

**BOARD OF COUNTY COMMISSIONERS**

**GULF COUNTY, FLORIDA**

<b>AGENDA</b>	<b>NOVEMBER 27, 2012</b>	<b>TIME / PAGE NO.</b>
1. Meeting Called to Order . . . . .		9:00 a.m.
2. Consent Agenda . . . . .		1-36
3. Public Hearing – Ordinance – Flood Prevention. . . . .		37-64
4. Public Hearing – Ordinance – Amending Comprehensive Plan . . . . .		65
5. Public Hearing – P.D.R.B. Recommendations (November 19, 2012). . . . .		66-67
6. County Staff Business		
7. Board Business		
8. Kim Bodine, Gulf Coast Workforce Board, Inc. – 2012-2016 Local Workforce Services Plan . . . . .		68-70
9. Public Discussion		

**\*\* REMINDER \*\***

**Supplemental Budget Hearing  
Monday, November 26, 2012 at 5:01 p.m., E.T.**

**F.S. 286.0105:**

**If a person decides to appeal any decision made by the board, agency or commission, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

# CONSENT AGENDA

November 27, 2012

1. Minutes – October 9, 2012 – Regular Meeting . . . . . 1-14
2. Budget Amendment #2 – General Fund (FY 2011-2012 BOCC General Fund for overspent departmental budgets) . . . . . 15
- Budget Amendment #3 – General Fund (FY 2011-2012 Budget for account reclassification – No change to Budget) . . . . . 16
- Budget Amendment – Gulf County Sheriff's Department (Unanticipated Revenue \* \$261,223.04) . . . . . 17
3. Contract – Sacred Heart Health System (Gulf County Correctional Facility – Gary M. Pablo, MD) . . . . . 18-22
4. Grant Agreement – Emergency Management (E.M.P.G. \* Modification #1 \* Contract #13-FG-86-02-33-01-090) . . . . . 23-25
5. Invoices – Gulf County Transportation (October, 2012 \* \$1,551.16 \* to be paid from Account #51363-82005) . . . . . 26
- Public Risk Insurance Agency (Invoice #26745 \* \$71,811.25 \* to be paid from Account #225513-45000) . . . . . 27
6. Purchase Request – Fire Coordinator (Christmas Dinners for all nine Volunteer Departments and candy for Christmas Parade) . . . . . 28
7. Quotes – GAC Contractors – Bridge Approaches (C.R. 386 \* \$10,200.00 \* Money Bayou \* \$7,800.00) . . . . . 29-31
8. Resolution #2012-40 – Fire Control Department (Unbudgeted Additional Cash Carry Forward \* \$21,804.00) . . . . . 32-35
- Resolution #2012-42 – General Fund and C.D.B.G.Fund (FY 2011-2012 Unanticipated Revenue in the General Fund and C.D.B.G. Fund) . . . . . 36

**OCTOBER 9, 2012**  
**PORT ST. JOE, FLORIDA**  
**REGULAR MEETING**

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman William C. Williams, III <arrived at 9:03 a.m.>, Vice Chairman Tan Smiley, and Commissioners Ward McDaniel and Warren J. Yeager, Jr. <Commissioner Carmen L. McLemore was absent.>

Others present were: County Attorney Jeremy Novak, Clerk Rebecca L. Norris <arrived at 9:03 a.m.>, Clerk Finance Director Carla Hand, Deputy Clerk Tracy Tharpe, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Official Lee Collinsworth, Building Inspector George Knight, Emergency Management Director Marshall Nelson, Gulf County E.M.S. Director Houston Whitfield, Grant Writer Towan Kopinsky, Gulf County Mosquito Control Director Mark Cothran, Gulf County Planner David Richardson, Public Works Director Joe Danford, T.D.C. Executive Director Jennifer Jenkins, Gulf County Extension Agent Roy Lee Carter, Sheriff Joe Nugent, and Sheriff's Office Major Bobby Plair.

Sheriff Nugent called the meeting to order at 9:00 a.m., E.T.

Assistant Administrator Hammond opened the meeting in prayer and Acting Chairman Smiley led the Pledge of Allegiance.

