

**City of Holmes Beach Building Department**  
**Application for Improvement**  
**Non-FEMA Compliant Structure**  
**Located Below DFE (50% Rule)**

**For full compliance with the Florida Building Code (2023) and Federal Emergency Management Agency (FEMA), existing dwelling improvements are required to meet the following requirements:**

The City of Holmes Beach requires full compliance with the adopted Land Development Code, Code of Ordinances, and the Flood Damage Protection/Floodplain Management Ordinance, in order to ensure that Floodplain construction is performed to best management practices for our community.

Residents may make improvements to their homes as long as the improvements are not classified as Substantial Improvements (SI). Substantial Improvements are defined as improvements which exceed 50% of the market value of the existing building (not the property, only the building.) Substantial Improvements are prohibited unless the structure is elevated to current FEMA requirements.

An application packet for improvements to Non-FEMA compliant structures below DFE (50% Rule) is required for any project that is an existing structure and the owner does not intend to elevate the existing building to full FEMA & FBC compliance. This application packet includes:

- Fully executed Building Permit Application
- Property Owner's Affidavit of Pre-FIRM Improvement
- Contractor's Affidavit of Pre-FIRM Improvement
- Contract – Executed contract between homeowner and licensed contractor
- Notarized construction costs estimate
- Professionally documented market value of existing building

**PROPERTY OWNER AFFIDAVIT OF IMPROVEMENT TO  
NON-FEMA COMPLIANT STRUCTURE**

Permit Number \_\_\_\_\_ Property Address \_\_\_\_\_

Owner Name \_\_\_\_\_ Phone \_\_\_\_\_

Owner Address \_\_\_\_\_

I (we) hereby attest and affirm under penalty of perjury that the costs for all work being done to the subject property, including but not limited to repairs, alterations, improvements or additions, are included in the attached costs, totaling \$\_\_\_\_\_, and that these costs are true, accurate, and complete in all respects. Further, I (we) have reviewed all documents submitted to the City of Holmes Beach for this project and state under oath that these documents are true and accurate, that all work to be performed will be less than 50% of the value of the structure as that amount is established by the City's Flood Code.

I (we) understand that any false statement may subject me to criminal and civil penalties, as well as disciplinary proceedings. Further, any false statements may subject the project to revocation of any and all permits, and/or imposition of fines, penalties, and corrective actions, including but not limited to illegal non-conforming uses of structure.

The issuance of any permit relative to this application does not authorize the reconstruction, repair or maintenance of any illegal additions or improvements, including but not limited to illegal non-conforming uses of structures.

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

Signature of Co-Owner \_\_\_\_\_

State of Florida, County of \_\_\_\_\_

The foregoing instrument was acknowledged before me, by means of \_\_\_ physical presence or \_\_\_ online notification, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by \_\_\_\_\_, who is \_\_\_ personally known to me or \_\_\_ has produced as identification \_\_\_\_\_ expiration date \_\_\_\_\_.

\_\_\_\_\_  
Signature, Notary Public – State of Florida

(Seal)

\_\_\_\_\_  
Printed, Typed, or Stamped Name of Notary

5801 Marina Drive, Holmes Beach, FL 34217 | Phone: 941.708.5833 | Fax: 941.708.5812 | [www.holmesbeachfl.org](http://www.holmesbeachfl.org)

**CONTRACTOR AFFIDAVIT OF IMPROVEMENT TO  
NON-FEMA COMPLIANT STRUCTURE**

Business Name \_\_\_\_\_ Florida Contractor License \_\_\_\_\_

Business Address \_\_\_\_\_ Phone Number \_\_\_\_\_

I hereby attest and affirm under penalty of perjury that the costs for all work being done to the subject property, including but not limited to repairs, alterations, improvements or additions, are included in the attached costs, totaling \$\_\_\_\_\_, and that these costs are true, accurate, and complete in all respects. Further, I have reviewed all documents submitted to the City of Holmes Beach for this project, and state under oath that these documents are true and accurate, that all work to be performed will be less than 50% of the value of the structure as that amount is established by the City's Flood Code.

