 2000-298; s. 14, ch. 2003-401; s. 25, ch. 2009-72; s. 16, ch. 2010-117; s. 110, ch. 2013-18; s. 74, ch. 2014-209; s. 1, ch. 2017-47; s. 284, ch. 2019-90.

Ordinance 2024.01  
(if approved)

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ORDINANCE 2024-01

AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 2005-11, (92-9), (88-5), (80-11), (72-4), ADOPTED BY THE CITY COMMISSION OF APALACHICOLA FLORIDA; PROVIDING FOR NEW CATEGORIES FOR OCCUPATIONAL, BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATION; PROVIDING A NEW SCHEDULE FOR THE PAYMENT AND ENFORCEMENT OF OCCUPATIONAL LICENSE TAX ON BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS WITHIN THE CITY OF APALACHICOLA, FIXING THE AMOUNTS THEREOF; TO AMEND PART II – CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 22 – LICENSES AND BUSINESS REGULATIONS, ARTICLE II, BUSINESS TAX RECEIPTS, SECTION 22-20 TO 22-31; PROVIDING PENALTIES FOR FAILURE TO PAY THE SAME; PROVIDING FOR TRANSFER OF LICENSE FEE; AND PROVIDING FOR AN EFFECTIVE DATE.

**FINDINGS:**

WHEREAS, the City of Apalachicola is a Florida Municipality duly incorporated, with all the rights and powers as provided in s. 2(b), Art. VIII of the State Constitution.

WHEREAS the current code provisions applicable to the categories and rates for the local business tax in the City are in need of update. Clarification, revising, and additional categories for the local business tax have been deemed necessary, and the need for adjusting the rates for each category for businesses located in the City.

WHEREAS, the City of Apalachicola has determined that it is in the public interest to adopt amendments to its General Ordinances pertaining to Business Tax Receipts; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, that:

**NOTE:** *~~Struck-through language is language proposed to be deleted, Underlined language is amended language, and \*\*\* represents sections that have been skipped and that~~*



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*remain unchanged.*

## **ARTICLE II. BUSINESS TAX RECEIPTS**

### **Sec. 22-20. Application.**

- (a) The city levies an occupational license tax for the privilege of engaging in or managing any business, profession, or occupation with the city of Apalachicola. The occupational/business license tax is levied on:
- (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within the city.
  - (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within the city.
  - (3) Any person who does not qualify under subsection (1) or subsection (2) of this section and who transacts any business or engages in any occupation or profession in interstate commerce, if the license tax is not prohibited by section 8, article 1 of the United States Constitution.
- (b) It shall be unlawful for any person or entity to carry on, conduct or engage in any business, trade, occupation or profession within the city, without having first completed the application for a business tax receipt, paid the required tax fee and obtained the required business tax receipt from the city clerk. New business applicants shall first complete the application for a business tax receipt and it shall be verified that the business, trade, occupation or profession is located within the city on property zoned in accordance with the provisions of the Apalachicola Land Development Code. ~~Such verification shall be in the form of a certificate of occupancy issued by the building inspector prior to the issuance of a business tax receipt by the city clerk. Failure to produce a certificate of occupancy will result in denial of a business tax receipt except for those persons or entities conducting or engaging in a service, trade, profession or any type of business or occupation within the city, but not having a permanent structure for conducting business within the city.~~
- (c) Those businesses wishing to renew a current issued business tax receipt may renew their business tax receipts by paying the required tax fee when due. An additional completed application or certificate of occupancy will not be required for renewal of a business tax receipt already on record with the city clerk.
- (d) If a business tax receipt is issued and the location of the business office or establishment is not zoned in accord to the city's land development code, the business tax receipt shall be revoked and the fee returned to the applicant. Final determination of zoning requirements shall be the responsibility of the city planning office.

(Ord. No. 88-5, § 1, 9-22-1988; Ord. No. 92-9, § 1, 10-6-1992; Ord. No. 2005-11, § 1, 9-27-2005)

### **Sec. 22-21. Dates due.**

- (a) All business tax receipts shall be sold by the city clerk beginning July 1 of each year and shall be due and payable on or before September 30 of each year and shall expire on September 30 of the succeeding year. Any person, firm, or corporation who shall commence any business, trade, occupation or profession or any

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other activity mentioned in said schedule for which a business tax receipt per annum is required may purchase a business tax receipt for the remainder of the paid year if commencing after April 1 at one-half the price required to be paid, and all business tax receipts shall expire on September 30.

- (b) No business tax receipt shall be issued for more than one year, and all business tax receipts shall expire on October 1 of each year, except as provided by state law.

(Ord. No. 88-5, § 2, 9-22-1988; Ord. No. 92-9, § 2, 10-6-1992; Ord. No. 2005-11, § 2, 9-27-2005)

### **Sec. 22-22. Appropriation of proceeds of tax.**

The proceeds of the tax hereby levied are hereby appropriated to the general fund account of the city.

(Ord. No. 88-5, § 3, 9-22-1988; Ord. No. 92-9, § 3, 10-6-1992; Ord. No. 2005-11, § 3, 9-27-2005)

### **Sec. 22-23. Transfer of license.**

Any business tax receipt may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee as established by the city, **of ten percent of the annual license tax, but not less than \$3.00 or more than \$25.00, and presentation of the original license and evidence of the sale.** ~~presentation of the original business tax receipt, evidence of the sale and a certificate of occupancy approved by the building inspector.~~

(Ord. No. 88-5, § 4, 9-22-1988; Ord. No. 92-9, § 4, 10-6-1992; Ord. No. 2005-11, § 4, 9-27-2005)

### **Sec. 22-24. Delinquent taxes.**

Those business tax receipts not renewed by October 1 of each year shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each month of delinquency thereafter until paid. The total delinquency penalty shall not exceed 25 percent of the business tax receipt for the delinquent establishment.

(Ord. No. 88-5, § 5, 9-22-1988; Ord. No. 92-9, § 5, 10-6-1992; Ord. No. 2005-11, § 5, 9-27-2005)

### **Sec. 22-25. Penalty.**

- (a) Any person engaging in or managing any business, occupation, or profession without first obtaining a local business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the license determined to be due.

- (b) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorney fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

(Ord. No. 88-5, §§ 6, 7, 9-22-1988; Ord. No. 92-9, §§ 6, 7, 10-6-1992; Ord. No. 2005-11, §§ 6, 7, 9-27-2005)



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**Sec. 22-26. Charitable organizations.**

The requirements of those organizations for occasional sales of fundraising projects are the same as provided by F.S. § 205.192.

(Ord. No. 88-5, § 9, 9-22-1988; Ord. No. 92-9, § 9, 10-6-1992; Ord. No. 2005-11, § 9, 9-27-2005)

**Sec. 22-27. Dispute over category of business or occupational license fee.**

If any person or entity engaging in any occupation or business for profit within the city disagrees as to which category his business is in or the fee assessed for a business tax receipt, the city clerk, with assistance from the building inspector, shall investigate his type of business or occupation and make the final determination of the appropriate category and/or fee.

(Ord. No. 88-5, § 10, 9-22-1988; Ord. No. 92-9, § 10, 10-6-1992; Ord. No. 2005-11, § 10, 9-27-2005)

**Sec. 22-28. Posting license.**

Every business tax receipt issued under the provisions of this article shall be posted at the place of business for which the business tax receipt was issued in a convenient and conspicuous place.

(Ord. No. 88-5, § 11, 9-22-1988; Ord. No. 92-9, § 11, 10-6-1992; Ord. No. 2005-11, § 11, 9-27-2005)

**Sec. 22-29. Business tax schedule.**

The amount of business tax levied and imposed upon every person that shall engage in or manage any of the businesses, professions, privileges or occupations is hereby fixed, graded and determined beginning October 1, ~~1988~~ **2024**, at the following amounts:

Business	Tax Levied
<del>(1) Abstractors of title, including companies, agents, firms or persons other than licensed attorneys, engaged in the business of making abstracts of title from public records.</del>	\$85.94
<del>(2) Advertising agents, per year or fraction thereof.</del>	\$85.94
<del>(3) Advertising and/or sign shops:</del>	
<del>a. By painting on the wall, fence, or advertising business other than that of the owner of the wall or fence.</del>	\$171.88
<del>b. Billposters and sign lacquerers.</del>	\$17.19
<del>(4) Agencies:</del>	
<del>a. Commercial agencies or persons giving information as to credit ratings or standings of individuals or firms, per year.</del>	\$51.56
<del>b. Rental or collecting, per year.</del>	\$51.56
<del>c. Corporations.</del>	\$85.94



d. Soliciting business for out-of-town enterprises where display rooms are maintained and merchandise kept on hand as samples for display purposes only; provided, however, the business tax hereby imposed shall not apply to establishments regularly and continuously engaged in the sale of merchandise customarily carried on hand as a part of the regular stock of such establishment.	\$351.57
e. Soliciting business for foreign concerns not otherwise provided for per year or fraction thereof.	\$85.94
f. Agents redeeming coupons.	\$34.38
(5) Amusement parks, per year.	\$343.75
(6) Apartments:	
a. Two to five units.	\$68.75
b. Each additional unit.	\$13.75
(7) Auditing companies or individuals, per year or fraction thereof.	\$85.94
(8) Automobile dealers or sales agents:	
a. Per year, or fraction thereof.	\$171.88
b. Automobile dealers or sales agents, automobile accessories and automobile garage or repair shop, and dealers in gasoline and oils and auto painting, when combined under one ownership and operation, per year.	\$171.88
c. Automobile garage and/or repair and paint shop.	\$60.13
d. Automobile painters, itinerant.	\$85.94
e. Automobile parking and automobile trailer parking lots.	\$85.94
f. Automobile wrecking or dismantling for salvage.	\$85.94
(9) Bakeries operated by steam or other power, per year.	\$85.94
(10) Banks or bankers.	\$343.75
(11) Barbershops:	
a. One chair.	\$20.63
b. Each additional chair.	\$6.88
(12) Beauty parlors:	
a. One operator.	\$25.75
b. Each additional operator.	\$17.19
(13) Bicycles, renting or repairing, per year.	\$34.38
(14) Billiard/pool and similar tables, or places where charges are made for playing pool or billiards, for each table, per year.	\$17.19

{15} Boardinghouses and roominghouses, hotels or motels, etc., having available accommodations for more than three guests, whether occupied or not, per room, per year.	\$3.44
{16} Bonding companies.	\$85.94
{17} Bottling companies, including canned drink manufacturers, per year.	\$171.88
{18} Bowling alleys, each alley, per year.	\$17.19
{19} Brokers, those who carry stock on hand and who sell to registered wholesale merchants only and act as intermediary between buyer and seller for the consideration of a brokerage or commission from either for the sale of stocks, bonds, merchandise, etc.	\$85.94
{20} Building and loan associations, per year.	\$85.94
{21} Businesses – professional:	
a. Dentists.	\$85.94
b. Lawyers.	\$85.94
c. Physicians/surgeons.	\$137.50
d. Optometrists.	\$85.94
e. Chiropractors/osteopaths.	\$137.50
f. Psychologists.	\$85.94
g. Certified public accountants.	\$85.94
h. Veterinarians.	\$85.94
i. Court reporters.	\$85.94
j. Architects.	\$85.94
k. Auctioneers.	\$85.94
l. Foresters.	\$85.94
m. Surveyors/civil engineers.	\$85.94
n. Chiropodists, per year.	\$85.94
{22} Bus stations, concessions	(see merchants)
{23} Business firms other than merchants. All types and forms of businesses of every kind whatsoever not otherwise covered in this article, nor covered in separate peddlers ordinances.	\$85.94
{24} Cabinet makers or carpenter shops.	\$85.94
{25} Car washes.	\$68.75
{26} Cement or artificial stone manufacturers, per year.	\$85.94

(27) Circuses or carnival parades.	\$386.69
(28) Circuses, held under one tent where one admission is charged, per year.	\$468.75
(29) Claims and collecting agencies, other than lawyers.	\$85.94
(30) Contractors:	
a. Building, painting, remodeling, and roofing.	\$85.94
b. Residents with one or more subcontractors (subcontractors may obtain licenses under respective classification).	\$85.94
c. Contractors, paving or cement works (including delivering cement).	\$85.94
d. Electricians or electrical contractors.	\$85.94
e. Plumbers, including pipe fitters and contractors, selling of fixtures or conducting shop.	\$85.94
f. Contractors, not otherwise provided for.	\$85.94
(31) Craft shops.	\$55.00
(32) Dancing schools/halls.	\$34.38
(33) Day care centers.	\$41.25
(34) Dredging companies.	\$171.88
(35) Dry cleaners, steam cleaners and clothes pressers, or either, hat blocking and dryers, or either.	\$68.75
(36) Electrical energy, distribution.	\$386.69
(37) Electronics sales and/or repairs.	\$85.94
(38) Express companies.	\$128.88
(39) Exterminators.	\$68.75
(40) Florists or dealers in flowers.	\$51.56
(41) Fairs and rides, devices, each, per week.	\$17.19
(42) Food vendors, stands or mobile units (on private property only) (applicants should not be issued a business tax receipt in these categories until approval is obtained from the city's planning and zoning board).	\$68.75
(43) Fruits, vegetables, wares, etc., stands, mobile units or trucks, selling not in connection with licensed merchants (on private property only).	\$51.56
(44) Furniture dealers (not under merchant classification).	\$137.50
(45) Games, such as shuffleboard, throwing balls at figures and the like, per day.	\$34.38



(46) Gasoline and oil:	
a. Wholesale.	\$171.88
b. Retail dealers:	
1. One pump on private property.	\$34.38
2. Two to four pumps on private property.	\$60.19
3. Five or more pumps on private property.	\$85.94
c. Dealers in propane, butane or any other form of gas for heating, lighting, etc., per year.	\$85.94
(47) Ice cream manufacturers:	
a. Wholesaling.	\$85.94
b. Retailing.	\$171.88
(48) Ice manufacturers.	\$85.94
(49) Installing of machines, fixtures and/or equipment, not otherwise covered in this article.	\$85.94
(50) Insurance agencies and/or companies:	
a. Insurance agencies.	\$68.75
b. Insurance companies, each company represented.	\$68.75
(51) Janitorial/carpet services.	\$68.75
(52) Jewelers, repairing/sales and/or watch repair (also see merchants for stock).	\$85.94
(53) Labor recruiters, inducing laborers to leave the city or county for employment.	\$976.56
(54) Landscaping and yard maintenance.	\$85.94
(55) Laundry and/or linen services.	\$85.94
(56) Machine and/or welding shops.	\$85.94
(57) Manufacturing, not otherwise covered.	\$85.94
(58) Marine ways.	\$51.56
(59) Masseurs, each person, per year or fraction thereof.	\$85.94
(60) Merchants, storekeepers and wholesale dealers, to include antique and second hand shops, in accordance with the value of the stock of goods as follows:	
a. Stock of less than \$1,000.00.	\$51.56
b. Stock of \$1,000.00 and less than \$5,000.00.	\$68.75
c. Stock of \$5,000.00 and less than \$20,000.00.	\$85.94
d. Stock of \$20,000.00 and less than \$40,000.00.	\$120.31