**CONSENT AGENDA**

Upon motion by Commissioner Yeager, second by Commissioner Ward, and unanimous (3-0) vote, the Board approved the Consent Agenda as follows, after removal of Item #9 (pages 83, 84, & 85):

1. Minutes - September 10, 2012 – Budget Hearing  
- September 11, 2012 – Regular Meeting  
- September 24, 2012 – Final Budget Hearing
2. Approval of Checks and warrants for September 2012 which are incorporated herein by reference, pursuant to Chapter 136.06 F.S.
3. Agreement – Florida Department of Corrections (Victim Notification Service Network \* Agreement #A2941)
4. Bid Award #1112-26 First in Service, LLC (Gulf County Fire Apparatus Maintenance, Inspection and Testing Specifications)

5. Inventory – BOCC Administration Department (Asset Transfer to E911  
 \* Tag #15-24 \* Asset #4330 \* Vertex Mobile Radio – Search  
 & Rescue Serial #8H251082 \* Tag #15-25 \* Asset #4331 \*  
 Vertex Mobile Radio – Search & Rescue Serial #8H250839)
- Inventory – Property Appraiser (Asset Disposal \* Tag #80-98 – HP Computer)
6. Invoices - Agency for Health Care Administration (Florida Medicaid 1<sup>st</sup>  
 Quarter FY 2012-13 \* \$104,401.00 \* to be paid from  
 Account #51161-82000)
- Agency for Health Care Administration (Florida Medicaid 1<sup>st</sup>  
 Quarter FY 2012-2013 \* \$72,192.00 \* to be paid from  
 Account #51161-82000)
  - Combined Insurance Services, Inc. – Consulting/Agency Services  
 (September, 2012 \* \$1,600.00 \* to be paid from Account #21111-  
 34000)
  - Florida Association of Counties – Membership Dues (November 1,  
 2012 – October 31, 2012 \* \$1,904.00 \* to be paid from Account  
 #21111-54200)
  - Ken Murphy – Taping County Commission Meetings (Invoice  
 #092812 \* \$1,350.00 \* to be paid from Account #27452-34000)
  - Life Management Center – Baker Act Services (July, 2012 \* Batch  
 #121301 \* \$1,356.93 \* to be paid from Account #51563-31300)
  - Precision Communications – Minitor 5 UHF Pagers (Invoice #54088  
 \* \$30,252.00 \* Includes \$252.00 additional items over the  
 Bid Award Amount (Bid #1112-22) to be paid from  
 Multiple Accounts)
  - The Ferguson Group – Federal Lobbyist (Invoice #0812567 \* \$51.54  
 \* to be paid from Account #21111-31200)
  - The Water Spigot, Inc. – Semi-Annual Landfill Monitoring for  
 Five Points (Invoice #12-7348 \* \$7,730.00 \* to be paid from  
 Account #41934-31000)

7. Proclamation – “Pancreatic Cancer Awareness Month”, as follows:

**Gulf County Proclamation**

Declaring the month of November “Pancreatic Cancer Awareness Month” in Gulf County.

**WHEREAS**, in 2012, an estimated 43,920 people will be diagnosed with pancreatic cancer in the United States and 37,390 will die from the disease;

**WHEREAS**, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent;

**WHEREAS**, when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 74 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

**WHEREAS**, of all the racial/ethnic groups in the United States, African Americans have the highest incidence rate of pancreatic cancer, between 34 percent and 70 percent higher than the other groups;

**WHEREAS**, approximately 2,670 deaths will occur in Florida in 2012;

**WHEREAS**, there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

**WHEREAS**, the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only approximately 2 percent of the National Cancer Institute’s federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

**WHEREAS**, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Gulf County and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

**WHEREAS**, the Pancreatic Cancer Action Network and its affiliates in Gulf County support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

**WHEREAS**, the good health and well-being of the residents of Gulf County are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

**RESOLVED**, that Gulf County designates the month of November, 2012 as "Pancreatic Cancer Awareness Month" in Gulf County.

(End)

8. Resolution - Florida Fish & Wildlife Conservation (Florida Boating Improvement Grant to Repair the Land's Landing Boat Ramp, as follows:

**RESOLUTION NO. 2012-34**

**AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR A FLORIDA BOATING IMPROVEMENT GRANT TO REPAIR THE LAND'S LANDING BOAT RAMP.**

**WHEREAS**, the Gulf County Board of County Commissioners desires to increase and enhance access for boaters in Gulf County; and

**WHEREAS**, the Gulf County Board of County Commissioners successfully pursued the grant process to enhance boating facilities;

**NOW, THEREFORE, BE IT RESOLVED** by the Gulf County Board of County Commissioners that the Chairman, Chief Administrator or County Grant Coordinator hereby be authorized to execute any and all necessary documents on behalf of Gulf County with the Florida Fish and Wildlife Conservation Commission as a result of the grant award to renovate the Land's Landing Boat Ramp to increase mooring capacity and access for boaters.

(End)

Resolution – Florida Fish & Wildlife Conservation for Florida Boating Improvement Grant to Repair the Saul's Creek Boat Ramp, as follows:



### **TOURIST DEVELOPMENT COUNCIL**

T.D.C. Executive Director Jenkins appeared before the Board to discuss the September, 2012 Status Report. She reported that Bed Tax Revenues were up by 15.5% in August, 2012. T.D.C. Executive Director Jenkins also reported that the Gulf Tourism and Seafood Promotion Grant has been submitted, which is provided through British Petroleum (B.P.).