I understand that any false statement may subject me to criminal and civil penalties, as well as disciplinary proceedings. Further, any false statements may subject the project to revocation of any and all permits, and/or imposition of fines, penalties, and corrective actions, including but not limited to illegal non-conforming uses of structure.

The issuance of any permit relative to this application does not authorize the reconstruction, repair or maintenance of any illegal additions or improvements, including but not limited to illegal non-conforming uses of structures.

\_\_\_\_\_  
Signature of Licensed Contractor

\_\_\_\_\_  
State of Florida, County of \_\_\_\_\_

The foregoing instrument was acknowledged before me, by means of \_\_\_ physical presence or \_\_\_ online notification, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_ by \_\_\_\_\_, who is \_\_\_ personally known to me or \_\_\_ has produced as identification \_\_\_\_\_ expiration date \_\_\_\_\_.

\_\_\_\_\_  
Signature, Notary Public – State of Florida

(Seal)

\_\_\_\_\_  
Printed, Typed, or Stamped Name of Notary

## ***COSTS THAT MUST BE INCLUDED IN SI/SD DETERMINATIONS***

- Materials and labor
- Site preparation related to the improvement or repair
- Demolition and construction debris disposal
- Construction management and supervision
- Contractor's overhead and profit
- Sales taxes on materials
- Structural elements and exterior finishes, including:
  - ✓ Foundations (e.g., spread or continuous foundation footings, perimeter walls, chain walls, pilings, columns, posts, etc.)
  - ✓ Monolithic or other types of concrete slabs
  - ✓ Bearing walls, tie beams, trusses
  - ✓ Joists, beams, subflooring, framing, ceilings
  - ✓ Interior non-bearing walls
  - ✓ Exterior finishes (e.g., brick, stucco, siding, painting, and trim)
  - ✓ Windows and exterior doors
  - ✓ Roofing, gutters, and downspouts
  - ✓ Hardware
  - ✓ Attached decks and porches
- Floor finishes (e.g., hardwood, ceramic, vinyl, linoleum, stone, and wall-to-wall carpet over subflooring)
- Bathroom tiling and fixtures
- Wall finishes (e.g., drywall, paint, stucco, plaster, paneling, and marble)
- Built-in cabinets (e.g., kitchen, utility, entertainment, storage, and bathroom)
- Interior doors
- Interior finish carpentry
- Built-in bookcases and furniture
- Hardware
- Insulation
- Utility and service equipment including:
  - ✓ HVAC Equipment
  - ✓ Plumbing fixtures and piping
  - ✓ Electrical wiring, outlets, and switches
  - ✓ Light fixtures and ceiling fans
  - ✓ Security systems
  - ✓ Built-in appliances
  - ✓ Central vacuum systems
  - ✓ Water filtration, conditioning, or recirculation systems

## ***COSTS THAT MAY BE EXCLUDED FROM SI/SD DETERMINATIONS***

- Clean-up and trash removal
- Debris removal (e.g., removal of EXISTING debris from building or lot, dumpster rental, transport fees to landfill)
- Costs to obtain or prepare plans and specifications
- Land survey costs
- Permit fees and inspection fees
- Carpeting and re-carpeting installed over finished flooring such as wood or tiling
- Outside improvements, including landscaping, irrigation, sidewalks, driveways, fences, yard lights, swimming pools, pool enclosures, and detached accessory structures (e.g., garages, sheds, and gazebos)
- Plug-in appliances such as washing machines, dryers, and stoves

# CONTRACTOR'S CONSTRUCTION COST ESTIMATE FOR IMPROVEMENT TO NON-FEMA COMPLIANT STRUCTURE

ITEMS	COST*		RECONSTRUCTION/REPAIR RATIO OF WORK
	INCLUDES LABOR/MATERIALS		
Demolition			
Concrete (excavation, forms, reinforcing)			
Rough Carpentry			
Finish Carpentry			
Roofing (asphalt shingle, metal, tile, etc.)			
Insulation and weather strip			
Exterior Finish (siding, stucco, trim, etc.)			
Doors, Windows, and Shutters			
Interior Wall Finish (sheetrock, plaster, paneling, etc.)			
Rough Hardware			
Finish Hardware			
Built-in Cabinetry			
Floor Coverings (tile, carpet, wood, etc.)			
Painting (interior & exterior)			
Plumbing			
Plumbing Fixtures			
Electrical			
Electrical Fixtures			
HVAC			
Built-In Appliances			
Overhead and Profit			

\*A copy of the signed construction contract must accompany this estimate.