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(Supp. No. 4)

e. Stock of \$40,000.00 and up.	\$171.88
Provided that all persons applying for a business tax receipt under this classification shall make affidavit before the city clerk, as the ex-officio tax collector, as to the value of the stock of goods for which a business tax receipt is applied for, and such affidavit shall be made and filed among the city records prior to the issuance of any business tax receipt.	
(61) Monument companies.	\$68.75
(62) Motorcycles or motorbikes, agents or dealers or shops for repairs.	\$51.56
(63) Moving pictures/performance theaters.	\$171.88
(64) Music teachers.	\$34.38
(65) Newspapers:	
a. Published six days a week or more often.	\$171.88
b. Weekly, and publishers of magazines or similar publications, other than those published by a department of the state.	\$85.94
(66) Nursery stock, agents or dealers, per year or fraction thereof.	\$51.56
(67) Pawn shops.	\$68.75
(68) Painters of signs, artists.	\$34.38
(69) Peddlers (must have approved special exception). A peddler is one who offers merchandise along streets from door to door. The term "peddler" shall not include the following: a. Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business. b. Sheriffs, constables, bona fide assignees receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law. c. Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor. d. Solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal places of activity within this city. When approved as a special exception, peddlers shall present the approved special exception application to the city clerk prior to the	\$386.69

issuance of a business tax receipt.	
{70} Pharmacies (not to be classified as merchants).	\$103.13
{71} Photographers.	\$85.94
{72} Piano and organ tuners, etc., per year or fraction thereof.	\$25.75
{73} Pile driving or drivers, per unit.	\$85.94
{74} Printing/office supply.	\$55.00
{75} Radio stations.	\$55.00
{76} Real estate brokers.	\$85.94
{77} Real estate salespersons, and those making businesses of dealing in real estate, whether selling their own or not, as defined by state law other than real estate brokers.	\$85.94
{78} Repair and/or service shops:	
a. Bicycles and small motors.	\$34.38
b. Boats and boat motors.	\$85.94
c. Radios, televisions and electronics, including installation.	\$85.94
{79} Restaurants (including lounges or bars):	
a. One to 15 chairs or stools.	\$42.94
b. 16 to 25 chairs or stools.	\$68.75
c. Over 25 chairs or stools.	\$85.94
d. Restaurants with lounges or bars, add an additional —	\$34.38
e. Lounges or bars only (no food served).	\$85.94
f. If dancing is permitted, add an additional —	\$34.38
{80} Rinks — skating, bicycle or other.	\$85.94
{81} Shoe shops.	\$55.00
{82} Shooting galleries, when located in permanent structures or locations.	\$85.94
{83} Sideshows, each, with circuses, per day.	\$51.56
{84} Tailors.	\$34.38
{85} Taxidermists.	\$34.38
{86} Telephone companies.	\$386.69
{87} Television cable companies.	\$309.38
{88} Television stations.	\$68.75
{89} Truck lines or companies.	\$386.69
{90} Trucks for hire (\$75.00 per truck).	\$103.13
(Each truck operated other than as a qualified carrier, per year)	

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(91) Undertakers, embalmers and/or funeral directors:	\$128.88
(92) Vehicles for hire, vehicle rentals:	
<p>a. All persons engaging in or carrying on the business of renting or hiring to the general public automobiles or other motor vehicles, either with or without drivers, shall pay a business tax in the sum of \$20.00 and in addition thereto, when more than one vehicle is used in such business, the sum of \$10.00 on each such vehicle exceeding one.</p>	
<p>b. All persons engaging in or carrying on the business of renting or hiring motor vehicles either with or without drivers, shall furnish the city and file in the office of the city clerk a personal bond secured by a cash deposit or with at least two sufficient sureties to be approved by the city clerk or a surety company authorized to do business in the state in the following amount: \$625.00 where not more than one vehicle is used in such business; \$1,250.00 where two vehicles are used in such business; and an additional \$375.00 for each vehicle exceeding two vehicles used in such business; provided, however, the total amount of any bond required of any one such business shall not exceed the sum of \$2,000.00. The bond shall be conditioned to indemnify passengers and the general public receiving personal injuries or suffering property damage by any act of negligence of the obligor or any of his agents, servants or employees in the operation or conduct of said business, and said bond shall be payable to the city and shall be for the benefit of and subject to action thereon by any person who shall have sustained an actionable injury protected thereby. No business tax receipt shall be issued to engage or continue in such business until such bond has been filed and approved, and no such bond so accepted shall be cancelled by any company issuing the same except upon such notice being given by the company issuing such bond and no such bond shall be revoked unless a new bond is filed and accepted before the date of the cancellation of the bond; provided, however, the applicant for a business tax receipt may file in lieu of the bond a policy of liability insurance with some casualty company or insurance company authorized to do business in the state with liability limits of \$10,000.00 for one person injured and a \$20,000.00 limit for injuries of two or more persons and a property damage limit of \$500.00. When any cash deposit is made, the city shall pay six percent interest on said during the time such deposit is maintained.</p>	
<p>c. Any person who shall carry on, conduct or continue the operation of the business of renting or hiring to the general public automobiles or other motor vehicles, either with or without drivers, without filing such bond or insurance policy or having the same one file or without having attached to the vehicle used in the operation of such business the metal tag or plate issued to any vehicle used in such business, as provided for in this section, shall be guilty of a violation of this Code.</p>	

{93} Vending machines:	
a. Each person who may operate or place for public use any vending machine or mechanical device designed to operate by the insertion into such machine of a coin or metal disk or slug for the purpose of dispensing merchandise, producing or reproducing music, musical sounds or noises and/or produce picture or pictures, prints or writings, or which is operated for amusement only, or as a game of skill and amusement, each separate machine used in the city, per year.	\$42.94
b. The above classification shall not apply to the following machines which are separately taxed: vending peanut machines, chewing gum machines, popcorn machines, and drink machines.	
{94} Video shops/sales and rentals.	\$55.00
{95} Video game rooms (per game).	\$13.75
{96} Wholesale, retail or wholesale and retail fish and seafood dealers.	\$85.94
{97} Wood yards or persons selling wood.	\$34.38

<b>COMMUNICATION &amp; MEDIA</b>	
Telecommunications Companies	\$425
Newspaper and Publishing Companies	\$185
Other: Communication & Media	\$100
<b>CONTRACTORS (DBPR LICENSED)</b>	
Building Contractor	\$100
Cement/Concrete Contractor	\$100
Electrician (Contractor)	\$100
HVAC (Mechanical) Contractor	\$100
Painters - Contractor	\$100
Pile Driving or Divers	\$100
Pool & Spa Contractor	\$100
Plumbers (Contractor)	\$100
Roofing Contractor	\$100
Sheet Metal Contractor	\$100
Solar (Contractor)	\$100
Other: Contractors	\$100
<b>HEALTH, WILLNESS &amp; PERSONAL CARE</b>	
Chiropractors/Osteopaths Businesses	\$100
Dancing Schools/Halls	\$35
Day care centers	\$30
Day Spa	\$100
Dental Offices	\$100
Dry Cleaners	\$80
Fitness Centers	\$80
Hair, Nail & Beauty Salons	\$25
Laundry and Linen Services	\$100



Massage Therapist Studio/Shop	\$100
Medical Offices/Services	\$100
Music Schools	\$30
Optometrists Offices	\$100
Psychologists Offices	\$100
Tailoring Shops	\$40
Veterinary Services	\$100
Other: Health, Wellness, and Personal Care	\$75
<b>HOSPITALITY, LODGING &amp; ENTERTAINMENT</b>	
Amusement Parks (permanent)	\$375
Bed and Breakfasts	\$12.00 per unit
Beer and Wine Bars (no food) (includes branding items)	\$100
Boarding Rooms (Houses)	\$12.00 per unit
Bowling Alleys	\$20
Circus, Carnivals, and Fairs (transient)	\$300
Cooking Schools	\$40
Hotels	\$12.00 per unit
Marinas (Slips, Storage, Dry & Wet)	\$10.00 per unit
Monthly Vacation Rentals (Residential Zones)	\$25.00 per unit
Moving Pictures/Performance Theaters	\$175
Motels	\$12.00 per unit
Restaurants (no alcohol – includes branding items)	\$50
Restaurants with beer & wine (includes branding items)	\$75
Restaurants with full bar (includes branding items)	\$100
Rinks, Skating, Bicycle or Other	\$50
Short-term Vacation Rentals (Commercial & O/R Zones)	\$25.00 per unit
Video Game Rooms (Permanent)	\$50
Other: Hospitality, Lodging and Entertainment	\$75.00 unless multiple units, which would be \$10.00 per unit

<b>MANUFACTURING &amp; INDUSTRIAL SERVICES</b>	
Cement or Artificial Stone Manufacturing Companies	\$100
Electronics Sales and/or Repair Businesses	\$100
Electrical Energy Companies, distribution of	\$400
Ice Manufacturing Companies	\$75
Machine & Fixture Installation Companies	\$100
Machine and/or Welding Shops	\$100
Other: Manufacturing and Industrial Services	\$100
<b>PROFESSIONAL &amp; BUSINESS SERVICES</b>	
Title Companies	\$100
Accounting Service Businesses	\$100
Advertising and Marketing Agencies	\$100
Apartment Managing Companies	\$10 per unit
Architectural Services	\$100
Auctioneering Companies	\$100
Auditing Companies	\$100
Banks	\$375
Bonding Companies	\$100
Building and Loan Associations	\$100
Claims and Collecting Agencies	\$100
Consulting Services	\$100
Court Reporter Services	\$100
Employment Agencies (formerly Labor Recruiter)	\$100
Express Courier Services	\$130
Forestry & Arborist Services	\$100
Fish & Wildlife Guide Services	\$80
Insurance Agency or Company	\$80
Investment and Wealth Brokerage Firms	\$100
Legal Offices	\$100
Printing & Office Supplies	\$75

Real Estate Offices	\$100
Surveyors/Civil Engineers Offices	\$100
Other: Professional and Business Services	\$100
<b>REPAIR &amp; MAINTENANCE SERVICES</b>	
Automotive Parts & Repair Shops	\$75
Cabinet Makers or Carpenter Shops	\$75
Car Wash Businesses	\$75
Boat Maintenance & Repair Shops	\$75
Exterminating Businesses	\$75
Handyman (e.g. carpentry, repair, etc.) Services	\$60
Janitorial/Carpet Services/Cleaning Services	\$60
Landscaping and Yard Maintenance Businesses	\$60
Monument Companies	\$75
Piano and Organ Tuning Services	\$40
Repair and/or Service Shops, etc.	\$75
Undertakers & Embalming & Funeral Director Services	\$125
Woodyards or Woodworking Businesses	\$75
Other: Repair & Maintenance	\$75
<b>RETAIL SERVICES</b>	
Art Galleries	\$50
Bicycle Renting/Repair	\$50
Boutiques	\$50
Butcher Shops (Retail)	\$50
Convenience Stores	\$50
Craft Shop (Arts & Crafts)	\$50
Gift Shops	\$50
Florist Shops	\$50
Furniture Shops	\$50



Gas Stations (Retail)	\$100
Gas & Oil Dealers (Retail)	\$100
Grocery Stores	\$100
Jewelry Shop	\$50
Motorcycles or Motorbikes Shops	\$50
Plant Nursery	\$50
Pawn Shops	\$80
Pharmacy	\$120
Photography Studio	\$50
Seafood (Retail)	\$60
Shoe Shop	\$50
Sign Shops	\$50
Vending Machine Businesses	\$50
Other: Retail	\$50
<b>TRANSPORTATION &amp; LOGISTICS</b>	
Automobile Dealers	\$100
Dredging Companies	\$185
Electric Charging Stations Companies	\$50
Trucklines & Companies	\$400
Taxis, Car Service, Limo Businesses	\$50
Truck & Car Rental Businesses	\$75
Other: Transportation & Logistics	\$75
<b>WHOLESALE AND DISTRIBUTION</b>	
Beer, Wine & Spirits Production & Distribution	\$185
Bottling Companies	\$100
Seafood & Fish – Wholesale	\$100
Gasoline and Oil – Wholesale	\$185
Other: Wholesale and Distribution	\$100

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(Ord. No. 88-5, § 13, 9-22-1988; Ord. No. 92-9, § 13, 10-6-1992; Ord. No. 2005-11, § 13, 9-27-2005)

**Sec. 22-30. ~~Business tax receipt purchase required.~~**

~~Every contractor, person or entity carrying on, conducting or engaging in any service, trade or profession or any type business or occupation within the city shall first purchase a business tax receipt from the city clerk.~~

(Ord. No. 88-5, § 14, 9-22-1988; Ord. No. 92-9, § 14, 10-6-1992; Ord. No. 2005-11, § 14, 9-27-2005)

**~~Sec. 22-31. Compliance.~~**

The issuance of a business tax receipt by the city does not constitute a waiver or release of compliance with applicable federal, state and local laws.

(Ord. No. 88-5, § 15, 9-22-1988; Ord. No. 92-9, § 15, 10-6-1992; Ord. No. 2005-11, § 15, 9-27-2005)

**Secs. 22-321—22-50. Reserved.**

Section 4. Severability Clause. If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable, shall be severed here from and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall take effect upon approval by the City Commission.

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**PASSED FIRST READING ON:** \_\_\_\_\_

**PASSED SECOND READING ON:** \_\_\_\_\_

**CITY OF APALACHICOLA**

**BY:** \_\_\_\_\_  
**Brenda Ash, Mayor**

**ATTEST:**

\_\_\_\_\_  
**SHENEIDRA CUMMINGS**  
**CITY CLERK**



Business Tax  
Application form



192 Coach Wagoner Blvd.  
 Apalachicola, FL 32320  
 850-653-9319/850-653-2205 (Fax)

New: \_\_\_\_\_  
 Renewal: \_\_\_\_\_  
 Date: \_\_\_\_\_

**BUSINESS TAX LICENSE APPLICATION**

Business Name: \_\_\_\_\_

Business Owner(s): \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

Business Location Address: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

Zoning for Business Location: \_\_\_\_\_ # of Onsite Parking Spaces: \_\_\_\_\_

(If applicable, attach a Site Plan showing location/sizes of all parking spaces and # of employees on site during peak shifts. For eating/drinking establishments, submit a seating plan showing all tables and barstools. For retail or office space, show square footage of public floor space. For marinas, show # of wet slips and # of dry slips. For dwellings, show # of rooms for rent.)

Business EIN/FID#: \_\_\_\_\_ Professional Category: \_\_\_\_\_

*I understand that this application may require additional information requested from City staff to process and issue a business tax license application. I understand that an application submitted to City staff does not guarantee an approved business tax license application. I understand that I am responsible for obtaining appropriate building permits, signage permits, sidewalk permits, and/or providing a parking plan in accordance with the City Land Development Code as needed. I understand that applications will be processed in a timely manner but may take up to 3 business days to be approved or for more information to be requested.*

\_\_\_\_\_  
 (Business Owner Signature)

\_\_\_\_\_  
 (Date Signed)

**DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY**

1. F.S. 205.023 Fictitious Name Registration required? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Registrations, Permits, Licenses Required for business/profession? \_\_\_\_\_
  - a. Is documentation provided?
  - b. Yes \_\_\_\_\_ No \_\_\_\_\_
3. Does applicant have any Exemptions? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_

1. Did applicant require a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Did applicant submit a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - b. Does the parking plan meet City LDC requirements? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the business location in an appropriate Zone? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
 (City Planner Verification Signature) (Date Signed)

\_\_\_\_\_  
 (City Clerk Verification Signature) (Date Signed)

**Business License #:** \_\_\_\_\_  
**Business Category:** \_\_\_\_\_  
**Specific Profession:** \_\_\_\_\_  
**Tax Receipt Rate:** \_\_\_\_\_  
**Date Paid:** \_\_\_\_\_





Pursuant to Florida Statute 205.162, All disabled persons physically incapable of manual labor, widows with minor dependents, and persons 65 years of age or older, with not more than one employee or helper, and who use their own capital only, not in excess of \$1,000, may engage in any business or occupation in counties in which they live without being required to pay a business tax. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof, be issued a receipt which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon. An Apalachicola Local Business Tax Receipt is required, but no fee is charged.

**Federal Poverty Level (FPL)**

<b>Family size</b>	<b>2023 income numbers</b>	<b>130%</b>
For individuals	\$14,580	16,475
For a family of 2	\$19,720	25,636
For a family of 3	\$24,860	32,318
For a family of 4	\$30,000	39,000
For a family of 5	\$35,140	45,682
For a family of 6	\$40,280	52,364
For a family of 7	\$45,420	59,046
For a family of 8	\$50,560	65,728
For a family of 9+	Add \$5,140 for each extra person	

\_\_\_\_\_ **Other applicants who must show proof of Registration, License or Permit.**  
 Any business in these categories must  
 provide appropriate license/registration/permit before issuing a license.

<b>Business/Profession/Occupation</b>	<b>Registration, License or Permit</b>
Assisted Living Facilities	License with Agency for Health Care Administration
Health Studio	License/Registration with Department of Agriculture and Consumer Services
Household Moving Services	Registration from Department of Agriculture and Consumer Services
Pest Control Companies	License from Department of Agriculture and Consumer Services
Pharmacy	Current Permit issued for the Board of Pharmacy (for the pharmacy not Pharmacist)
Sellers of Travel	Registration from Department of Agriculture and Consumer Services
Telemarketing Businesses	License or Registration from Department of Agriculture and Consumer Services

\_\_\_\_\_ **Check Exemptions List.** People in these categories are not required to obtain a license, nor pay a fee, but must complete a Local Business Tax Receipt for Exemption.

\_\_\_\_\_ **Other categories of person/businesses that do NOT require a local business tax receipt and do not need to complete any other documentation.**

- \_\_\_\_\_ Churches
- \_\_\_\_\_ Charitable organizations who fundraise and proceeds are used exclusively for said charitable organization.
- \_\_\_\_\_ Mobile Home Set up organizations. (Mobile Sales and Service require a tax receipt).