### **AWARD BID #1112-27 / T.D.C. VISITOR RESEARCH STUDY**

Upon recommendation by T.D.C. Executive Director Jenkins, Commissioner Yeager motioned to award Bid #1112-27 for T.D.C. Visitor Research Study to No Luggage, low bidder, in the amount of \$49,250.00. Commissioner Smiley seconded the motion, and the motion passed unanimously (4-0).

### **INVOICES / KERIGAN MARKETING ASSOCIATES**

Upon inquiry by Chairman Williams, County Attorney Novak discussed unpaid invoices from Kerigan Marketing Associates for television advertisements that were prior to the effective end date of the service contract. After further discussion by the Board and upon recommendation by the T.D.C., Commissioner Smiley motioned to approve the Kerigan Marketing Associates Invoice #6527, in the amount of \$3,382.00, to be paid from Account 27452-49201. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

### **PRINTING OF VISITOR'S GUIDE**

Upon discussion by County Attorney Novak and recommendation by the T.D.C. Board, Commissioner McDaniel motioned to award the printing of the Gulf County Visitor's Guide to Kerigan Marketing Associates, low quote out of the five (5) received, in the amount of \$5,775.00. Commissioner Yeager seconded the motion, and it passed 3 to 1, with Chairman Williams voting no.

### **BID #1112-25 / BEACHES FIRE DEPARTMENT – ROOF REPAIRS AND STUCCO WORK**

David Richardson, on behalf of the Beaches Fire Department, reported that no bids were received for Bid #1112-25 for the roof repairs and stucco work to the fire department building, and recommended that the Board allow the Beaches Fire Department to negotiate the work, stating the cost will be under \$5,000.00. Commissioner Yeager motioned to approve this recommendation, Commissioner Smiley seconded the motion, and it passed unanimously (4-0).

### **ADVERTISE FOR BIDS / EQUIPMENT – BEACHES FIRE DEPARTMENT**

Upon discussion by David Richardson, and on behalf of the Beaches Fire Department, Commissioner Yeager motioned to advertise for sealed bids for bunker gear and other safety equipment for the Beaches Fire Department and to allow other County Fire Departments to piggy-back on their bid. Commissioner McDaniel seconded the motion for discussion, and after discussion the motion passed unanimously (4-0).

**HONEYVILLE COMMUNITY CENTER / MEDIA BASS TEAM**

Grant Writer Kopinsky reported that a Media Bass Team Championship meeting will be held next weekend and Commissioner McLemore has requested the Board waive the fee for the use of the Honeyville Community Center on that Friday. After discussion, Commissioner Yeager motioned to waive the fees for the use of the Honeyville Community Center for the Media Bass Team Championship meeting. Commissioner Smiley seconded the motion, and it passed unanimously (4-0).

**SAUL'S CREEK BOAT RAMP / F.B.I.P. GRANT**

Grant Writer Kopinsky reported that the County had been awarded the Florida Boating Improvement (F.B.I.P.) Grant for the Saul's Creek Boat Ramp, in the amount of \$148,350.00.

**ROAD BOND MONEY / ROAD PAVING PROJECTS**

Upon discussion by Assistant Administrator Hammond, Ralph Cellon, Bond Agent appeared before the Board to discuss reviewing the previous Road Bond Issue, and stated the present Bond cannot be refunded without a cost to the County. He recommended to the Board that they wait another two (2) to three (3) years before making any changes to the present Bond. He discussed a Zero Coupon Bond option, stating that the County will not have to pay on this Bond for twenty years and that would give the County Three Million Dollars (\$3,000,000) to divide with the City of Port St. Joe and the City of Wewahitchka for road paving projects. After further discussion, the Board thanked Mr. Cellon for attending this meeting and discussing the County's options. The Board agreed to table this issue for further review.

**X-RAY MACHINE / GULF COUNTY HEALTH DEPARTMENT**

County Attorney Novak discussed a meeting that was held with Marsha Lindeman regarding the X-Ray Machine that is located at the Gulf County Health Department. Upon motion by Commissioner Yeager, second by Commissioner Smiley, and unanimous (4-0) vote, the Board agreed to relocate the X-Ray Machine to Sacred Heart Hospital where it will be utilized and maintained by Sacred Heart.

**S.H.I.P. / DOWN PAYMENT ASSISTANCE (CONSENT AGENDA)**

County Attorney Novak discussed pulling pages 83 through 85 from the Consent Agenda, stating that these letters need additional language added. With the recommendation of County Attorney Novak, Commissioner Yeager motioned to approve the issuance of the S.H.I.P. Down Payment Assistance approval letters for Matthew Gannon, in the amount of \$30,000.00, S.H.I.P. Down Payment Assistance for Mary J. Tiller, in the amount of \$30,000.00, and S.H.I.P. Down Payment Assistance for Sheila Ann Williams, in the amount of \$30,000.00 with the additional language recommended by County Attorney Novak. Commissioner Smiley seconded the motion, and it passed unanimously (4-0).