**TOTAL -** \_\_\_\_\_

*(Please attach any additional information)*

Contractor Name: \_\_\_\_\_ License Number: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State of Florida, County of \_\_\_\_\_

The foregoing instrument was acknowledged before me, by means of \_\_\_\_ physical presence or \_\_\_\_ online notification, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ by \_\_\_\_\_, who is \_\_\_\_ personally known to me or \_\_\_\_ has produced as identification \_\_\_\_\_ expiration date \_\_\_\_\_.

\_\_\_\_\_  
Signature, Notary Public – State of Florida

\_\_\_\_\_  
Printed, Typed, or Stamped Name of Notary

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## ***SUBSTANTIAL IMPROVEMENT/DAMAGE (FEMA 50% RULE)***

### ***FREQUENTLY ASKED QUESTIONS AND INFORMATION***

**Q. What is the FEMA 50% rule?**

A. The City of Holmes Beach participates in the National Flood Insurance Program (NFIP) making affordable floor insurance available for structures within its jurisdiction through the Federal Emergency Management Agency (FEMA). The City adopts and enforces floodplain management ordinances to reduce future flood damage. The FEMA 50% rule is a minimum requirement for participation in the NFIP. It limits the cost of improvements (additions, alterations, and/or repairs) to Pre-FIRM structures to less than 50% of the “market value” of structure prior to the start of work.

**Q. What is a Non-FEMA compliant structure?**

A. FEMA identified areas that are at higher risk for periodic flooding and determined the minimum lowest floor elevation for structures in these areas. On the Flood Insurance Rate Maps (FIRM) high risk flood zones are denoted as zones “A,” “AE,” “A1 through A30,” and “VE.” This designation is usually followed by the minimum lowest finished floor elevation height requirement (example AE-12). Structures in these zones that have the lowest finished floor below the required elevation are Non-FEMA compliant structures. Even though there are exceptions, most structures that were built before 1975 are non-compliant.

**Q. How can I determine the flood zone and elevation requirement for a property?**

A. For persons needing a flood zone determination, the County offers as a service flood zone determinations at no cost. Contact the Holmes Beach Building Department at (941) 708-5833 and request “flood zone determination.” The request will be assigned to the appropriate staff person.

**Q. How is “market value” determined?**

A. “Market Value” is always based on the condition of structure before the start of improvement or before the damage occurred. Only the value of the structure is pertinent; the value of site improvements such as pools, accessory structures, and landscaping are not included. The market value can be determined by either cash sale, the adjusted property appraiser’s assessed improvement value or through an appraisal prepared by a qualified professional appraiser. To utilize the Property Appraiser’s improvement value, visit their website at [manateepao.com](http://manateepao.com) and using the property search function find the structure’s improvement value and adjust it by adding 15%; this is the “market value.” A private appraisal must identify the intended users, including the Holmes Beach Building Official, and the intended use as ensuring compliance with City’s National Flood Insurance Program Ordinance. The appraised value of the structure less the value of all forms of depreciation is the “market value.”

**Q: What if the cost of improvement or repair exceeds 50% of market value?**

A: Improvements or repairs, the cost of which exceeds 50% of the market value, are classified as a substantial improvement. A Non-FEMA complaint structure that is substantially improved is required to conform with the requirements for new construction including elevating to the required minimum elevation.

**Q: When is it required to submit the “Itemization Cost Breakdown Worksheet” and/or contractor contract?**

A: In the application packet for alterations and additions to structures there is a set of forms associated with the FEMA 50% rule titled “Substantial Improvement/Damage.” If the cost of a project is under 50% of the market value of a non-compliant structure, cost documentation and owner/contractor affidavits are required.