\_\_\_\_\_ **Vacation Rentals.** New vacation rentals (short-term and monthly) require an Approved Vacation Rental Checklist from the City Planner before a business license can be issued.

## BEFORE ISSUING A NEW/RENEWAL BUSINESS LICENSE:

\_\_\_\_\_ Fictitious Name Registration (Department of Corporations, Department of State)

\_\_\_\_\_ Proof of License must be provided before issuing new/renewal license:

\_\_\_\_\_ **DBPR** Regulated business categories. Any business in these categories must provide appropriate license/registration/permit from DBPR before issuing a license.

<http://www.myfloridalicense.com/dbpr/services-requiring-a-dbpr-license/>

<b>DBPR REGULATED BUSINESSES</b>	
Manufacturers, importers, distributors, vendors of Wine, Beer & Spirits	Geologists
Architects	Harbor Pilots
Asbestos Contractors	Home Inspectors
Auctioneers	Hotels, Motels, Apartments, and other lodging (See Vacation Rentals for further info)
Building Code Administrators & Inspectors	Interior Design
CPA	Landscape Architecture
Community Association Managers (each firm and each manager)	Mold-Related Services
Contractors (See Contractor Category or DBPR list)	Real Estate Companies (not Brokers or Realtors)
Barbers & Cosmetology	Restaurants, Takeouts, caterers, etc. (food)
Electrical & Alarm Contractors	Veterinary Medicine
Elevators, etc., technicians, inspectors & companies	Yacht and Ship Brokers and Salespersons
Employee Leasing Companies	





192 Coach Wagoner Blvd.  
Apalachicola, FL 32320  
850-653-9319/850-653-2205 (Fax)

## NEW BUSINESS CHECKLIST

- ✓ **Zoning:** Is your location properly zoned for your business?
    - Questions? Contact the City Planner.
  - ✓ **Signs:** Have you applied for P&Z approval and a permit for installation of a sign?
    - Questions? Contact the City Planner.
  - ✓ **Sidewalks:** Have you obtained a sidewalk permit to place items or do business on a City sidewalk?
    - Questions? Contact the City Code Enforcement Officer.
  - ✓ **Parking:** Does your business meet City parking requirements? Do you have a parking plan?
    - Questions? Contact the City Planner.
  - ✓ **Building Permits:** Do you need building permits for any new work on the site?
    - Questions? Contact the City Permitting Clerk.
  - ✓ **Business License:** Have you obtained a City of Apalachicola Business License?
    - Questions? Contact the Front Office in City Hall.
- 
- City Planner – Bree Robinson [brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com) (850)323-0985
  - Code Enforcement Officer – PJ Erwin [perwin@cityofapalachicola.com](mailto:perwin@cityofapalachicola.com) (850)653-8222
  - Permitting Clerk – Ron Nippe [rnippe@cityofapalachicola.com](mailto:rnippe@cityofapalachicola.com) (850)653-7592
  - City Manager – Travis Wade [twade@cityofapalachicola.com](mailto:twade@cityofapalachicola.com) (850)653-9319

**This is a basic checklist to help you navigate opening your business in City of Apalachicola!**

**It is not all inclusive – please use this as a guide and contact City staff with any questions you may have. Any changes to current buildings may require a building permit and/or change of use permit. No person or corporation shall engage or manage a business, profession, or occupation within the City of Apalachicola without obtaining a Business License.**

Supplemental  
Business License  
Application

Transient Lodging  
Short-term +  
30-day+ rentals

F.S. 212



Select Year: 2023

## The 2023 Florida Statutes (including Special Session C)

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### Title XIV

### Chapter 212

[View Entire Chapter](#)

## TAXATION AND FINANCE TAX ON SALES, USE, AND OTHER TRANSACTIONS

### **212.03 Transient rentals tax; rate, procedure, enforcement, exemptions.—**

(1)(a) It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license to use any living quarters or sleeping or housekeeping accommodations in, from, or a part of, or in connection with any hotel, apartment house, roominghouse, tourist or trailer camp, mobile home park, recreational vehicle park, condominium, or timeshare resort. However, any person who rents, leases, lets, or grants a license to others to use, occupy, or enter upon any living quarters or sleeping or housekeeping accommodations in any apartment house, roominghouse, tourist camp, trailer camp, mobile home park, recreational vehicle park, condominium, or timeshare resort and who exclusively enters into a bona fide written agreement for continuous residence for longer than 6 months in duration at such property is not exercising a taxable privilege. For the exercise of such taxable privilege, a tax is hereby levied in an amount equal to 6 percent of and on the total rental charged for such living quarters or sleeping or housekeeping accommodations by the person charging or collecting the rental. Such tax shall apply to hotels, apartment houses, roominghouses, tourist or trailer camps, mobile home parks, recreational vehicle parks, condominiums, or timeshare resorts, whether or not these facilities have dining rooms, cafes, or other places where meals or lunches are sold or served to guests.

(b)1. Tax shall be due on the consideration paid for occupancy in the county pursuant to a regulated short-term product, as defined in s. [721.05](#), or occupancy in the county pursuant to a product that would be deemed a regulated short-term product if the agreement to purchase the short-term right was executed in this state. Such tax shall be collected on the last day of occupancy within the county unless such consideration is applied to the purchase of a timeshare estate. The occupancy of an accommodation of a timeshare resort pursuant to a timeshare plan, a multisite timeshare plan, or an exchange transaction in an exchange program, as defined in s. [721.05](#), by the owner of a timeshare interest or such owner's guest, which guest is not paying monetary consideration to the owner or to a third party for the benefit of the owner, is not a privilege subject to taxation under this section. A membership or transaction fee paid by a timeshare owner that does not provide the timeshare owner with the right to occupy any specific timeshare unit but merely provides the timeshare owner with the opportunity to exchange a timeshare interest through an exchange program is a service charge and not subject to taxation under this section.

2. Consideration paid for the purchase of a timeshare license in a timeshare plan, as defined in s. [721.05](#), is rent subject to taxation under this section.

(2) The tax provided for herein shall be in addition to the total amount of the rental, shall be charged by the lessor or person receiving the rent in and by said rental arrangement to the lessee or person paying the rental, and shall be due and payable at the time of the receipt of such rental payment by the lessor or person, as defined in this chapter, who receives said rental or payment. The owner, lessor, or person receiving the rent shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage or operate hotels, apartment houses, roominghouses, tourist and

trailer camps, and the rental of condominium units, and to all persons who collect or receive such rents on behalf of such owner or lessor taxable under this chapter.

(3) When rentals are received by way of property, goods, wares, merchandise, services, or other things of value, the tax shall be at the rate of 6 percent of the value of the property, goods, wares, merchandise, services, or other things of value.

(4) The tax levied by this section shall not apply to, be imposed upon, or collected from any person who shall have entered into a bona fide written lease for longer than 6 months in duration for continuous residence at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or to any person who shall reside continuously longer than 6 months at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium and shall have paid the tax levied by this section for 6 months of residence in any one hotel, roominghouse, apartment house, tourist or trailer camp, or condominium. Notwithstanding other provisions of this chapter, no tax shall be imposed upon rooms provided guests when there is no consideration involved between the guest and the public lodging establishment. Further, any person who, on the effective date of this act, has resided continuously for 6 months at any one hotel, apartment house, roominghouse, tourist or trailer camp, or condominium, or, if less than 6 months, has paid the tax imposed herein until he or she shall have resided continuously for 6 months, shall thereafter be exempt, so long as such person shall continuously reside at such location. The Department of Revenue shall have the power to reform the rental contract for the purposes of this chapter if the rental payments are collected in other than equal daily, weekly, or monthly amounts so as to reflect the actual consideration to be paid in the future for the right of occupancy during the first 6 months.

(5) The tax imposed by this section shall constitute a lien on the property of the lessee or rentee of any sleeping accommodations in the same manner as and shall be collectible as are liens authorized and imposed by ss. 713.68 and 713.69.

(6) The Legislature finds that every person who leases or rents parking or storage spaces for motor vehicles in parking lots or garages, including storage facilities for towed vehicles, who leases or rents docking or storage spaces for boats in boat docks or marinas, or who leases or rents tie-down or storage space for aircraft at airports is engaging in a taxable privilege.

(a) For the exercise of this privilege, a tax is hereby levied at the rate of 6 percent on the total rental charged.

(b) Charges for parking, docking, tie-down, or storage arising from a lawful impoundment are not subject to taxation under this subsection. As used in this paragraph, the term "lawful impoundment" means the storing of or having custody over an aircraft, boat, or motor vehicle by, or at the direction of, a local, state, or federal law enforcement agency which the owner or the owner's representative is not authorized to enter upon, have access to, or remove without the consent of the law enforcement agency.

(7)(a) Full-time students enrolled in an institution offering postsecondary education and military personnel currently on active duty who reside in the facilities described in subsection (1) shall be exempt from the tax imposed by this section. The department shall be empowered to determine what shall be deemed acceptable proof of full-time enrollment. The exemption contained in this subsection shall apply irrespective of any other provisions of this section. The tax levied by this section shall not apply to or be imposed upon or collected on the basis of rentals to any person who resides in any building or group of buildings intended primarily for lease or rent to persons as their permanent or principal place of residence.

(b) It is the intent of the Legislature that this subsection provide tax relief for persons who rent living accommodations rather than own their homes, while still providing a tax on the rental of lodging facilities that primarily serve transient guests.

(c) The rental of facilities, as defined in s. 212.02(10)(f), which are intended primarily for rental as a principal or permanent place of residence is exempt from the tax imposed by this chapter. The rental of such facilities that primarily serve transient guests is not exempt by this subsection. In the application of this law, or in making any determination against the exemption, the department shall consider the facility as primarily serving transient guests unless the facility owner makes a verified declaration on a form prescribed by the department that more than half of the total rental units available are occupied by tenants who have a continuous residence in excess of 3 months. The owner of a facility declared to be exempt by this paragraph must make a determination of the taxable

status of the facility at the end of the owner's accounting year using any consecutive 3-month period at least one month of which is in the accounting year. The owner must use a selected consecutive 3-month period during each annual redetermination. In the event that an exempt facility no longer qualifies for exemption by this paragraph, the owner must notify the department on a form prescribed by the department by the 20th day of the first month of the owner's next succeeding accounting year that the facility no longer qualifies for such exemption. The tax levied by this section shall apply to the rental of facilities that no longer qualify for exemption under this paragraph beginning the first day of the owner's next succeeding accounting year. The provisions of this paragraph do not apply to mobile home lots regulated under chapter 723.

(d) The rental of living accommodations in migrant labor camps is not taxable under this section. "Migrant labor camps" are defined as one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for seasonal, temporary, or migrant workers.

History.—s. 3, ch. 26319, 1949; s. 4, ch. 26871, 1951; ss. 2, 3, ch. 29883, 1955; ss. 2, 7, ch. 63-526; s. 7, ch. 63-253; s. 5, ch. 65-371; s. 2, ch. 65-420; s. 3, ch. 68-27; s. 2, ch. 68-119; ss. 4, 5, ch. 69-222; s. 15, ch. 69-353; ss. 21, 35, ch. 69-106; s. 1, ch. 71-986; s. 2, ch. 79-359; s. 1, ch. 82-154; s. 70, ch. 83-217; s. 59, ch. 85-342; s. 2, ch. 87-548; s. 1, ch. 89-362; s. 4, ch. 89-529; s. 7, ch. 94-353; s. 1492, ch. 95-147; s. 2, ch. 98-140; s. 3, ch. 2009-133; s. 2, ch. 2014-40.



Vacation Rental  
Business Tax License  
Application



192 Coach Wagoner Blvd.  
 Apalachicola, FL 32320  
 850-653-9319/850-653-2205 (Fax)

New: \_\_\_\_\_  
 Renewal: \_\_\_\_\_  
 Date: \_\_\_\_\_

**VACATION RENTAL - BUSINESS TAX LICENSE APPLICATION**

Business Name: \_\_\_\_\_  
 Business Owner(s): \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Business Location Address: \_\_\_\_\_  
 Business Mailing Address: \_\_\_\_\_  
 Zoning for Business Location: \_\_\_\_\_ # of Onsite Parking Spaces: \_\_\_\_\_

(If applicable, attach a Site Plan showing location/sizes of all parking spaces and # of employees on site during peak shifts. For eating/drinking establishments, submit a seating plan showing all tables and barstools. For retail or office space, show square footage of public floor space. For marinas, show # of wet slips and # of dry slips. For dwellings, show # of rooms for rent.)

Business EIN/FID#: \_\_\_\_\_ Professional Category: \_\_\_\_\_

*I understand that this application may require additional information requested from City staff to process and issue a business tax license application. I understand that an application submitted to City staff does not guarantee an approved business tax license application. I understand that I am responsible for obtaining appropriate building permits, signage permits, sidewalk permits, and/or providing a parking plan in accordance with the City Land Development Code as needed. I understand that applications will be processed in a timely manner but may take up to 3 business days to be approved or for more information to be requested.*

\_\_\_\_\_  
 (Business Owner Signature)

\_\_\_\_\_  
 (Date Signed)

**DO NOT WRITE BELOW THIS LINE – OFFICE USE ONLY**

1. F.S. 205.023 Fictitious Name Registration required? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Registrations, Permits, Licenses Required for business/profession? \_\_\_\_\_
  - a. Is documentation provided? \_\_\_\_\_
  - b. Yes \_\_\_\_\_ No \_\_\_\_\_
3. Does applicant have any Exemptions? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Is documentation provided? Yes \_\_\_\_\_ No \_\_\_\_\_

1. Did applicant require a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. Did applicant submit a parking plan? Yes \_\_\_\_\_ No \_\_\_\_\_
  - b. Does the parking plan meet City LDC requirements? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Is the business location in an appropriate Zone? Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
 (City Planner Verification Signature)

\_\_\_\_\_  
 (Date Signed)

\_\_\_\_\_  
 (City Clerk Verification Signature) (Date Signed)

<b>Business License #:</b> _____ <b>Business Category:</b> _____ <b>Specific Profession:</b> _____ <b>Tax Receipt Rate:</b> _____ <b>Date Paid:</b> _____
---

# City of Apalachicola Vacation Rental Business License Checklist



Applicant Checklist	Required Documents	(Office Use Only) Staff Checklist
	City of Apalachicola Business License Application	
	Florida Department of Business and Professional Regulation (DBPR) State Vacation Rental License	
	Division of Corporations Registration (if applicable)	
	Department of Revenue Proof of Registration	
	Parking Plan (1 Parking Spot per Dwelling)	
	Proof of Signage	

*This completed checklist must be submitted with your City of Apalachicola Business License Application in order to be processed.*

**Questions?**

850-653-9319

[www.cityofapalachicola.com](http://www.cityofapalachicola.com)



# City of Apalachicola Residential Zones Vacation Rental Fact Sheet



## What is a Monthly Vacation rental?



A Monthly Vacation Rental is a property used as a rental for a minimum of 30 days and a maximum of 6 months. (Residential Zones cannot be rented for a period of less than 30 days.) Monthly Vacation Rental properties are legally required to register with the State, the County (through the Florida Department of Revenue) and the City. Register with the entities below **BEFORE** listing a property on booking platform such as VRBO, Airbnb, Evolve, etc.

## Allowed Zoning Districts

Monthly Vacation Rentals are only allowed in the following zoning districts:

- **R-1** Single-Family Residential
- **R-2** Multi-Family Residential
- **R-3** Mobile Home Residential
- **R-4** Mixed Use Residential

For questions about these or other topics related to Vacation Rentals, including zoning districts, contact:

Bree Robinson, City Planner  
[brobenson@cityofapalachicola.com](mailto:brobenson@cityofapalachicola.com)  
(850-323-0985)

**Please see the  
Apalachicola Land  
Development Code  
for full details!**

## Required Registrations



### Florida Department of Business and Professional Regulation (DBPR)

- [www.myfloridalicense.com](http://www.myfloridalicense.com)
- State vacation rental license



### Division of Corporations

- <https://dos.myflorida.com/sunbiz/>
- Start a business - (needed if the property is owned by a corporation, LLC, etc.)



### Department of Revenue

- <https://floridarevenue.com>
- Franklin County Tourist Development Bed Tax is collected through the Florida Department of Revenue



### City of Apalachicola

- [www.cityofapalachicola.com](http://www.cityofapalachicola.com)
- Business Occupational License
- DBPR, Division of Corporation, and Department of Revenue licenses must be presented to receive a City of Apalachicola Business License

## Things to know:

- Vacation Rental properties must meet all appropriate zoning requirements (e.g. # of units, parking, stormwater requirements, etc.)
- Vacation Rental properties must have appropriate signage viewable by the public showing property as a Vacation Rental.