**ANIMAL CONTROL ORDINANCE / COMMITTEE MEETING**

County Attorney Novak reported that the Animal Control Committee will meet on November 11, 2012 at 3:00 p.m., E.T. for the 4<sup>th</sup> sub-committee meeting.

**SIGN ORDINANCE / COMPLIANCE**

County Attorney Novak discussed the ninety (90) day sunset, stating that any signs that are left on the roadways will be removed by the County in order to remain in compliance with the Sign Ordinance.

**RESTORE ACT COMMITTEE / MEETING**

County Attorney Novak reported that the Restore Act Committee will be meeting today at 11:00 a.m., E.T. He stated that one of the meetings to be held in November will be held during the evening per the request of the public.

**POLICY / CONTRACTS**

Upon inquiry and request for clarification from the County Attorney regarding County Policy for contracts, Commissioner Yeager motioned to clarify the County policy and distinguished the past temporary Tourist Development Council (T.D.C.) contract review policy that has since been abandoned. Upon request of the County Attorney, Commissioner Yeager moved to clarify County Policy that items under \$10,000.00 are to be approved by the Department Head and is subject to assistance and review by the County Attorney and that items and services over \$10,000.00 are to be placed in the Consent Agenda for final Board approval. Commissioner McDaniel seconded the motion, and it passed unanimously (4-0).

**GULF COUNTY HEALTH DEPARTMENT**

Upon request by Chairman Williams, County Attorney Novak read a letter which is in the Information Packet on page 13 from the Attorney General regarding the Gulf County Health Department (letter on file in the Clerk's Office).

**COUNTY COMMISSIONER MCLEMORE / ABSENT**

Chief Administrator Butler reported that Commissioner McLemore is absent from the meeting today due to a doctor's appointment.

**WOUNDED WARRIORS / MONEY REQUEST**

Upon recommendation by Chief Administrator Butler, Commissioner Yeager motioned to waive the funding requirements and approve the payment request to the Wounded Warriors. Commissioner Smiley seconded the motion, after discussion, the motion then passed unanimously (4-0).

**D.O.T. / COUNTY ROAD 386**

Chief Administrator Butler reported that the County received the 1,000 reflectors from the Florida Department of Transportation (F.D.O.T.) which will cover 40% of the single line on County Road 386, and discussed his concerns regarding the need for striping the center line. After discussion by members of the Board, Commissioner Yeager motioned to "piggy-back" on Bid #1112-07 to allow G.A.C. Contractors to stripe the center line and install reflectors on County Road 386, to be paid from Secondary Road and Bridge. After further discussion, Commissioner McDaniel seconded the motion, and it passed unanimously (4-0).

**SOVEREIGN IMMUNITY**

Tim Stein, of Wetappo Creek Estates, appeared before the Board to discuss Sovereign Immunity and presented a letter to the Board for review (copy of letter on file in the Clerk's Office).

**GULF COUNTY EXTENSION OFFICE / RELOCATING**

Chief Administrator Butler discussed the progress on the remodeling of the Old Gulf County Health Department Building, stating that the Gulf County Extension Office will be moving in soon.

**HOMEcomings / HIGHWAY 71 CLOSURE**

Sheriff Nugent appeared before the Board to report that Homecomings for both Wewahitchka and Port St. Joe Schools will be Friday and State Road 71 will be closed for approximately 30 minutes for the parade in Wewahitchka.

**BASS TOURNAMENT / FUNDRAISER**

Sheriff Nugent appeared before the Board to discuss the Sheriff's Office Bass Tournament that was held two weeks prior. He reported that 107 boats participated and the tournament raised \$4,000.00.

**HAUNTED HOUSE / WEWAHITCHKA**

Sheriff Nugent appeared before the Board to report that the Gulf County Sheriff's Office will hold its 4<sup>th</sup> Annual Haunted House on October 26<sup>th</sup> and 27<sup>th</sup> at the Comforter Funeral Home in Wewahitchka. He stated that the entry fee is \$2.00 per person or participants can bring a canned good item.

**B.P. OIL SPILL GULF CONSORTIUM**

Commissioner Yeager discussed the B.P. Oil Spill Gulf Consortium and the need to proceed. Chairman Williams discussed his concerns regarding the consortium and to proceed under caution. Commissioner Yeager motioned to proceed in joining the B.P. Oil Spill Gulf Consortium. Commissioner Smiley seconded the motion, and it passed unanimously (4-0).