**Q: Can a single improvement be divided into multiple permits?**

A: Utilizing multiple permits to complete a single improvement is referred to as “phasing.” If the sum of the permits exceeds 50% of the market value of the structure prior to the initial start of work, the structure is considered substantially improved and requires compliance with current elevation requirements. Examples of phasing are: permits for incomplete work that result in a structure that cannot be occupied without additional work; multiple and/or consecutive permits, e.g., applying for plumbing, electrical, mechanical, and building permits close together; requesting modification of an issued permit.

**Q: Who can I contact for more information?**

A: For answers to any questions regarding the City’s floodplain management regulations or elevation certificates contact Holmes Beach Building Department.

## *FEMA ENFORCEMENT AND VIOLATIONS*

Proper enforcement of floodplain management provisions is a critical part of a community's responsibility under the NFIP. During construction, violations of these provisions must be resolved as soon as they are discovered and before further construction occurs. What may appear to be a minor violation could prove costly when the owner purchases NFIP flood insurance. A community's standing in the NFIP depends upon making a good-faith effort to successfully resolve violations. By allowing any violation to go unresolved, the community may set a precedent, making it more difficult to take future enforcement actions.

Perhaps one of the more persuasive arguments for adopting the I-Codes is that doing so provides an opportunity to consolidate enforcement authority for flood-resistant design and construction provisions. The building department typically has mechanisms in place to aggressively handle code violations while planning and zoning departments may not.

When the building official and the floodplain manager are located in the same department, care should be taken by the building official and staff to enforce proper permitting requirements on new and improved construction and to verify that ancillary structures on a property are not adversely altering the floodplain. Enforcement of these permits allows local officials to evaluate the potential impacts of such structures and their affect on water flow and drainage within the floodplain.

If a developer or property owner does not comply with the building department's requests for compliance, the permit applicant should first be notified in writing. A notice should be issued on the property if adjustments are not made. The final step in the initial process may include withholding the certificate of occupancy. The following options are available to ensure compliance to the building code and development requirements:

- ☐ Fines levied
- ☐ Housing Court
- ☐ Injunctions against proceeding
- ☐ Recordation

If none of these options yields a positive outcome, the final option is to implement Section 1316 of the National Flood Insurance Act of 1968, as amended. If approved by the FEMA Regional Office, the property will be denied flood insurance. Implementation of Section 1316, however, should be considered only if all other options fail.

I certify that I have read and fully understand the intent and repercussions of this document.

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Date

Flood insurance premiums for post Flood Insurance Rate Map (FIRM) buildings are based on the degree of flood protection they are provided. Therefore, it is very important for communities to ensure that new improvements in the floodplain are constructed properly. The flood insurance premium rates for pre-FIRM buildings are subsidized by the National Flood Insurance Program (NFIP). Owners of these policies do not pay actuarial rates, i.e., rates based on the true risk the building is exposed. No matter whether a building is pre-FIRM or post-FIRM, with flood insurance, owners of flood-prone properties pay more of their share toward flood relief.

The NFIP underwrites flood insurance coverage only in those communities **that adopt and enforce floodplain regulations** that meet or exceed NFIP criteria. Buildings built in accordance with these regulations have a lower risk of flooding and can be insured at lower rates.

The City of Holmes Beach floodplain regulations are designed to ensure that new buildings will be protected from the flood levels shown on the FIRM and that development will not make the flood hazard worse. Over time, exposure to flood damage should be reduced as the older pre-FIRM buildings are replaced by post-FIRM buildings that comply with the regulations. Eventually a community should have only post-FIRM buildings subject to little or no flood damage. The NFIP construction regulations focus on protecting insurable buildings, but they also provide a degree of protection to other types of development.

Regulations have become increasingly accepted as necessary to reduce flood damages and protect citizens from loss. As a result of public opposition, a community may be inclined to not fully enforce all of the provisions of its ordinance, which puts its participation in the NFIP in peril. If the community does not fulfill its NFIP obligations to the federal government and allows construction in violation of its regulations, three things can happen:

- New buildings will be built subject to flood damage.
- Insurance on an improperly constructed building may be very expensive.
- FEMA can impose sanctions on the community, to encourage it to correct its floodplain management program.

A flood is defined by NFIP regulations as a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters or
2. The unusual and rapid accumulation or runoff of surface waters from any source. The official definition also includes mudflows and erosion.