## Questions?

850-653-9319

[www.cityofapalachicola.com](http://www.cityofapalachicola.com)

# City of Apalachicola Commercial/OR Zones Vacation Rental Fact Sheet



## What is a vacation rental?



A short-term vacation rental is a property used for nightly or weekly rentals with a maximum of a 6-month rental. Short-term properties are legally required to register with the State, the County (through the Florida Department of Revenue) and the City. Register with the entities below **BEFORE** listing a property on booking platform such as VRBO, Airbnb, Evolve, etc.

## Allowed Zoning Districts

Short-term vacation rentals are only allowed in commercial/business zoning districts:

- **C-1** General Commercial Downtown\*
- **C-2** Neighborhood Commercial
- **C-3** Highway Commercial
- **C-4** Riverfront Commercial\*\*
- **O/R** Office Residential

\*Short-term vacation rentals on some properties restricted to upper floors only.

\*\*Short-term vacation rentals only on upper floors.

## Required Registrations



### Florida Department of Business and Professional Regulation (DBPR)

- [www.myfloridalicense.com](http://www.myfloridalicense.com)
- State short-term vacation rental license



### Division of Corporations

- <https://dos.myflorida.com/sunbiz/>
- Start a business - (needed if the property is owned by a corporation, LLC, etc.)



### Department of Revenue

- <https://floridarevenue.com>
- Franklin County Tourist Development Bed Tax is collected through the Florida Department of Revenue



### City of Apalachicola

- [www.cityofapalachicola.com](http://www.cityofapalachicola.com)
- Business Occupational License
- DBPR, Division of Corporation, and Department of Revenue licenses must be presented to receive a City of Apalachicola Business License

## Things to know:

- Short-term vacation rental properties must meet all appropriate zoning requirements (e.g. # of units, parking, stormwater requirements, etc.)
- Short-term vacation rental properties must have appropriate signage viewable by the public showing property as short-term rental.

For questions about these or other topics related to short-term rentals, including information about the zoning district, contact Bree Robinson, City Planner, [brobins@cityofapalachicola.com](mailto:brobins@cityofapalachicola.com) (850-323-0985). For general questions on obtaining a City of Apalachicola Business License, please call City Hall (850)653-9319.

**Please see the  
Apalachicola Land  
Development Code  
for full details!**

## Questions?

850-653-9319

[www.cityofapalachicola.com](http://www.cityofapalachicola.com)

Code Enforcement of Short-term rentals in non-compliance with City ordinance and State Statutes:

1. Review weekly report from Harmari/Avenu Insights & Analytics.
2. Identify properties out of compliance.
3. Pursue compliance through regular Code Enforcement strategies (F.S. 162 and City Ordinance Chapter 28).



## City Manager Updates

Leslie Street: FDOT gave approval on Thursday, May 23 to issue an RFP for construction services. The RFP has been sent to the Apalachicola Times and the Tallahassee Democrat to be published. The RFP must be published for 28 days. Scoring and contractor selection (to be recommended to the Commission) will occur immediately after all submissions are received.

ARPA Priorities Costs: See the updated list of costs included with this report.

We interviewed candidates for Code Enforcement and will be presenting an offer to one candidate in the very near future. Ms. Erwin will remain to assist with training the new officer.

Ms. Erwin has also agreed to remain part-time to assist me with tasks, including the revamping of the City's personnel policy and procedures manual, and other time-consuming tasks that I have not been able to dedicate enough time to.

During last month's meeting it was stated that I did not seek authorization from the Commission regarding an application for the Inflation Reduction Act Grant, and that I had been instructed to consult with the tree committee regarding that grant but did not do that. However, the Commission discussed the grant application prior to it being submitted and was aware of the application and did not direct staff to NOT apply for the funding. Additionally, the tree committee's chair was in contact with the Grants Administrator on multiple occasions by email and met with her personally to discuss the application.

FEMA Community Rating System (CRS), Cumulative Substantial Improvement Item will be heard at the July meeting due to FEMA floodplain map updates that are expected to be issued.

## American Rescue Plan Act

### Priorities:

1. Electrical Engineering for Scipio Creek Marina (Mill Pond) repairs: \$27,500
2. Community Center's A/C unit for rented spaces: \$15,000
3. Harbormaster House A/C replacement: \$35,000
4. Harbormaster House mold remediation: \$10,000
5. Bay Avenue Seawall repairs: \$413,738.34
6. Matching Funds: \$250,000
7. Old City Hall matching funds: \$25,000
  - \*Spent: \$25,00 first round
  - \*Remaining: \$25,000 second round
8. Suggestions from February 20 meeting:
  - a. HVAC at City-owned buildings – See above
  - b. Water well repairs - \$300k (\$100k per well)
  - c. Bay Ave Seawall – See above
  - d. Scipio Creek Repairs – Can't get quotes for electrical repairs until Electrical Engineering is completed. Dock repairs are funded through FEMA.
  - e. HVAC at Holy Family – A/C has been repaired and is currently operating. The unit was not faulty, the thermostat was damaged.

### Spent:

1. Caterpillar Compact Track Loader Tractor (WWTP): \$131,776
  2. Drinking Water/Waste Water Consulting Fees related to Consent Order and Final Order: \$34,643
  3. Old City Hall Grant Match: \$25,000
  4. Old Library Renovation: \$50,000
- City Hall Phase III: \$25,000

Commissioner Georges Concerns: Updated

1. Municode: Resolved
2. Encroachment Ordinance: Dan is currently working on this.
3. Building, Planning, Code Enforcement Departments Consultant: Last direction from City Commission was for Commissioner George to work with staff to develop checklists. Staff has developed checklists that have been included with the June agenda.
4. Gibson Complex Parking Requirement: Dan has notified White Sands that a final parking plan is required prior to a Certificate of Occupancy. The parking plan has not been received for review as of this date.
5. Procurement Policy Revision: The last direction by the Commission was for Commissioners with suggestions for revision to submit them to the City Manager for consideration by the Commission. I have not received any suggestions from any Commissioner.
6. Accessory Dwelling Unit Proposal: Dan and Bree have been working on this.
7. Denton Cove Lawsuit: The lawsuit has been filed.
8. Lease Terms for Entities Renting City Space: Information was provided at previous Commission Meeting.
9. Capital Improvement Project Status and Cost Estimates: At the previous meeting where this was discussed I offered to go through these items in person with any Commissioner. There was no direction otherwise.
10. Duke Energy Charging Stations: The stations have been removed.
11. Workforce Housing Proposal for City Lots: This will be discussed at this meeting with the FCSO during their presentation.



CITY OF APALACHICOLA  
**FINANCE DEPARTMENT REPORT**  
May 2024

1. Processed payroll for May pay periods.
2. Processed retirement and insurance payments for May.
3. The Finance Clerk does an amazing job at issuing purchase orders, posting deposits, running accounts payable, and providing any information requested by various departments.
4. Assisting City Clerk with duties as needed.
5. Coordinating with Grants Coordinator to get copies of all grant contracts and list of all funded grants so grant financial notebooks can be made for each grant. Grant notebooks will have all contracts, change orders, and detailed financial information so it is easily accessible to determine what is expected back in reimbursements. **All grant contracts have been obtained. I am now in the process of getting all the payments and reimbursements onto a spreadsheet. Auditors will need this information also so they can get an accurate account of all grant activity. May – still working on this project.**
6. Chris Moran will be coming in the next week or so to assist with entering beginning balances into Banyon via journal entries.
7. Chart of Accounts has now been completely revamped to bring into compliance with the Department of Finance Uniform Accounting System. Over the next 2 weeks, all information will be entered in Banyon. Moving forward in the right direction!
8. Audits have been completed for the garbage billing, Scipio Creek billing, and Battery Park billing. I am working with Waste One and Lizette to make necessary corrections and changes to reflect accurate billing. **Scipio Creek and Battery Park are now being billed correctly and all corrections have been made to accounts. I am trying to review the Waste One bill monthly to make sure we are staying on track with that. May – this task has now been handed over to the utility billing department.**
9. Completed various Human Resources duties. Training City Clerk on various Human Resources duties.
10. Submitted the loan packet to DEP for the mandated lead service line inventory.
11. Working with The Management Experts (FEMA) to obtain financial information from Hurricane Michael so reimbursements can be sent to the City. This is a huge project but is a top priority as the reimbursement is around \$900,000. Traci Buzbee has sent me all the Hurricane Michael FEMA projects, so now I am having to go through checks and documents to provide all the information required. **May – invoices have been submitted for the Lafayette Park pier. Gathering additional information for what can be reimbursed.**

12. Currently I have 3 big projects going on at once – Banyan conversion and all that entails with that; collecting required FEMA documentation for reimbursement; and FY 22/23 audit. Financials are coming along with a budget expense report – there are several wheels turning at once to make this happen. I am still working on these 3 projects at one time. Everything is moving forward, just slow. May – still in progress.

13. Updated online banking so all accounts are now available online.

14. Reviewed current Property/Liability/Auto insurance policy for renewal.

15. Will be participating in a TRIM training on May 30<sup>th</sup>.

16. As always, I welcome any suggestions or knowledge. If anyone would like to have a sit-down with me or has any questions, please don't hesitate to contact me.

Lee Mathes  
Finance Director

A Public Hearing and Regular Meeting of the Apalachicola City Commission was held on Tuesday May 7, 2024, at 4PM, at the former Apalachicola Municipal Library located at 74 6th St., Apalachicola, FL.

Present: Mayor Brenda Ash, Commissioner Anita Grove, Commissioner Despina George, Commissioner Donna Duncan, City Manager Travis Wade, City Attorney Dan Hartman, City Clerk Sheneidra Cummings, Finance Director Lee Mathes, and Chief of Polic Bobby Varnes

Mayor Ash called the meeting to Order followed by invocation and allegiance.

### **AGENDA ADOPTION**

Motion was made to adopt agenda Elliott, seconded by Commissioner Grove. Motion carried 4-0.

### **PRESENTATION: Chestnut Cemetery Tree Removal**

Caty Green, presented on behalf of Apalachicola Historical Society (AHS) and provided background information on the scope and purpose of the grant AHS applied for and referenced the attachments submitted with board action request.

Gregory Vance presented on behalf of Torben Madsen and covered the concern(s) raised by Richard Bickel regarding proper procedure of having trees removed, vitality of trees that are proposed to be removed, as well as the date of the previous arborist report,

### **PUBLIC COMMENT**

Diane Peck provided a list of Apalachicola Historical Society members and their role in the organization.

Dennis Winterringer spoke about AHS' communication and coordination with Staff and prior approval to remove trees in Chestnut Cemetery, also noting that proper procedure was followed.

Earl Mirus briefly clarified his findings and recommendation in the arborist report submitted by Torben Madsen and provided statistics on trees and their significance.

Creighton Brown commented on the tree report pinned by Mr. Mirus and disagreed with various comments such as the replacing of headstones, fences, and the viability of trees that have been selected for removal.

Shan Raetzloff spoke in support of the tree removal and preservation of grave and historic monuments in Chestnut Cemetery. Mrs. Raetzloff also presented on behalf of AHS a handout from



Mark Curenton was presented to the commissioner and was not given to the Clerk. Ratzloff presented on behalf of herself and mark 4:28. (Presented handout with cemetery on cover)

Linda Buchanan spoke about Chestnut Cemetery and the importance of preserving headstones and monuments in all cemeteries.

Elizabeth Milliken supports the preservation of graves and monuments and urged the commission to not only focus on the trees themselves.

Henry Martin supports the preservation of the cemeteries and the monuments.

Commissioner Grove agreed with both Mr. Muris and the recommendation(s) from historic preservation experts and hopes to seek a common resolution. Commissioner Grove suggested the City Manager and Code Enforcement work with the Historical Society, Tree committee and an arborist to identify and agree on which trees need to be removed and prune the remaining trees. Encourages the City manager to work with the resources that are available and come to a solution.

Commissioner George spoke in support of the Historical Society and referenced the grant application that was endorsed by the City. Commissioner George concurs with Commissioner Grove and would like to see the City bridge the gap between both groups, consult with preservation experts and an arborist to determine which trees can be removed.

Commissioner Duncan clarified the recommendation from the Commission, i.e., follow the City tree ordinance and removal process and take both arborist reports into consideration and consult with experts if necessary to identify and agree on which trees are to be removed in Chestnut Cemetery. Commissioner Duncan strongly supports the protection and preservation of the family plots and headstones and would like the City to maintain the cemetery and make it safe for visitors and determine what is allowed and what is not allowed.

Commissioner George referenced the original tree removal schedule and stated that an agreement was previously reached to identify which trees needed to be removed and the purpose of this current direction to staff is to discuss the remaining trees that are in dispute.

Mayor Ash would like to see both the Historical Society and citizen group(s) work together, meet with Manager Wade, Attorney Hartman, and Code Enforcement and reach a compromise.

Motion made by Commissioner Grove to have City Manager Wade, a member of Tree Committee, a representative from the Historical Society and one person from the citizen(s) group meet to reach a resolution by the end of May and determine which trees will be removed and which are to be trimmed. Discussion, Mayor Ash suggested that another member of the Tree Committee be present at the meeting with CM Wade and others due to the Tree Committee Chair also being a member of the Historical Society. Motion carried 4-0.

**PUBLIC HEARING:** 2<sup>ND</sup> reading of Ordinance 2024-01

Attorney Hartman read Ordinance 2024-01 as follows, AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 2005-11, (92-9), (88-5), (80-11), (72-4), ADOPTED BY THE CITY COMMISSION OF APALACHICOLA FLORIDA; PROVIDING FOR NEW CATEGORIES FOR OCCUPATIONAL, BUSINESS, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS; PROVIDING A NEW SCHEDULE FOR THE PAYMENT ANF ENFORCEMENT OF OCCUPATIONAL LICENSE TAX ON BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS WITHIN THE CITY OF APACHICOLA, FIXING THE AMOUNTS THEREOF; TO AMEND PART II- CODE, SUBPART A, GENERAL ORDINANCES CHAPTER 22- LICENSES AND BUSINES REGULATIONS, ARTICAL E II, BUSINESS TAX RECEIPTS, SECTION 22-20 TO 22-31; PROVIDING PENALTIES FOR FAILURE TO PAY THE SAME; PROVIDING FOR TRANSFER OF LICENSE FEE; PROVIDING FOR SERVERABIITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

**No further comments regarding Ordinance 2024-01.**

**PUBLIC COMMENTS (contin.)**

Leslie Coon presented expressed concerns about Leslie Street being closed in front of her business location as well as the lack of upkeep on the sidewalk and/or pedestrian walkway(s). Coon also inquired about a timeline for repairs on Leslie Street.

Faye Gibson inquired about her residency and would like the Commission to clarify their policy on what determines residency. Mrs. Gibson stated that she would like to continue to serve on the Parks & Recreation Committee.

Kathy Jansen, inquired about using the Community Center located at 1 Bay Ave, free of charge to offer free/donation-based yoga classes.

Mayor Ash stated the Commission will follow up on her request with Manager Wade.

No other public comments.

**NEW BUSINESS #1:** HCA Building DHR Grant

Commissioner Grove presented the Commission with DHR grant information and requested the Board's action to authorize Staff to apply for the grant which would cover the cost of the remaining repairs in the HCA building. Commissioner Grove stated the grant is a 2-year special category grant for \$350,000.00 that requires a requires a 25% match. Grove shared that the last grant repair project came in under budget, leaving approximately \$19,000.00 from that grant which could be used towards the match requirement for the proposed DHR grant application. Grove went over the list of repairs provided by former HCA members who currently utilize the HCA building as a temporary African American Museum.

A motion was made by Commissioner Grove to authorize Staff to apply for phase II the DHR grant, seconded by Commissioner Duncan. Discussion, Commissioner George. Commissioner George inquired about the scope of work relative to the grant amount to be applied for i.e., \$350,000.00. Commissioner Grove suggested that Cindy Clark provide clarification to the Commission. Mrs. Clark provided the Commissioner with clarification on the scope of the grant. Motion carried 4-0.

**NEW BUSINESS #2:** Donna Ingle, Perks & Recreation Committee

Mrs. Ingle requested the Commission approve the planting of milk weeds at 12<sup>th</sup> Street and Bay Ave, commonly known as “Bay Ave Park”.