**B.P. OIL SPILL COMMISSION / APPOINTEE**

Upon inquiry by Commissioner Yeager, Chairman Williams discussed the need for a replacement at his seat on the B.P. Oil Spill Commission due to his resignation from this committee. Commissioner Yeager motioned to appoint Chief Administrator Butler to serve on the B.P. Oil Spill Commission. Commissioner Smiley seconded the motion, and it passed unanimously (4-0).

**B.P. OIL SPILL COMMISSION / TRAVEL**

Upon discussion by Clerk Norris, Commissioner Yeager motioned to approve travel expenses for Chief Administrator Butler and Commissioner Yeager regarding the B.P. Oil Spill Commission. Commissioner Smiley seconded the motion, and it passed unanimously (4-0).

**LOCAL OIL SPILL RESPONSE COMMITTEE**

Loretta Costin, of the Restore Act Committee, appeared before the Board to discuss recommendations on behalf of the committee, stating that the committee recommends the Board divide the Restore Act Funds evenly (50/50) to be spent on diversifying the economy, and protecting the environment. She also discussed recommendations to the Board regarding who could apply for these funds, such as Government Entities, Non-Profit Organizations, or Educational Institutions. Ms. Costin discussed the pre-proposal stage and the application phase regarding the Restore Act Funds. The Board followed in discussion but took no action.

**P.D.R.B. / APPOINTEE**

After discussion, Commissioner McDaniel motioned to appoint Veronica Carter to serve on the Planning Development Review Board. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

**COUNTY ROAD 386 / LETTER TO F.D.O.T.**

Following discussion by Commissioner McDaniel, he motioned to submit a letter to the Florida Department of Transportation requesting they consider taking back County Road 386 and the bridge. Commissioner Yeager seconded the motion, and it passed unanimously (4-0).

**CAPE SAN BLAS LIGHTHOUSE & KEEPER'S QUARTERS**

Following discussion by Commissioner McDaniel, he motioned to submit a request to Bureau of Land Management that the County relocate the Cape San Blas Lighthouse and Keeper's Quarters to Salina's Park. Commissioner Yeager seconded the motion for discussion. After discussion, the motion then passed unanimously (4-0).

**RESTORE ACT**

Chairman Williams discussed working on a settlement regarding the Restore Act. He discussed his concerns with the Legislature and Congress regarding this issue.

**LOCAL RESTORE ACT COMMITTEE**

Upon discussion by County Attorney Novak, Commissioner Yeager motioned to approve the recommendations by Loretta Costin regarding the Restore Act Fund (previously discussed in this meeting). Commissioner McDaniel seconded the motion, and it passed unanimously (4-0).

**RESOLUTION 2012-36 / GULF CONSORTIUM**

County Attorney Novak read the proposed resolution by title. Commissioner Yeager motioned to adopt the following resolution regarding Gulf Consortium. Commissioner McDaniel seconded the motion, and it passed unanimously (4-0).

**RESOLUTION 2012-36**

**A RESOLUTION OF GULF COUNTY, FLORIDA APPROVING THE FORM OF THE INTERLOCAL AGREEMENT THAT ADMITS THE COUNT AS A MEMBER OF THE**

**GULF CONSORTIUM; AUTHORIZING THE GULF CONSORTIUM TO ACT ON THE COUNTY'S BEHALF IN THE IMPLEMENTATION OF THE RESTORE ACT IN ACCORDANCE WITH THE INTERLOCAL AGREEMENT; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1. AUTHORITY FOR THE RESOLUTION.** This Resolution is adopted pursuant to the provisions of Section 125.01 and Part I of Chapter 163, Florida Statutes.

**SECTION 2. FINDINGS.** Gulf County, Florida (the "County"), does hereby find and determine that:

(A) The County is a county with frontage on the Gulf of Mexico entitled to membership in the Gulf Consortium, a joint public entity created by interlocal agreement among any of all of the counties along the Gulf Coast of Florida.

(B) The County desires to become a member of the Gulf Consortium.

(C) In order to properly document the admission of the County to membership in the Gulf Consortium, it is necessary and desirable for the County to authorize, execute, and deliver the Interlocal Agreement Relating to Establishment of the Gulf Consortium (the "Interlocal Agreement"), the form of which is attached hereto as Exhibit A.

(D) To maximize the use of County resources and staff, it is in the best interest of the County to authorize the Gulf Consortium to act on its behalf in implementing the RESTORE Act in accordance with the Interlocal Agreement.