A motion was made by Commissioner George to approve the request to plant milk weeds at 12<sup>th</sup> Street and Bay Ave, also known as “Bay Ave Park”, seconded by Commissioner Duncan. Motion carried 4-0.

**NEW BUSINESS #3:** Attorney Hartman- Quit Claim Deed

Dan Hartman informed the Commission of a potential title issue for a lot that the City previously owned and transferred said property to the County many years ago. Attorney Hartman recommended that the Commission file a Quit Claim Deed to release any interest in the transferred property to the County to clear up any title issues and pursue funding for their Armory renovation project.

Commissioner Grove recommended that the City authorize the mayor to execute a quick claim deed regarding any ownership the City may have in the Coombs Armory property, seconded by Commissioner George. Motion carried 4-0.

**UNFINISHED BUSINESS #1: 2<sup>nd</sup> Reading of Ordinance 2024-01**

Attorney Hartman read Ordinance 2024-01 as follows, AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 2005-11, (92-9), (88-5), (80-11), (72-4), ADOPTED BY THE CITY COMMISSION OF APALACHICOLA FLORIDA; PROVIDING FOR NEW CATEGORIES FOR OCCUPATIONAL, BUSINESS, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS; PROVIDING A NEW SCHEDULE FOR THE PAYMENT ANF ENFORCEMENT OF OCCUPATIONAL LICENSE TAX ON BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS WITHIN THE CITY OF APACHICOLA, FIXING THE AMOUNTS THEREOF; TO AMEND PART II- CODE, SUBPART A, GENERAL ORDINANCES CHAPTER 22- LICENSES AND BUSINES REGULATIONS, ARTICAL E II, BUSINESS TAX RECEIPTS, SECTION 22-20 TO 22-31; PROVIDING PENALTIES FOR FAILURE TO PAY THE SAME; PROVIDING FOR TRANSFER OF LICENSE FEE; PROVIDING FOR SERVERABIITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.



A motion was made by Commissioner Grove to approve 2<sup>nd</sup> reading and adoption of Ordinance 2024-01, seconded by Commissioner Duncan. Discussion, Commissioner George. Commissioner George disagreed with increasing rates for business licenses tax receipts. Commissioner Grove expressed support of the staff's effort and recommendation(s). Motion carried 3-1, Commissioner George opposed.

**UNFINISHED BUSINESS #2:** Resolution for State Revolving Loan Fund for LSL Inventory

Manager Wade presented background information on the State Revolving Loan Fund and their requirement to adopt a resolution. Attorney Hartman read Resolution 2024-03 in its entirety.

Motion was made by Commissioner Grove to approve Resolution 2024-03, seconded by Commissioner George. Motion carried 4-0.

**UNFINISHED BUSINESS #3:** Franklin County Republican Executive Committee (FCREC)

On behalf of the FCREC, Mr. Bryant Banks requested that the Commission authorize the Non-partisan organization to lease space at the City Hall building. Additionally, Mr. Banks requested that the Commission reduce the rental rate and offer FCREC the non-profit rate.

Discussion held.

Commissioner Grove asked Attorney Hartman for his recommendation.

Attorney Hartman recommended that the Commission be consistent and offer a lease agreement based on fair market value which is \$. 29/sq. ft. bringing the monthly rental rate to \$250/month.

Mr. Banks commented on Attorney Hartman's recommendation and asked the Commission to honor a reduced rate since they've allowed other non-profit organizations a reduced rental rate. Mr. Banks asked the Commission to approve a rental rate of \$1200/year with a \$300 security deposit.

Commissioner George expressed a few concerns regarding the Commission's ability to rent space to a political organization as well as, possible zoning issues that would be an issue if renting space to a non-public charity organization versus a public charity organization such as a 501(c)(3) organization.

Discussion held.

Attorney Hartman offered insight based on previous determinations made by the previous City Attorney and Commission stating that, in the past, the Commission recognized not-for-profit organizations and approved renting space(s) to the various organizations without requiring specific Internal Revenue Code documentation to identify how that particular non-profit is structured and

the request to lease made by the FCREC is no different for any other organization that the City approved.

Discussion held.

Motion made by Commissioner George to approve the leasing of a space at City Hall Complex for Franklin County Republican Executive Committee, at a market rate of \$.29/sq. ft., seconded by Commissioner Duncan. Discussion, Commissioner Grove recommended that the Commission clarify the City's rent policy and procedures and further define the term "not-for-profits" particularly when it comes to the types of not-for-profit organizations the City is willing to rent space to. Motion carried 4-0.

#### **UNFINISHED BUSINESS #4: Rules of procedure**

Manager Wade provided context to the proposed changes to the Rules of Procedure and presented the Commission with recommendations submitted by Mayor Ash and Commissioner George.

Mayor Ash asked Attorney Hartman to clarify the legal definition of residency.

Attorney Hartman clarified that the term "residency" refers to the location of your permanent home, where a person is registered to vote, as well as the place where a person has a homestead exemption or the ability to file for a homestead exemption. Attorney Hartman further clarified that volunteer(s) have to be a resident in order to serve on any citizen committee(s).

Commissioner Grove suggested that the City follow the State's definition of residency i.e., where a person votes and where they have their homestead exemption, if applicable.

Discussion held.

Attorney Hartman informed the Commission that the definition of residency is defined in the City's code.

Discussion held.

No further comments regarding residency.

Manager Wade proceeded with the proposed edits to the Rules of Procedure.

Commissioner George discussed her recommendations that were provided as an attachment and recommended the Commission hold a workshop before making any changes to the Rules of Procedure.

Commissioner Duncan, no comment.

Commissioner Grove, commented on the ability of citizens to be able to serve on more than one citizen/volunteer committee. No further comments.

Manager Wade clarified his recommendations for this task and the direction given by the Commission at a previous commission meeting for him to review the City's Rules of Procedures document and make recommendations.

Discussion held.

Commissioner Duncan commented on liability issues and provided various reasons why the Commission is having to address volunteer committees and ensure that all citizen boards/volunteer committees adhere to the City's rules of procedure.

Mayor Ash expressed appreciation for volunteers on the City's various citizen boards and suggested that the Commission be consistent with the application of the Rules of Procedure further stating that all committees/citizen boards have should have rules that all volunteers are required to adhere to.

Discussion held.

Commissioner George recommended not to make any changes to the Rules of Procedure unless the Commission agrees to a workshop and discuss specific recommendations proposed by Manager Wade and the Commission.

Motion made by Commissioner George workshop any Rules of Procedure issue(s) and reject making changes to the current Rules of Procedures unless the Commission agrees to a workshop and/or review the City's internal policies to determine if the Commission is following the current Rules of Procedure. Motion withdrew by Commissioner George.

A motion was made by Commissioner Duncan to schedule a workshop to review the Rules of Procedures to ensure that the City's internal procedure is consistent with the Rules of Procedure. Seconded by Commissioner Grove. None opposed. Date requested by Mayor Ash. The Commission agreed on May 21, 2024, for the Rules of Procedure Workshop, at 6pm. Motion carried 4-0.

**UNFINISHED BUSINESS # 5: Appointment to P&Z Board**

Motion made by Commissioner George to appoint Greg Golgowski as the P&Z Alternate member, seconded by Commissioner Grove. No discussion. Motion carried 4-0.



**UNFINISHED BUSINESS # 6: Cemetery Use for Events**

Manager Wade is requested that the Commission determine if they're going to allow or prohibit cemeteries to be used for events.

Discussion held.

Mayor Ash opened the discussion for additional public comments.

Shan Raetzloff commented.

Linda Thompson commented.

Mayor Ash suggests creating a "use policy" for Chestnut Cemetery and asked Attorney Hartman to provide the Commission with a recommendation including any legal implications for allowing for use of the cemetery for events where proceeds are completely invested/donated to the City for the maintenance of the cemetery versus not allowing use for private, for-profit events.

Attorney Hartman provided clarification regarding the legal right of the City to restrict, allow, and/or control access and operations in the cemeteries being the owner and custodian of the cemeteries. Hartman also gave a recommendation stating that the City could authorize access to the cemetery for certain purposes after dark and established hours of operation like what is currently established for all City parks. Hartman left it up to the Commission to determine the types of activities they would allow and or sanction in the cemeteries.

A motion was made by Commissioner George to approve the Apalachicola Historical Society to conduct a historical ghost walk event on May 18, 2024, seconded by Commissioner Grove. Discussion, Commissioner Duncan. Motion carried 4-0.

Regarding commercial use(s) of cemeteries, a motion was made by Commissioner Grove to prohibit use of Chestnut Cemetery at night for-profit tours and/or events. Seconded by Commissioner George. No discussion. Motion carried 4-0.

**1<sup>ST</sup> Reading Ordinance 2024-02**

Attorney Hartman read Ordinance 2024-02 by title as follows, AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR THE REGULATION OF ACCESS TO CITY OWNED, CONTROLLED OR LEASED PROPERTY; PROVIDING FOR PURPOSE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

**PUBLIC COMMENT**

Mason Bean, Bring Me A Book (BMAB) expressed concern about Ordinance 2024-02 in that, it does not consider of the organizations that lease space from the City at City Hall building. Mr. Mason suggests that all tenants have their own access to the City Hall building to avoid being disruptive to any City business or personnel.

Manager Wade stated that the BMAB organization does have access to their room(s) and that the doors are now equipped with a new locking system that would allow access from the previously restricted entrance way.

No further comments.

A motion was made to approve Ordinance 2024-02 for Public Notice and 2<sup>nd</sup> reading by Commissioner Grove, seconded by Commissioner Duncan. Motion carried 3-1. Commissioner George opposed.

### **MAYOR AND COMMISSIONER COMMENTS**

Mayor Ash thanked the City Staff for their hard work and dedication to their roles.

Mayor Ash directed City Clerk to reach out with Mrs. Coon and gather her suggestions on how the City can assist with the various concerns she presented.

Commissioner Grove commented on general grant processes and the lack of definitive timelines when applying for and awaiting grant awards. Commissioner Grove highly recommends having all grant updates posted online so that the public could have direct access to all grant information. Commissioner Grove commended the Finance Director for her efforts in organizing all the grant contracts and provided an update on the Resilient Apalachicola Bay Committee.

Commissioner Duncan inquired if a partnership between Apalachicola Historical Society and the City would be beneficial for the city for the purposes of maintaining Chestnut Cemetery. Commissioner Duncan shared that she spoke with Mr. Jimmy Gander, and he expressed thanks to City Staff for promptly rectifying his concern presented at the last meeting.

Attorney Hartman commented.

Discussion held.

Commissioner George commented on the public's ability to question and encourage the Commission to address public concern. Commissioner George commented on specific tasks that were directed at Staff and presented at the last commission meeting and suggested Staff provide an update to the Commission. Commissioner George also expressed concerns about whether proper grant procedures were followed regarding the Inflation Reduction Act grant submission and would like for the Commission to review the City's Grant Procedures at the June meeting.

Furthermore, Commissioner George requested updates for ARPA project allocations, and for tasks previously directed at Staff.

Manager Wade provided clarification regarding the application process for the Inflation Reduction Act grant as well as the cost estimates for ARPA projects that were presented with his manager's report.

Commissioner Duncan also requested follow up from Manager Wade regarding proper grant procedure.

Manager presented his report and provided updates.

FINANCE DIRECTOR REPORT provided.

**ATTORNEY'S REPORT**

Hartman presented his report and provided updates on MuniCode, Mr. Robert Davis, as well as ongoing litigation(s).

Discussion held.

**CONSENT AGENDA**

Motion was made by Commissioner George to adopt the consent agenda, seconded by Commissioner Grove. No discussion. Motion carried 4-0.

**DEPARTMENT REPORTS**

All department reports provided.

Motion to adjourn made by Commissioner Grove, seconded by Commissioner Duncan. Motion carried 4-0.

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Brenda Ash, Mayor

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Sheneidra Cummings, City Clerk



**CITY OF APALACHICOLA**  
PLANNING & ZONING BOARD  
REGULAR MEETING  
Monday, April 8<sup>th</sup>, 2024  
City Meeting Room – 74 6<sup>th</sup> Street  
Minutes

**Attendance:** Chase Galloway – Vice-Chair, Myrtis Wynn, Elizabeth Milliken, Lee McLemore

**Regular Meeting: 6:00 PM**

1. Approval of March 11<sup>th</sup>, 2024 workshop, regular meeting and public hearing minutes.
  - **Motion to approve by Lee McLemore; 2<sup>nd</sup> by Myrtis Wynn. All in favor – motion carried.**
  
2. Review, Discussion and Decision for Mobile Home. (R-3) @ 338 22<sup>nd</sup> Ave, Block 217 Lot 10,11,12. For Shuler Bros. Rentals, Inc. - Owner; Contractor: Ironwood homes, Inc.
  - **Motion to approve by Elizabeth Milliken; 2<sup>nd</sup> be Lee McLemore. All in favor – motion carried.**
  
3. Review, Discussion and Decision for Addition. (R-2) @ 252 Jacobi Oneal Ln, Block 226 Lot 1. For David & Harolyn Walker; Contractor: Scott's Framing Services, LLC.
  - **Motion to approve by Lee McLemore; 2<sup>nd</sup> be Elizabeth Milliken. All in favor – motion carried.**
  
4. Review, Discussion and Decision for Certificate of Appropriateness & Addition. (O/R) (Historic District) @ 116 11<sup>th</sup> Street, Block 78 Lot 4. For David & Tara Lynn Jones; Contractor: TBD
  - **Motion to approve by Lee McLemore; 2<sup>nd</sup> be Elizabeth Milliken. All in favor – motion carried.**
  
5. Review, Discussion and Decision for Certificate of Appropriateness & Addition/Renovation. (R-1) (Historic District) @ 98 Bay Avenue, Block 193 Lots 6-10. For Philip & Rhonda Shelley; Contractor: William Ross Development
  - **Motion to approve by Lee McLemore; 2<sup>nd</sup> be Myrtis Wynn. All in favor – motion carried.**

**CITY OF APALACHICOLA**  
PLANNING & ZONING BOARD  
REGULAR MEETING  
Monday, April 8<sup>th</sup>, 2024  
City Meeting Room – 74 6<sup>th</sup> Street  
Minutes

6. Review, Discussion and Decision for Certification of Appropriateness & Signs. (C-1)  
**(Historic District) @ 17 Avenue D**, Block E-2, Front 40' of lots 1-2 and 40x18.5' of lot 3. For Apalachicola Oasis, LLC.; Contractor: Self
- **Motion to approve by Lee McLemore; 2<sup>nd</sup> be Elizabeth Milliken. All in favor – motion carried.**
7. Review, Discussion and Decision for Certification of Appropriateness & Accessory Structures/Stormwater Best Management Practice. (O/R) (Historic District) @ 92 Avenue E, Block 30 Lots SW 4&5. For Kevin Curry; Contractor: TBD
- **Applicant representative, Sam Berkheiser/We Love Land, presents the plans and the stormwater best management system being requested.**
  - **Discussion held – recording is available on City Website.**
  - **City Attorney asked if the project engineer would provide a no adverse impact letter. Sam Berkheiser stated he would provide this.**
  - **Motion to conceptually approve contingent on site specific geotechnical information on the water table being provided and approved as well as the Special Exception being granted at the upcoming P&Z meeting by Lee McLemore; 2<sup>nd</sup> by Elizabeth Milliken. All in favor – Chase Galloway, Lee McLemore, Elizabeth Milliken. Opposed – Myrtis Wynn. Motion carried.**

Other/New Business:

Outstanding/Unresolved Issues:

- **No update on 94 Bay Ave.**

**Motion to adjourn the meeting by Myrtis Wynn; 2<sup>nd</sup> by Lee McLemore. Meeting adjourned.**

**CITY OF APALACHICOLA**  
**CITY CLERK MONTHLY REPORT**  
**May 2024**

- Processed and mailed out utility bills before the end of the month.
- Prepared March Commission minutes. Prepared April agenda packets and emailed to Commission and City Attorney.
- Notified 2K Web Group to upload meeting agenda packets to website and post meeting dates and times to website.
- Assisted customers with cemetery items, utility bill questions and payments, garbage/yard trash complaints, public records request, golf cart decals, Battery Park ramp stickers, business licenses, and other miscellaneous duties.
- Completed tasks as assigned by the City Manager and Mayor.
- Completed and mailed general monthly billing.
- Assisted Staff with various issues and projects.
- Assisted employees with HR related issues.
- Completed 2 Public Records Request; and working on 2 public records request(s).
- Trained new hire, receptionist.
- Placed ad for Public Hearing: Ordinance 2024-02
- Currently training Billing Clerk
- Updated Sewer Tap List
- Verifying customer accounts in Bayon post data transfer from CUSI Utility Billing
- Working on inputting ACH information into Banyon
- Updating Battery Park and Scipio Creek Accounts for billing
- Additional clerical tasks related to Billing.



Sarah Bourque

Grant Coordinator

## **Department Report**

In the last month, I completed and submitted the Firehouse Subs grant application with hopes of getting equipment for the fire department. I completed monthly reports for our current grant projects. I updated the Grant Report with recent progress for projects. I attended many meetings with Florida Commerce to discuss projects. I attended a two day Fraud Training course in Panama City to earn my fraud certificate. I obtained and dispersed liability agreements to the business owners involved in The Hill Community Revitalization Project. I provided requested information for the Avenues Stormwaters Repair project that was audited by Florida Commerce.

## Grant Updates

### City Commission Meeting - Tuesday, June 4<sup>th</sup> 2024

#### Submitted Applications - Pending Results:

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1. **Firehouse Subs Public Safety Foundation - Hurst Rescue Tools "Jaws of Life" \$38,465**
  - a) An application requesting Jaws of Life rescue tools for the Apalachicola Volunteer Fire Department was submitted 4/4/24. These tools were a request from the VPD and will aid them in their efforts. In the event this application is not funded, city staff will continue to apply quarterly.
2. **FDOT SCOP – Commerce Street Phase 1 \$3,278,524**
  - a) An application requesting funding for resurfacing, drainage improvements, and safety improvements for Commerce Street from Avenue C to Avenue I was submitted 5/5/23. FDOT marked it as “complete” and we are waiting for updates.
3. **FWC FBIP – Battery Park Seawall \$413,748.34 (Requested \$299,748.34, City Match \$114,000)**
  - a) An application requesting construction funds for the Battery Park Seawall was submitted and marked as “complete” by FWC on 4/19/24. The FBIP Evaluation Committee will score and rank the applications on June 27<sup>th</sup>, 2024. City staff will virtually attend and provide an update.
4. **FDACS – Beautifying the City Through Tree Planting & Maintenance \$50,000**
  - a) An application requesting funding for tree maintenance, lethal bronzing disease treatment kits, tree removal, and tree planting within the City limits was submitted 4/18/24.
5. **DHR – 2025-26 Special Category – Phase II HCA (Harrison-Raney Building) mitigation/repair. \$350,000**
  - a) 2025-26 DHR Special Category grant request for Phase II to complete additional repairs to HCA currently being drafted and expected to be submitted by June 3, 2024. Phase II to complete repairs not funded in Phase I and will include windows, doors and additional masonry work.

#### Funded Applications:

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##### FDOT:

1. **SCOP - Leslie Street \$610,169.30 (G2N05)**
  - a) This project will remedy the underground issues, resurface the entire street length, and obtain new road signs based off engineer's estimate and recommendations. Engineering firm, Dewberry, has completed the plans and they were sent to FDOT for a final review prior to procurement - 5/23/24 the plans were approved and advertisements for procurement were scheduled in The Times and The Tallahassee Democrat. Bids are due by June 28<sup>th</sup> at 4PM. The current project completion date per FDOT is 10/31/24.

##### DEP:

1. **Resilient Florida - Critical Asset Flood Management \$2,039,500 (24SRP65)**
  - a) This grant will complete identified drainage projects in the city that have been documented, but not funded by other sources. Funds will repair known nuisance flooding drainage issues in 29+ locations throughout the city. The City of Apalachicola Critical Asset Flood Mitigation Projects include the replacement and retrofit of pipe systems at multiple roadway intersections, addition of inlets, pipes, water quality vaults, crown reconstruction, and construction of roadway conveyance system. Engineer procurement RFP for engineering/contracting services to be drafted first week of June. DEP has tentatively scheduled a site visit June 25.
  - b) Procurement has been completed and this project's grant admin is being recommended for award at the June meeting.

2. **Resilient Florida Planning Grant – COA Adaptation Plan \$67,000 (24PLN12)**
  - a) This award is funding for preparing a infrastructure plan for flood protection. The City of Apalachicola will complete the City of Apalachicola Adaptation Plan Project to include an Adaptation Plan consistent with the Florida Adaptation Planning Guidebook. The project will include public outreach and stakeholder engagement. Agreement signed 3/20/24 and project procurement is underway. Procurement has been completed and this project's grant admin is being recommended for award at the June meeting.
  
3. **Resilient Florida – Comprehensive Vulnerability Assessment \$272,500 (22PLN10)**
  - a) The City of Apalachicola will conduct the City of Apalachicola Comprehensive Vulnerability Assessment project to include an update to the 2017 Vulnerability Assessment. This includes the impact of sea-level rise, storm surge, and rainfall flooding. The impacts of flooding will be projected and mapped over a planning horizon that extends to 2070. Critical assets, vulnerable infrastructure, and historic properties at risk will be identified. Comprehensive plan amendments to comply with the Peril of Flood statute and adaptation strategy recommendations will also be included in the Project. \$200,000 in supplemental funding was awarded as part of the VA help resolve identified data gaps and will result in the City digitizing its infrastructure facilities including water distribution lines, sewer and stormwater.
  - b) Initial public outreach has been completed. Technical data gathering is complete; 80% of Exposure Analysis is complete, and 60% of Sensitivity Analysis is complete. Collection of existing infrastructure files for digitizing currently underway. Pending acquisition of project CAD files/conversion and update of infrastructure model data.
  
4. **Resilient Florida – Wastewater Plant Repairs \$13,381,516 (22SRP17) + SLFRP - WWTP Headworks & SBR Relocation, Replacement and Upgrades for Advanced Wastewater Treatment \$5,551,875 (WG038) = Total \$18,933,391 for WWTP Relocation/Replacement**
  - a) These grants combined are to replace and repair critical wastewater facility components and to relocate the facility to ensure it is out of the flood zone. The project will ensure that the City is storm ready for years to come!
  - b) Construction is not yet underway. The project engineer, Dewberry, received sampling results and worked on biological process modeling, initial design layout, and process equipment selection in the Preliminary Design Report. 55% of the design is completed. Bidding and contractor selection will begin after completion of Design & Permitting.
  - c) As of April 2024, project is at 15% completion. Project completion date is estimated for September 2026. Final design has begun.
  - d) At the end of March 2024, the project received its' second reimbursement for work from April 2023 through January 2024. We are currently continuing to gather invoices from the engineering firm to submit to DEP for reimbursement request 3.

**Florida Commerce [Formerly DEO]:**

1. **Rural Infrastructure Fund - Water Treatment Plant Improvements, Potable Water Studies \$147,000 (D0225)**
  - a) This grant will evaluate existing conditions, create an enhanced sampling plan, hydraulic modeling, treatability studies and alternatives analysis. Engineering firm, Dewberry, is in progress and these studies are 30% complete!
  
2. **Rural Infrastructure Fund – Drainage Basin Analysis Phase II + Camera Work of Stormwater Lines \$300,000 (D0260)**
  - a) This grant will fund an analysis of the drainage basins that border Apalachicola River and Bay. The proposal also includes funding to begin camera-work of the stormwater lines in Phase 1. The project aims to document all stormwater conveyance characteristic, both structural and natural, along with deficiencies of each that have contributed to localized flooding within 18 drainage basin areas totaling 310 acres in the city. The City will then prioritize repairs in areas where localized flooding is present and plan for water quality treatment at the stormwater outfalls which discharge into the Apalachicola River



and Apalachicola Bay. Basins 11 and 3 were covered by the 2018 grant. This grant application would address the following basins: 1, 2, 4, 5, 6, 7, 8, 9, 10, 12-19

- b) Agreement signed 2/1/24. Waiting to procure grant administration with grant continuing services procurement.
- 3. CDBG-DR – Avenues Stormwater Repair Project \$3,800,000 (M0016)**
- a) This grant is to fund repairs and upgrades for the avenues stormwater drainage system. Dewberry is the engineering firm for this project.
  - b) Quotes received for drainage pipe inspections and route survey. Existing conditions CCTV survey was completed. The engineer received videos and reports which have been analyzed. The engineer worked with contractor to revise scope and cost for drainage pipe survey. Project information was distributed to interested stakeholders for environmental review. Tribal letters completed. Designs ready in next few months. Environmental review report continues. Survey results may create a few changes of the environmental review.
  - c) An amendment request was submitted on 5/10/2024 to add CE&I as a reimbursable task and to extend the period of performance through September 2025.
- 4. CDBG-DR – Hometown Revitalization \$4,400,000 (M0034)**
- a) This grant is to revitalize the businesses and public areas in the riverfront district. This work includes private business's docks along with public docks, sidewalks, lighting, and parking areas.
  - b) A field survey continues with progress along Water and Commerce Streets with field survey work along Scipio Creek complete. Survey office work and plans ongoing. Engineer, HALFF Engineering, met with City of Apalachicola management on 2/21/2024 to review coast guard site, old fire station property, the Popham Building, and Andres Pier issues. As of March 31, 2024, Phase I Environmental Site Assessments (ESA's) were nearly complete, permitting was 15% complete, preliminary design and plans for Plan Set 1 were 20% complete (sites along Scipio Creek), and the engineer (Halff) was scheduling field review meetings for Plan Set #2 (street upgrades and amenities). Popham Building preliminary memo re: structural review was submitted to the City on 04.09.2024; this memo indicated that the building lacks the stability and integrity to make structural repairs and recommended demolition of the existing structure. A grant modification is forthcoming because several components of the project need to be removed from the scope of work.
  - c) 404 Permitting will be required. 404 Permitting is currently at a complete halt due to legal action involving 404 permitting elsewhere in the state (unrelated to the City – this case involves a situation in south Florida). When it resumes, there will be a back-up and delays are expected. City and grant admin are concerned about 404 permitting timeline. Stakeholder outreach has started. Phase 1 ESA's are underway and nearing completion. Cultural resource surveys may be required; these are not included in the engineer's current scope of work. Additional information regarding this requirement has been requested from the engineer. Wetland delineations underway and should be completed soon. Construction to start late this year.
  - d) Project information has been distributed to all stakeholders. The City submitted a scope modification request to Florida Commerce in April 2024.
- 5. CDBG-DR – Hill Community Project \$910,000 (M0033)**
- a) This project is to revitalize four (originally 5, one location dropped out by choice) businesses within the Hill through exterior work and renovations - each location's scope differs. This project is also to create sidewalks and lighting in the Hill area to spur economic development through walkable connectivity. Gouras and Associates is the grant administrator and CDG is the engineering firm working on the plans. Certifications for the private business owners have been prepared and sent to each owner to ensure that the program guidelines are being met by all parties. There are structural issues with a couple of the locations which may result in some scope changes in the near future.
  - b) The City Commission finalized the scope of the Sidewalk & Lighting project at a special meeting on 2/20/24 after workshopping the previously approved scope. The below image shows the final scope of these improvements - these are subject to Commerce approval. The cost of materials has increased during the progression of this grant, so the priority for the funding will be sidewalks first with primary focus on MLK and the 8th Street section.
  - c) Stand-alone project call with Commerce was scheduled. Currently paused on environment because

scope changes will likely be necessary. Meeting with Florida Commerce occurred on 4/29/2024 to discuss re-allocating funds and potential scope changes.

- d) Florida Commerce and the City held a TA call on 4/29/2024 to discuss scope changes requested by the City. Changes to the sidewalk layout based on public feedback was discussed, as well as structural issues that have been identified for several commercial buildings. As a result of this call, the City drafted an amendment request during the reporting period. Feedback from the engineer is needed on an updated budget and schedule; the amendment request will be finalized and submitted upon receipt of this information. Additionally, revised environmental stakeholder letters were distributed on 5/3/2024.
- e) Liability Agreements were created by the City Attorney and distributed to the business owners. Project guidelines were also provided. Meetings to discuss these documents are scheduled with business owners.

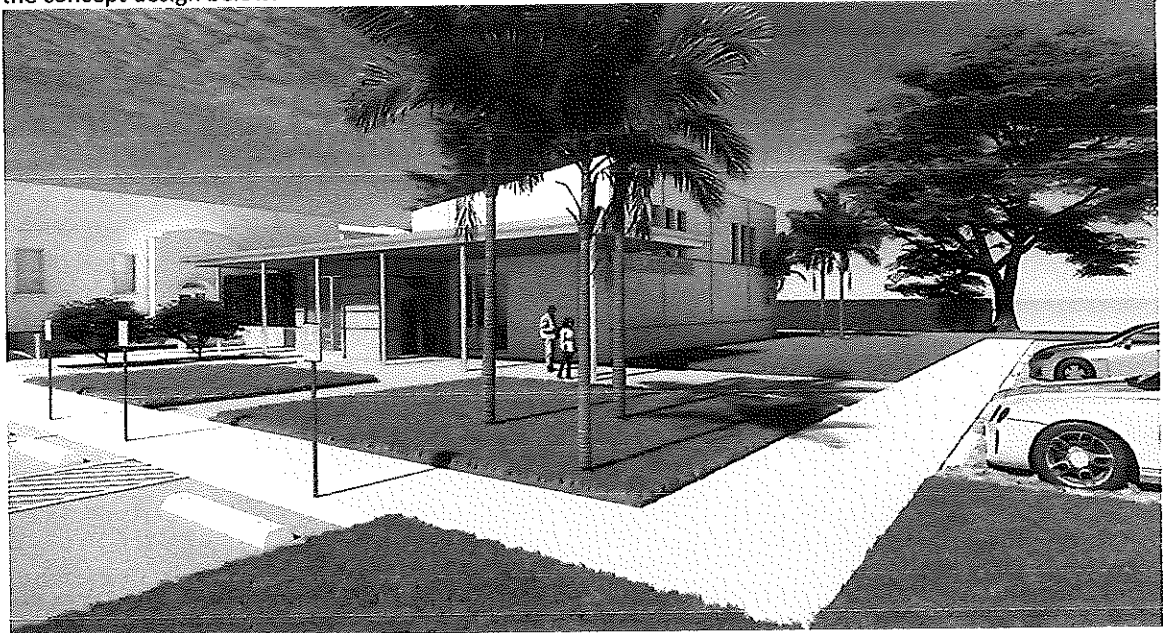


- f)
6. **CPTA – Workforce Housing Study \$75,000 (P0482)**
- a) The City was awarded \$75,000 towards a workforce housing study that could address viable solutions to the lack of workforce housing in the area. The funding came from leftover CPTA money from the last fiscal year, so we did not know the expected timeline when applying in the fall of 2023. Unfortunately, the award was not granted until late February of 2024 with a deadline of June 2024. Procurement was attempted and even the firms that had helped put this application together were not able to meet the deadline and chose not to bid on the project. No bids were received – city staff were hopeful to award this in April.
  - b) Due to no bids being received and city staff not being able to find a firm willing to meet the deadline, Commerce recommended de-obligating the funding and instead re-submitting the same application for the current open CPTA opportunity, deadline in early May. City staff is currently preparing to re-submit the Workforce Housing project for the new round of CPTA funding and are waiting for direction from the City Manager on de-obligation.
  - c) The City de-obligated from this agreement on 4/29/2024. The City applied for the next round of CPTA funding on 5/6/2024.

**DOS:**

- 1. **DHR African American Cultural and Historical Grants - Apalachicola History & Culture African American Museum \$1,250,000 [\$1,000,000 Award, \$250,000 Matching Funds] (23.s.aa.900.039)**
  - a) This project is funding the design and construction of a one-story, 2,000SF building with elevated ceilings. Priorities include: security, storage, office space, greeting station/gift shop, breezeway to Holy Family, bathrooms, controlled lighting for displays.
  - b) There was a meeting on 1/16/2024 to show the concept direction of elevations and floor plans for the proposed museum. The third set of concepts was introduced to the City Staff, Commission, and

community stakeholders. There was a presentation introducing potential site planning concepts, indoor and outdoor arrangements of display area, and potential exterior plaza configuration. Commission voted on exterior and interior layouts and designs for the museum provided by the architects. The modern style building, second floor plan, and exposed roof style were all chosen. The next phase is moving these concepts to construction documents – the architect/engineering team is in progress. See the concept design below:



2. **DHR NPS – HCA (Harrison-Raney) Repair & Flood Mitigation \$281,000 (21.h.fh.900.018)**
  - a) The HCA building scope of work is complete and reimbursement request submitted. Awaiting reimbursement. Note: 2025-26 DHR Special Category grant request for Phase II to complete additional repairs to HCA currently being drafted and expected to be submitted by June 3, 2024.
3. **DHR NPS – Old City Hall Phase I \$399,916 (21.h.fh.99.006)**
  - a) The City Hall (Middlebrooks Bldg) scope of work is complete and reimbursement request submitted. Awaiting reimbursement.
4. **DHR Special Categories – Old City Hall Phase II Structural Damage \$395,000 + \$98,750 Match (24.h.sc.100.069)**
  - a) City was funded for Phase II of the repair/structural work to the old city hall building! Agreement was signed 8/8/23. Bay Media will continue with grant administration as well as 4M Design, Mark Tarmey, on the designs as allowed by DOS. This grant is to secure funding to complete the Old City Hall Renovation and support the ongoing repairs funded through the NPS grant. The purpose is to stabilize the building, by proposing to install an interior rigid steel frame to provide the structural integrity of the building, exterior masonry, and support the historic second floor wood frame.
  - b) We are in the process of closing out Phase 1 and after that is complete the Phase II project will move along. Phase II will install structural interior steel framing, additional 2<sup>nd</sup> floor shutters and interior/exterior masonry work, electrical, plumbing. Admin to schedule staff, architect (4M Design) and contractor (OSP) onsite meeting to finalize Phase II scope and develop construction contract.