**SECTION 3. THE APPROVAL OF THE INTERLOCAL AGREEMENT RELATING TO THE RESTORE ACT.** The form, terms and provisions of the Interlocal Agreement, submitted to this meeting, attached hereto as Exhibit A is intended to set the terms and conditions for the Gulf Consortium to act on behalf of the County in the implementation of the RESTORE Act upon the County becoming a Member of the Gulf Consortium. The form, terms and provisions of the Interlocal Agreement are hereby approved and the Chairman of the Board of County Commissioners of the County and Clerk of the County are hereby authorized to execute and deliver said Interlocal Agreement in its name on behalf of the County.

**SECTION 4. FILING OF INTERLOCAL AGREEMENT.** The County Clerk is hereby directed to file the Interlocal Agreement with the Clerk of the Circuit court in Leon County, Florida as required by Section 163.01(11), Florida Statutes.

**SECTION 5. GENERAL AUTHORITY.** The members of the County Commission and the officers, attorneys and other agents or employees of the County are hereby authorized to do all acts and things required of them by the Resolution and the Interlocal Agreement, or desirable or consistent with the requirements hereof or thereof for the full, punctual and complete performance of all the terms, covenants, and agreements contained herein or in the Interlocal Agreement, and each member, employee, attorney and officer of the County and the County Clerk is hereby authorized and directed to execute and deliver any and all papers and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated hereunder and under the Interlocal Agreement.

**SECTION 6. SEVERABILITY AND INVALID PROVISIONS.** If any one or more of the covenants, agreements, or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining covenants, agreements or provisions and shall in no way affect the validity of any of the other provisions hereof or of the Interlocal Agreement.

**SECTION 7. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

(End)

**COUNTY ROAD 386/ WATER ON ROADWAY**

Tim Stein appeared before the Board to discuss his concerns regarding the standing water on County Road 386.

**WETAPPO ESTATES / MOSQUITO CONTROL**

Tim Stein appeared before the Board to discuss his concerns regarding the standing water in the ditches on Wetappo Drive, stating this matter is causing a mosquito control issue. He requested the Board contact the St. Joe Company, and request that the State dig a fire ditch for the water to runoff, stating that he would pay for this cost (as he has previously done in the past).

**COUNTY ROAD 386 / WATER ON ROADWAY**

Chairman Williams discussed his concerns regarding standing water on County Road 386 and requested that Chief Administrator Butler work with the County Road Department to address this issue and bring a recommendation back to the Board for consideration.

**WETAPPO ESTATES / MOSQUITO CONTROL**

Upon inquiry by Chairman Williams, Tim Stein discussed the water issues at Wetappo Estates and the redirection of the water by using a fire lane ditch (which was in place, but due to the logging in the area, now needs replacing). Mr. Stein stated that he would

pay for the cost, within reason. County Attorney Novak discussed working with Mr. Stein and the St. Joe Company to resolve this issue. After discussion by members of the Board, the Board had no objection to allow County Attorney Novak to work with Tim Stein regarding the standing water issue at Wetappo Estates.

#### **WOUNDED WARRIORS**

Tim Stein appeared before the Board to discuss his concerns regarding the Wounded Warriors Program, stating that this program is post 911 warriors.

#### **COUNTY ROAD 386 / STRIPING**

Chief Administrator Butler reported that estimated cost that was previously discussed for work on County Road 386 is only for installation of reflectors and striping of the center line, not the edges. Chairman Williams discussed the need to review the standing water issue while this work is being done.

#### **RESEARCH CENTER / QUINCY**

County Extension Agent Carter appeared before the Board to report that there is a Research Center located in Quincy and an Open House will be held today at 3:00 p.m. He stated that the Extension Office will provide a van for transportation if anyone from the County would like to attend.

#### **SEMINAR / LANDOWNERS**

County Extension Agent Carter appeared before the Board to report that the County Extension Office will hold a seminar for landowners on Thursday at 6:00 p.m., C.T. to discuss Natural Resource, Natural Resource Conservation, Forest Use, and Wildlife.

#### **GULF COUNTY EXTENSION OFFICE / RELOCATION**

County Extension Agent Carter thanked the Board and Chief Administrator Butler for the work on the newly renovated building that the County Extension Office will soon be relocated to (old Gulf County Health Department Building).

#### **UNIVERSITY OF FLORIDA / TRAINING**

Chairman Williams discussed the budget restraints and thanked the University of Florida for their willingness to train the County Commissioners as they are elected.

#### **RESTORE ACT / COUNTY EXTENSION OFFICE**

Chairman Williams requested that County Extension Agent Carter work with the Restore Act Committee regarding the land use issues.

#### **SMALL COUNTY COALITION / TRAVEL EXPENSES**

Upon discussion by Chairman Williams, Commissioners Yeager motioned to approve travel to the Florida Association of Counties (F.A.C.) conferences, Small County Coalition meetings, and legislative affairs meetings for the upcoming year. Commissioner McDaniel seconded the motion, and it passed unanimously (4-0).