**FEMA:**

1. **Hurricane Michael - Bodiford Park Dock Repairs (76103)**
  - a) Dewberry engineers completed the engineered plans for this project. Project construction was bid out and awarded to Coastline Clearing in the amount of \$53,824 on 4/2/24! Contracts are in progress and work should begin soon.
2. **Hurricane Michael - Scipio Creek Marina Finger Dock Repairs (76103)**



- a) Dewberry engineers completed the engineered plans for this project. Project construction was bid out and awarded to Coastline Clearing in the amount of \$74,090 on 4/2/24! Contracts are in progress and work should begin soon.
- 3. Hurricane Michael - Alleyways Repair (81078)**
- a) The City received quotes for the material needed for the alleyway repairs – the material was purchased in the amount of \$16,745.40 and Public Works installed the material in 17 alleys. Before and after pictures were taken any submitted to FEMA for review – City was already in receipt of the funding, so no reimbursement is needed – just reporting.

**FDEM:**

- 1. HMGP Market Street Vacuum Station \$120,000 (4399-150-R) with DEO Match of \$37,500 (M0142)**
- a) The scope of this project is for the design of a new vacuum sewage station located near intersection of Market Street and Avenue G. The purpose of this project is to provide protective measures to wastewater infrastructure of the historic downtown commercial district in Apalachicola. CPWG Madrid is 90% complete with the engineered plans for the Market Street Vacuum Station – they submitted 100% designs and permits, but there were some remaining issues/priorities in the plans pointed out by staff that are currently being remedied. Monthly meetings with Commerce continue.
  - b) The next step will be to submit the final deliverables for approval and evaluation of BCA for Phase II (construction) funding.
- 2. HMGP Critical Facilities Generators \$241,862 (4399-092-R) with DEO Match of \$26,064.75 (M0141)**
- a) This grant will provide protection and storm mitigation by providing City Hall, the police, and fire department with portable generators. One will be at City Hall, the other will be shared by Police and Fire. The purpose of this project is to provide protection to a critical facility in Apalachicola. The project is for the purchase and installation of an emergency generating system to reduce and/or mitigate the damage that might otherwise occur from severe weather or other hazards.
  - b) The contract with BGN was executed and monthly progress meetings with Commerce continue – permitting is in process and general installation will begin very soon! Generators have been ordered.
  - c) The City is waiting on generators to arrive. The next step is to pour concrete and install electrical.
- 3. HMGP Wastewater Vacuum Station Portable Generator \$170,000 (4486-007-R)**
- a) For purchase and setup of an emergency generator system to reduce and/or mitigate the damage that might otherwise occur from severe weather or other hazards at the 108 Avenue F location. (The current generator is too small for the need and this will provide an appropriately sized and portable generator.)
  - b) The bid for this project came in over budget. A budget increase was requested in February, 2024. We are waiting on determination from FDEM. The contractor has guaranteed his price without an increase until June 24, 2024.

**State Appropriations:**

- 1. Spray Field & Solar Project \$130,000 (LPA0452)**
- a) The original request for this award was for 150 replacement spray heads and installation of 11 solar controllers and supplementary batteries. The spray heads are \$553.00 apiece, and the solar installation costs (in total) amounts to \$87,880.00 for 22 locations.
  - b) DEP issued an amendment in April 2024 allowing for the funds to be used solely for acquisition of needed parts instead of having to hire out a contractor for the parts and install. This will allow The City to stretch the budget further and be able to buy more spray heads and install them in house – procurement is in the works as acquisition quotes will need to be obtained and approved by DEP prior to ordering. Work will be completed by 12/31/25.
- 2. Inflow & Infiltration Study \$300,000 (LPA0451)**
- a) The City of Apalachicola has an aging infrastructure made of terra cotta pipes and faulty water lines. The City is funded to do an infiltration and inflow study - the study will assess local sources of surface water and/or groundwater prior to entering a sewage system. This will be done with typical methods such as smoke testing, dye testing, and visual inspections to locate structural defects or water stains to

summarize existing data pertinent to the hydrologic conditions and hydrogeology in the study and surrounding area. This will produce a pre-design report that will detail the scope of the problem in the analysis area, outline design options, and identify the tasks required to complete a resolution to the problem by 6/30/25.

b) Procurement is in progress.

**3. Stormwater Pipe Relining & Backflow Devices - \$100,000 (LPA0140)**

a) Urban Catalyst is the procured engineer for this project. The following locations in Apalachicola will be addressed: 1) Fred Meyer Street near 18th Street just east of the intersection, where the road is sinking at a damaged pipe joint; 2) 5th Street between Avenue C and Avenue E., where the road has several areas where the pipe joints are caving in; and 3) Avenue B between 11th and 12th Street. Funding agency does not anticipate that the funding under this Agreement will result in a fully completed project, so this award will cover a portion of the work.

b) An extension to 6/30/25 was granted – engineering is complete and the City tried to bid out the work with no responses twice – DEP agreed for us to be able to obtain quotes to move forward instead of going through the bidding process. Quotes for the final work are being acquired.

**4. Avenue H Parking Lot \$270,026 (Waiting for Agreement)**

a) The 2024 legislative session funded the Avenue H Parking Lot project. This project will provide 39 parking spaces in an area with very few options for public parking, encouraging additional economic activity in the downtown area. Permeable parking will also help with storm water management. Parking for local businesses will be provided - additionally, parking spaces will be provided that will be available for parking mitigation by local businesses.

b) An agreement has not yet been received – report will be updated once the agreement has been executed.

**5. Fire Hydrant Replacement Phase III \$275,000 (Waiting for Agreement)**

a) The 2024 Legislative session funded the Fire Hydrant Replacement Phase II project. The request was originally for \$550,000 to finish out the project, but only \$275,000 was funded. The City has worked over the last three years to replace 215 old and inoperable fire hydrants throughout the city. There are currently 110 fire hydrants remaining that are still in need of replacement. These new hydrants will benefit residents in close proximity in obtaining homeowners insurance, they will benefit the City with FDEP required flushing of drinking water and will benefit the all City residents with fire suppression and control. The funding should cover 55 of the remaining needed 110 hydrants.

b) An agreement has not yet been received – report will be updated once the agreement has been executed.

**ARPA:**

**1. American Rescue Plan - \$1,179,010**

a) The City received an award of \$1,179,010 through the SLFRF program – the City has elected to use the funding as a “standard allowance” for government services.

b) The City Commission has been workshopping priorities for the funding – currently the City Commission is anticipating use of the funding for possible overages on the Leslie Street project and matching funds for the Battery Park Seawall grant submission. A priority list was given to the City Manager at the 2/20/24 6:00PM Workshop and quotes are being obtained for the City Commission to finalize the list of priorities for the funding.

c) Attended the ARPA webinar to ensure any new requirements are met for the reporting. The yearly report will be submitted by April 30th.

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All information in this report is accurate up to 5/24/24 at 12:00PM! If you have questions regarding any of the above projects, please direct your questions to Sarah Bourque – Grant Coordinator

[sbourque@cityofapalachicola.com](mailto:sbourque@cityofapalachicola.com) and Bree Robinson – City Planner  
[brobinson@cityofapalachicola.com](mailto:brobinson@cityofapalachicola.com).



# Building Department Monthly Report: May

Permit Type	Assessed To	Property Address	Amount Paid	Cashier	Payment Method	Primary Contractor	Applicant Name
Residential Re-Roof	24AP-RR0008	70 12th Street	\$100.00	Reynold N	Credit Card	TJB Construction	Mitchell Robb
Residential Re-Roof	24AP-RR0008	70 12th Street	\$2.00	Reynold N	Credit Card	TJB Construction	Mitchell Robb
Residential Re-Roof	24AP-RR0008	70 12th Street	\$2.00	Reynold N	Credit Card	TJB Construction	Mitchell Robb
Air Conditioner	24AP-AC0010	30 8th Street	\$100.00	Reynold N	Credit Card	Miller Heating & Air	John Helms
Air Conditioner	24AP-AC0010	30 8th Street	\$2.00	Reynold N	Credit Card	Miller Heating & Air	John Helms
Air Conditioner	24AP-AC0010	30 8th Street	\$2.00	Reynold N	Credit Card	Miller Heating & Air	John Helms
Window Replacement	24AP-WR0010	205 Bobby Cato	\$100.00	Reynold N	Credit Card		Cydney Szymanowski
Window Replacement	24AP-WR0010	205 Bobby Cato	\$2.00	Reynold N	Credit Card		Cydney Szymanowski
Window Replacement	24AP-WR0010	205 Bobby Cato	\$2.00	Reynold N	Credit Card		Cydney Szymanowski

Plumbing Permit	24AP-P0007	109 16th Street	\$100.00	Reynold N	Credit Card	M and L Plumbing
Plumbing Permit	24AP-P0007	109 16th Street	\$2.00	Reynold N	Credit Card	M and L Plumbing
Plumbing Permit	24AP-P0007	109 16th Street	\$2.00	Reynold N	Credit Card	M and L Plumbing
Residential Re-Roof	24AP-RR0009	30 Myrtle Ave	\$100.00	Reynold N	Credit Card	Bob McKeithen & Sons
Residential Re-Roof	24AP-RR0009	30 Myrtle Ave	\$2.00	Reynold N	Credit Card	Bob McKeithen & Sons
Residential Re-Roof	24AP-RR0009	30 Myrtle Ave	\$2.00	Reynold N	Credit Card	Bob McKeithen & Sons
Air Conditioner	24AP-AC0011	41 25th Avenue	\$100.00	Reynold N	Credit Card	Ruby Dykes
Air Conditioner	24AP-AC0011	41 25th Avenue	\$2.00	Reynold N	Credit Card	Ruby Dykes
Air Conditioner	24AP-AC0011	41 25th Avenue	\$2.00	Reynold N	Credit Card	Ruby Dykes
Commercial Re-Roof	24AP-CR0006	46 9th Street	\$392.00	Reynold N	Credit Card	Hall Roofing Company LLC
Commercial Re-Roof	24AP-CR0006	46 9th Street	\$3.92	Reynold N	Credit Card	Hall Roofing Company LLC
Commercial Re-Roof	24AP-CR0006	46 9th Street	\$5.88	Reynold N	Credit Card	Hall Roofing Company LLC

Air Conditioner	24AP-AC0008	172 Sawyer Lane	\$100.00	Reynold N	Credit Card	Donna Knutson
Air Conditioner	24AP-AC0008	172 Sawyer Lane	\$2.00	Reynold N	Credit Card	Donna Knutson
Air Conditioner	24AP-AC0008	172 Sawyer Lane	\$2.00	Reynold N	Credit Card	Donna Knutson
Air Conditioner	24AP-AC0009	115 Avenue B	\$100.00	Reynold N	Credit Card	Gunn Heating & Air Conditioning Inc Lloyd Shiver
Air Conditioner	24AP-AC0009	115 Avenue B	\$2.00	Reynold N	Credit Card	Gunn Heating & Air Conditioning Inc Lloyd Shiver
Air Conditioner	24AP-AC0009	115 Avenue B	\$2.00	Reynold N	Credit Card	Gunn Heating & Air Conditioning Inc Lloyd Shiver
Residential Remodel	23AP-RB0056	98 Bay Ave	\$157.80	Reynold N	Credit Card	Philip and Rhonda Shelley
Residential Minor	24AP-RM00001	143 4th Street	\$100.00	Reynold N	Credit Card	Kathy Jansen
Residential Minor	24AP-RM00001	143 4th Street	\$2.00	Reynold N	Credit Card	Kathy Jansen
Residential Minor	24AP-RM00001	143 4th Street	\$2.00	Reynold N	Credit Card	Kathy Jansen



Window Replacement	24AP-WR0008	211 Avenue G	\$100.00	Reynold N	Credit Card	Erin Rodriguez Construction- CGC1521107	Carolyn Johnston
Window Replacement	24AP-WR0008	211 Avenue G	\$2.00	Reynold N	Credit Card	Erin Rodriguez Construction- CGC1521107	Carolyn Johnston
Window Replacement	24AP-WR0008	211 Avenue G	\$100.00	Reynold N	Credit Card	Erin Rodriguez Construction- CGC1521107	Carolyn Johnston
Residential Re-Roof	24AP-RR0007	169-14th St	\$2.00	Reynold N	Credit Card	Apalachicola Development	
Residential Re-Roof	24AP-RR0007	169-14th St	\$2.00	Reynold N	Credit Card	Apalachicola Development	
Residential Re-Roof	24AP-RR0007	169-14th St	\$2.00	Reynold N	Credit Card	Apalachicola Development	
Air Conditioner	24AP-AC00001	172 12th Street	\$100.00	Reynold N	Credit Card	Gwendolyn Ingram	
Air Conditioner	24AP-AC00001	172 12th Street	\$2.00	Reynold N	Credit Card	Gwendolyn Ingram	
Air Conditioner	24AP-AC00001	172 12th Street	\$2.00	Reynold N	Credit Card	Gwendolyn Ingram	
Residential Re-Roof	24AP-RR0006	65 Avenue E	\$100.00	Reynold N	Credit Card	Hall Roofing Company LLC	William Clark

Residential Re-Roof	24AP-RR0006	65 Avenue E	\$2.00	Reynold N	Credit Card	Hall Roofing Company LLC	William Clark
Residential Re-Roof	24AP-RR0006	65 Avenue E	\$2.00	Reynold N	Credit Card	Hall Roofing Company LLC	William Clark
Residential Addition	23AP-RB0016	100 Ave D	\$445.50	Reynold N	Credit Card		William Ross Development
Residential Addition	23AP-RB0016	100 Ave D	\$2.00	Reynold N	Credit Card		William Ross Development
Residential Addition	23AP-RB0016	100 Ave D	\$2.00	Reynold N	Credit Card		William Ross Development
Residential Addition	24AP-RB00002	116 11th St	\$2.00	Reynold N	Credit Card		David Jones
Residential Addition	24AP-RB00002	116 11th St	\$75.00	Reynold N	Credit Card		David Jones
Residential Addition	24AP-RB00002	116 11th St	\$2.00	Reynold N	Credit Card		David Jones
Plumbing Permit	24AP-P00001	98 Bay Avenue	\$100.00	Reynold N	Credit Card	M and L Plumbing	Rhonda and Philip Shelley
Plumbing Permit	24AP-P00001	98 Bay Avenue	\$2.00	Reynold N	Credit Card	M and L Plumbing	Rhonda and Philip Shelley
Plumbing Permit	24AP-P00001	98 Bay Avenue	\$2.00	Reynold N	Credit Card	M and L Plumbing	Rhonda and Philip Shelley

**Total** **\$2,544.10**  
**DBPR** **\$35.92**  
**DCA** **\$37.88**

# Building Department Monthly Report part 2: May

Payment Date	Category	Permit Type	Assessed To	Property Address	Fee Type	Amount Paid	Cashier	Applicant Name
5/23/2024	Land Use	Tree	24AP-T0053	350 25th Ave	Tree App Fee	\$50.00	Pamela El Rubien Perez	Pamela El Rubien Perez
5/23/2024	Land Use	Tree	24AP-T0053	350 25th Ave	Reforestation Fee	\$35.00	Pamela El Rubien Perez	Pamela El Rubien Perez
5/14/2024	One Stop	Fill Dirt	24AP-FD0022	343 25th Avenue	X Flood Zone (Fill)	\$340.00	Pamela El Rubien Perez	Pamela El Rubien Perez
5/13/2024	One Stop	Fill Dirt	24AP-FD0023	167 22nd Avenue	X Flood Zone (Fill)	\$100.00	Pamela El Rubien Perez	Pamela El Rubien Perez
5/10/2024	Residential A	Remodel	24AP-RB0019	67 17th Street	Residential Addition	\$187.00	Reynold N Norton Kilbourn and Ellie Tullis	Reynold N Norton Kilbourn and Ellie Tullis
5/10/2024	Residential A	Remodel	24AP-RB0019	67 17th Street	DBPR (manual)	\$2.00	Reynold N Norton Kilbourn and Ellie Tullis	Reynold N Norton Kilbourn and Ellie Tullis
5/10/2024	Residential A	Remodel	24AP-RB0019	67 17th Street	DCA (manual)	\$2.00	Reynold N Norton Kilbourn and Ellie Tullis	Reynold N Norton Kilbourn and Ellie Tullis
5/9/2024	Residential A	Pole Barn / Shed	24AP-RB0018	160 8th Street	Residential Accessory Structure	\$75.00	Reynold N Gary and Valerie Ziegler	Reynold N Gary and Valerie Ziegler



5/9/2024	Residential A	Pole Barn / Shed	24AP-RB0018	160 8th Street	DBPR (manual)	\$2.00	Reynold N Gary and Valerie Ziegler
5/9/2024	Residential A	Pole Barn / Shed	24AP-RB0018	160 8th Street	DCA (manual)	\$2.00	Reynold N Gary and Valerie Ziegler
5/8/2024	Land Use	Tree	24AP-T0047	156 Sawyer Lane	Tree App Fee	\$50.00	Pamela El Grayson Shepard
5/8/2024	Land Use	Tree	24AP-T0047	156 Sawyer Lane	Reforestat ion Fee	\$35.00	Pamela El Grayson Shepard
5/6/2024	Land Use	Tree	24AP-T0044	257 Hwy 98	Reforestat ion Fee	\$25.00	Pamela El Wilburn Lamar Hartsfield, Jr.
5/6/2024	Land Use	Tree	24AP-T0044	257 Hwy 98	Tree App Fee	\$50.00	Pamela El Wilburn Lamar Hartsfield, Jr.
5/3/2024	One Stop	Window Replacement	24AP-WR0007	11-9th ST	Other - Residentia l	\$100.00	Reynold N Elizabeth Milliken
5/3/2024	One Stop	Window Replacement	24AP-WR0007	11-9th ST	DBPR (manual)	\$2.00	Reynold N Elizabeth Milliken
5/3/2024	One Stop	Window Replacement	24AP-WR0007	11-9th ST	DCA (manual) HVAC - Residentia l	\$2.00	Reynold N Elizabeth Milliken
5/2/2024	One Stop	Air Conditioner	24AP-AC0007	169-14th St	Residentia l	\$100.00	Reynold N Apalachicola Development and Land
5/2/2024	One Stop	Air Conditioner	24AP-AC0007	169-14th St	DBPR (manual)	\$2.00	Reynold N Apalachicola Development and Land

5/2/2024	One Stop	Air Conditioner	24AP-AC0007	169-14th St	DCA (manual)	\$2.00	Reynold N Apalachicola Development and Land
5/2/2024	One Stop	Misc. Other	24AP-MO0003	169-14th St	Other - Residentia	\$100.00	Reynold N Apalachicola Development and Land
5/2/2024	One Stop	Misc. Other	24AP-MO0003	169-14th St	DBPR (manual)	\$2.00	Reynold N Apalachicola Development and Land
5/2/2024	One Stop	Misc. Other	24AP-MO0003	169-14th St	DCA (manual)	\$2.00	Reynold N Apalachicola Development and Land
5/2/2024	Land Use	Tree (City)	24AP-T0041	83 12th Street	Tree App Fee	\$50.00	Pamela Ei COA
5/2/2024	Land Use	Tree (City)	24AP-T0041	83 12th Street	Tree Reforestat ion Fee	\$35.00	Pamela Ei COA
5/1/2024	One Stop	Fill Dirt	24AP-FD0020	71 13th Street	X Flood Zone (Fill)	\$100.00	Pamela Ei Gul Coast Land Clearing
						\$1,452.00	

**Permit**  
**Fee to City \$1,432.00**  
**DBPR \$10.00**  
**DCA \$10.00**



# CITY OF APALACHICOLA CODE ENFORCEMENT

192 Coach Wagoner Blvd \* Apalachicola, Florida 32320 \* 850-653-8222

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## CODE ENFORCEMENT OFFICE

April 2024

**7 Tree Permits**

**5 Fill permits**

**1 Sidewalk Permit**

**1 Sign Permits**

**Daily Phone Inquiries & Emails Answered**

**Routine inspections daily**

**Attend monthly P&Z and City Commission meetings**

**Investigate Code Violations**

**Active Code Issues:**

- **Long-standing code violation regarding illegal removal of a patriarch live oak - Resolved**
- **Short-term Rentals (4) - residential - 3 resolved; pending**
- **Nuisance (Trash, waste, burning, etc.) (1), unresolved - in process**
- **Encroachment issues (2) ongoing - not resolved**
- **Food Truck issues (2) permanent connection to sewer - ongoing  
(1) discarding grease into sewer pit (resolved)**
- **Various complaints and question**

**Completed CEO Procedures Manual**



Permit Number	Permit Type	Property Address	Application Date	Permit Issuance Date	Permit Status	Total Fees Paid	Description of Work
24AP-BS0006	Business Sidewalk Permit	17 Ave D, Apalachicola, FL 32320	04/17/2024	04/17/2024	Completed	\$500.00	sidewalk permit (double sidewalks)
24AP-FD0015	Fill Dirt	90 8th, Apalachicola, FL 32320	04/03/2024	04/03/2024	In Progress	\$100.00	driveway fill
24AP-FD0016	Fill Dirt	232 8th Street, Apalachicola, FL 32320	04/09/2024	04/09/2024	Completed	\$100.00	fill dirt
24AP-FD0017	Fill Dirt	203-209 Sawyer Lane, Apalachicola, FL 32320	04/16/2024	04/16/2024	In Progress	\$100.00	fill in parking lot.
24AP-FD0018	Fill Dirt	154 Sawyer Lane, Apalachicola, FL 32320	04/16/2024	04/16/2024	In Progress	\$100.00	fill dirt to fill in depression
24AP-FD0019	Fill Dirt	59 Ave C, Apalachicola, FL 32320	04/17/2024	04/17/2024	In Progress		re-do driveway
24AP-S0004	Sign	17 Ave D, Apalachicola, FL 32320	04/17/2024	04/17/2024	In Progress	\$97.34	sign permit
24AP-T0031	Tree	123 8th Street, Apalachicola, FL 32320	04/02/2024	04/02/2024	Completed	\$85.00	remove diseased palm tree
24AP-T0033	Tree	190 11th Street ROW, Apalachicola, FL 32320	04/03/2024	04/03/2024	In Progress		remove pine tree in alley of 194 11th Street
24AP-T0035	Tree	174 17th Street, Apalachicola, FL 32320	04/16/2024	04/16/2024	Completed	\$75.00	removal of a wateroak-imminent hazard
24AP-T0036	Tree	168 8th Street, Apalachicola, FL 32320	04/16/2024	04/16/2024	Completed	\$120.00	removal of double-trunk pecan tree
24AP-T0037	Tree	218 Ave D, Apalachicola, FL 32320	04/16/2024	04/16/2024	Completed	\$85.00	remove dying live oak tree
24AP-T0038	Tree	215 16th Street, Apalachicola, FL 32320	04/17/2024	04/17/2024	Completed	\$135.00	3 tree removals
24AP-T0032	Tree (City)	189 Ave E, Apalachicola, FL 32320	04/03/2024	04/04/2024	Completed		remove dying water oak

## APRIL 2024 WATER & SEWER FIELD CREW REPORT

- Well #6 rehab is Completed, and all bact-i samples came back negative and well is back online.
- Fixed a Four-inch water main on 24<sup>th</sup> Ave.
- Working with contractors at the new Gibson Inn installing water & sewer taps
- Completed all the daily rounds for the Month.
- Working on replacing the rest of the manual read meters.
- Responded to and repaired any low vacuum issues on the vacuum system.
- Completed all meter readings for the Month.
- Completed Monthly Samples for DEP
- Completed all the locates for the Month.
- Completed work orders for the Month.
- Cleaned out Odor scrubber at the water plant.
- Flovac is in the process of installing another 180 Vacuum pits on B-line.
- We have found several places around town where there was infiltration going in to the sewer system and repaired them.
  
- Completed TTHM Quarterly samples. We are still below the limit .80 is the maximum we had a 26.69 at Bay city and a 31.02 at Roberts Fish Dock
- Fixed a two-inch water leak on Market Street.
- Worked on Splash Pad and got it up and running.

## City of Apalachicola

### **Public Works Monthly Report**

May 2024

The public works department, services all city vehicles and replaces all the tires on city vehicles, services all the mowers and weed eaters, cuts all city parks, cut all city properties, clean all city buildings, empty all garbage cans down town and city parks, clean city right of ways, cut city right of ways, and patch holes on city roads as needed.

- Completed 2 work orders.
- Serviced one city vehicle.
- collected trash from downtown and public parks.
- cut our routine main roads parks.
- Cut back and cleaned several alleys.
- cut 17<sup>th</sup> St. and Bay Ave. storm water ditches.
- Finished installation of flooring at police station.
- Finished painting walls at police station.
- Finished moving alley on M.L.K
- Pressure washed splash pad.
- Cleaned and cut ditch Ave. h and 13<sup>th</sup> St.
- Replaced and/or repaired boards at Battery Park Pier.
- Replaced tires on one city vehicle.
- Replaced tires on city work squad trailer.
- Loaded and hauled several loads of yard debris.
- Meet with a/c contractor at community building and harbor master building for quotes on replacing a/c units.
- Contractor fixed a/c unit at holy family meeting room.
- Removed dead palms trees from several locations in city.
- Replaced historical sign at snow hill cemetery.

Signed by Robert Osburn



# City of Apalachicola WWTP

## Monthly Report for May 2024

Some of the items that we have been working on this month are listed below.

- Recorded all required daily parameters as outlined by the permit.
- Completed all required monthly testing as outlined by the permit.
- Completed all monthly reports and submitted them on time as outlined in the permit.
- At the time this report was made, the WWTP treated and discharged 9.263mg during the month of May 2024. This still leaves 2 more days in the month for extra flow to be accounted for.
- Staff has made plans to sample for bi-annual testing of cryptosporidium and giardia during the second week of June 2024.
- We did not have to use our reject pond during the month of May. The reject pond has continued being returned to the plant for treatment and normal discharge.
- Staff have continued to keep the grounds cut and presentable at the WWTP. Inmates have been weed eating on the property.
- Staff has cut the grass, weeds, and most of the trees on the berm of the reject and wet weather holding pond with the skid steer and mulcher attachment. The berm around the ponds will need to have some fill dirt added to it to help with erosion control and the liner of the reject pond will need to have some material put on it around the edges to assist in holding it in place during heavy winds and rainfall. Hurricane season is approaching.
- Staff have continued to work in the spray fields using the mulcher and the bush hog as well. The John Deere 5085e has been sent to Beard Equipment for diagnosis and repair of what we believe to be a malfunctioning ECM. This machine was picked up by Beard Equipment on 5-28-24.
- The service truck for the WWTP has been outfitted with a 100 gallon off road diesel fuel tank and pump to fill equipment in the department.
- Staff used the vacuum excavator and a 2" bypass pump to remove sludge that is in the existing digester located behind the office. The sludge has been being put in one of the drying beds to dry and then is being removed and hauled to the Franklin County Landfill for disposal. This will continue until the vessel is empty.
- Staff have continued to make roadways and monitoring wells accessible in and around the spray fields.
- Staff have hauled several loads of sludge to the Franklin County Landfill this month.

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- Staff worked on spray house 17 to replace two damaged bolts that needed to be drilled and tapped to seal the valve housing. This zone is now operational.
  - The operator trainee that we have (Colin Wefing) has completed all the required course work material for the Class C training and will be getting scheduled to take the State of Florida exam in the upcoming weeks. Once the exam is taken and a passing grade is achieved, he will be working to get the required hours needed before being able to apply for the license.

# APALACHICOLA POLICE DEPARTMENT

April and May 2024

April and May were busy months for us. We participated in May graduation activities over these two months, including the high school graduation and a parade for the Early Head Start graduation. Sgt Smith participated in Memorial Day activities. Back in April, Lizzette and Sgt. Webb spent the day at the school, participating in Cops for Kids event, handing out treats for the children. Some exciting news! Sgt. Richards was awarded a grant for a new boat! We will be receiving the new vessel to help our department with any needs of the community that may happen in our water ways.

## April and May 2024 Totals

Traffic Stops/ Warnings/ citations	42	
Arrests/ Warrant Requests	16	
Traffic Accidents	14	
Burglary/Theft calls	4	
Assist Citizens/ Complaints/investigations		1200
Trespass Warnings/agreements	49	
Business alarm calls/building checks/welfare checks		860
assist county call/other agencies	60	
Assist Animal control	1	
Domestic cases involving violence/disturbance calls		1
Total calls from dispatch	2000	



## Apalachicola Margaret Key Public Library Turns the Page on May 2024



Library hours are 10am to 6pm Monday – Friday, and Sundays from 12pm to 4pm.

We are YOUR City of Apalachicola Library.

Come sign up for your FREE Apalachicola library card. Any library offering is FREE to the public.

Follow us on Facebook or Instagram @Apalachicolapubliclibrary for the latest!

### May 2024 Statistics:

- 2,212 patrons visited our library -17 new accounts opened - 234 patrons used our computers
- 548 books/movies/audiobooks circulated - 577 items donated to the library - \$603.03 collected as library revenue - 107 hours donated by our wonderful volunteers – 15,486 people reached on social media

What a lively May we had in the library! In fact, it's been our busiest May on record! As we usually do this time of year, we had a great time celebrating the graduation season for our local students. Whether they're moving from one grade to another, or enjoying a benchmark transition, and making big decisions about their next steps—the end of a school year is an important time in their lives.

The library has made a concerted effort to help our local students through tutoring (yes, it's even available over the Summer...!) and highlighting GED and College mentorship programs available in the area. This month we held a college readiness session, and a special craft time for kids. We see a lot of students after school in the library, and their growth from August to May is always remarkable.

Our Summer Reading Kickoff Party held once school lets out, shows that the library is open for all ages, all year long. This year, the Franklin County Sheriff's Office donated use of their bounce house, and we offered free Mellow Mullet shaved ice to all the kids that came out! Each child also walked away with a free book from Bring Me A Book Forgotten Coast, and a free grab bag with gifts from the library. We have a packed calendar in June and July, with activities celebrating the theme 'Adventure begins at your library' ...We'll have games, snacks, visiting story tellers, even events with live animals! We're excited to re-start summer sign language classes (Fridays) advertise our mahjong meet up group (Wednesdays) welcome back Books for Babies (Tuesdays) and continue Yoga (Mondays) for the first time this summer! Best of all, each of these programs are offered every week. In May, we also held a very popular fly-tying class, and are thrilled to offer fly-tying as a regular class, on the third Thursday of each month. Stop in or follow us online for your own monthly calendar of events!

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Your City of Apalachicola Library helps with reading, writing, and learning, and offers a suite of print/copy/scan/fax/and notary services. We loan FREE books, movies, puzzles, board games, and items from our Library of Things. We offer FREE audio books, e-books, and digital magazines through the Libby app, FREE language learning through Mango.com, & FREE streaming TV shows and movies through the Kanopy app. We also have a Book sale space on-site with FREE magazines. All donations go to our Friends of the Library 501c3 nonprofit, the Patrons of the Apalachicola Library Society (PALS). We also offer Yoga weekly on Mondays @ 6:15pm, Homework Help (FREE tutoring!) by appointment, and Bring Me A Book Franklin hosts 'Books for Babies' weekly on Tuesday mornings @ 10:30am. Our once-a-month book club meets each 3<sup>rd</sup> Wednesday @ 6pm. Do you have a club you'd like to start in the library? Want to know more about a program? Is there a book or item you need?

Call: 850-653-8436 or email: [apalachicolalibrary@gmail.com](mailto:apalachicolalibrary@gmail.com)

### Happy June!

Isel Sánchez-Whiteley & Barbara 'Nissie' McNair, Library Assistants  
Lucy Carter, Library Director