There being no further business, the meeting did then adjourn at 10:50 a.m., E.T.

**WILLIAM C. WILLIAMS, III**  
**CHAIRMAN**

**ATTEST:**  
**REBECCA L. NORRIS**  
**CLERK**

Amend the FY2011-2012 BOCC General Fund for overspent departmental budgets. Excess funds in other budgets are used to fund the overspent departmental budgets.

## Budget Amendment

### #2

### General Fund

	Original Budget	Increase	Decrease	Amended Budget
<b>County Attorney:</b>				
21314-31100 Prof. Services	\$ 118,000.00	\$ 36,154.00	\$ 0.00	\$ 154,154.00
<b>Grants Development/Adm:</b>				
22313-22000 Retirement	\$ 5,197.00	\$ 5,191.00	\$ 0.00	\$ 10,388.00
<b>Affordable Housing:</b>				
27954-49000 Other Current Chgs	\$ 0.00	\$ 15,000.00	\$ 0.00	\$ 15,000.00
<b>Fire Coordinator:</b>				
314522-52000 Operating Supplies	\$ 600.00	\$ 366.00	\$ 0.00	\$ 966.00
<b>Audit Services:</b>				
346513-32000 Acctg & Auditing	\$ 70,400.00	\$ 5,000.00	\$ 0.00	\$ 75,400.00
<b>Medical Examiner:</b>				
39927-40000 Transportation	\$ 3,000.00	\$ 2,330.00	\$ 0.00	\$ 5,330.00
<b>Parks &amp; Recreation</b>				
57172-52001 Hnyville Fish Food	\$ 150.00	\$ 715.00	\$ 0.00	\$ 865.00
<b>State Attorney Administration:</b>				
60003-52000 Operating Expenses	\$ 0.00	\$ 535.00	\$ 0.00	\$ 535.00
<b>County Extension:</b>				
63237-12000 Salaries	\$ 65,389.00	\$ 705.00	\$ 0.00	\$ 66,094.00
<b>BOCC:</b>				
21111-45000 Ins:C.H., Bonds, Lia	\$ 370,460.00	\$ 0.00	\$ 65,996.00	\$ 304,464.00

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

Amend the FY2011-2012 Budget for account reclassifications. No change to budget.

**Budget Amendment  
#3**

**General Fund**

	<b>Original Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Amended Budget</b>
<b>Revenue:</b>				
00134-49000 Other Trans Grnt	\$1,644,550	\$ -0-	\$ 836,000	\$ 808,550
00134-49000 SCRA1 FDOT Grnt	\$ -0-	\$ 227,000	\$ -0-	\$ 227,000
00134-49000 SCRA2 FDOT Grnt	\$ -0-	\$ 282,000	\$ -0-	\$ 282,000
00134-49000 SCRA3 FDOT Grnt	\$ -0-	\$ 282,000	\$ -0-	\$ 282,000
00134-49000 SCRA4 FDOT Grnt	\$ -0-	\$ 45,000	\$ -0-	\$ 45,000

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_



**JOSEPH NUGENT**

## Gulf County

Mailing Address:  
P. O. Box 970  
Port St. Joe, FL 32457

Office (850) 227-1115 • FAX (850) 227-2097  
Wewahitchka (850) 639-5717

Physical Address:  
1000 Cecil G. Costin, Sr. Blvd.  
Port St. Joe, FL 32457

October 31, 2012

Gulf County Board of County Commissioners  
1000 Cecil G. Costin, Sr. Blvd.  
Port St. Joe, FL 32456

Re: Budget Amendment

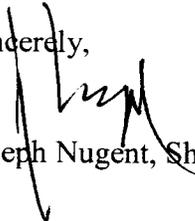
Gentlemen:

Pursuant to Florida Statutes 30.50 (4), which requires the Board of County Commissioners' approval to the Sheriff's Budget amendments, and Florida Statutes 129.06 (2)(d), which allows budget amendment increases due to receipt of revenues not anticipated in the original budget. Therefore the amended increase is a total of the Gulf County Sheriff's Office Budget with the added revenues.

Gulf County School Board (SRO's):	\$115,000.00
City of Port St Joe Contract (City dispatchers):	\$ 66,000.00
Gulf County Board of County Commissioners	\$ 33,600.00
2012 JAGC-GULF-2-C4-040 Grant	\$ 27,090.00
Crime Prevention Fund	\$ 1,419.67
Fuel Tax Refunds	\$ 3,468.10
Forfeitures	\$ 8,317.00
Miscellaneous Reimbursements/Funds:	<u>\$ 6,328.27</u>
<b>Total</b>	<b>\$261,223.04</b>

This budget amendment allows the Sheriff's Office to recognize it in our financial statements. Please note that this is **not** a request for more money, only a budget amendment. Thank you in advance.

Sincerely,

  
Joseph Nugent, Sheriff

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

FILED FOR RECORD  
REBECCA L. HARRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 NOV -9 PM 2:02

11/27/12 17

**PROFESSIONAL MEDICAL SERVICES AGREEMENT  
GULF COUNTY CORRECTIONAL FACILITY**

This **AGREEMENT** is made on this 1st day of April, 2012, by and between Sacred Heart Health System, Inc., a Florida nonprofit corporation, hereinafter referred to as the "PROVIDER" whose business address is 5151 N. Ninth Avenue, Pensacola, FL 32504, and Gulf County, a political subdivision of the State of Florida by and through the Board of County Commissioners, located at 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, Florida, hereinafter referred to as the "COUNTY",

**WHEREAS**, the COUNTY operates a correctional facility whose inmates may require various medical services during their period of incarceration;

**WHEREAS**, the County is desirous of securing the professional services of a Medical Director and Nurse Practitioner to provide the services as hereinafter described and retaining an individual possessing the requisite knowledge, experience and licensure required of such position; and

**NOW THEREFORE**, in consideration of the mutual promises, obligations and undertakings hereinafter set forth by and between the Provider and the County, the parties hereto agree as follows:

**SECTION I. RETENTION AND SCOPE OF SERVICES.**

The Provider is a Florida corporation which operates acute care hospitals and outpatient facilities and which employs licensed physicians and nurse practitioners. The proposed services requires knowledge of an advanced type in a field of learning acquired by Medical Director and other nurse practitioners. The Provider designates Gary M. Pablo, M.D., FAAEM, FACEP, as Medical Director to oversee the services provided by Clay Masterson, NP (Nurse Practitioner, herein referred to as "N.P.") licensed by the State of Florida to perform the services described hereinbelow.

The County hereby retains the Provider to provide professional medical services, through the Medical Director and the N.P., under the general supervision of the Medical Director and other licensed physicians employed by Provider, to and within the Gulf County Correctional Facility in liason with the Chief Correctional Officer and perform other related services typically performed by licensed professionals in the said field to the best of his ability and in accordance with accepted Nurse Practitioner standards, and including;

**A.** The N.P. shall conduct a weekly medical clinic at the Correctional Facility at a mutually agreeable time, and which, including administrative time shall comprise approximately four (4) hours per week. Medical clinics shall primarily be for the treatment of minor injuries and illnesses of inmates but shall also include conducting physical examinations for newly incarcerated inmates and providing chronic care services as needed.

**B.** The Provider through its attending emergency department physicians and Nurse Practitioners at Sacred Heart Hospital on the Gulf shall be available and responsible for providing twenty-four (24) hour per day, seven (7) days per week telephone consultation services at the request of Correctional Facility Staff concerning care of inmates incarcerated at the Correctional Facility.

**C.** The Provider shall provide written protocols and consultations for nurses or other medical assistants to hold daily sick call; screen and dispense medication; and provide for inmates having minor ailments.

**D.** The Provider shall coordinate with the Chief of the Correctional Facility for the referral and treatment of inmate care, emergencies or acute care services at local hospitals and or emergency rooms.

**E.** The Provider shall, in cooperation with the Chief of the Correctional Facility arrange for the designation of an attending physician for hospitalized inmates under the custody of County Correctional Facility. The Provider shall assist the County's staff in coordination and utilization of care prior to the inmate's hospitalization, during the inmate's hospitalization and after the inmate has returned to the Correctional facility.

**F.** The N.P. or his designee shall become an active member and attend/participate in the Correctional Facility's scheduled staff meetings pertaining to medical care and treatment.

**G.** The N.P. shall be designated as the County Correctional Facility Nurse Practitioner. He/she shall take an active role in assisting the Correctional Facility in the administration and operation of the Medical Section. Consistent with this function, the N.P. shall review and interpret lab and x-ray reports as he deems necessary, assist in training and hiring of any staff nurses or other medical support personnel, and assist in the evaluation and selection of vendors providing medical services at the facility.

**H.** The Provider shall issue appropriate prescriptions for medications or medical or lab services such as X-Rays, MRI, Ultra-sound, etc. for the proper medical treatment of inmates.

**I.** Such additional services as may be requested by the County.

The N.P. shall act in his professional capacity as a representative of the County, but shall have no authority to act as an agent or to enter into any financial or other contractual commitments on behalf of the County without the prior approval of the County and in accordance with applicable law. It is recognized that the Provider may have additional professional, semi-professional and other staff who provide services to the County through the Provider, however the Provider shall remain solely and primarily responsible and liable for all services provided.

## **SECTION II. FEES, COSTS AND PAYMENTS.**

**A. FEES PAID.** The County shall pay the Provider for the services rendered by the Provider as follows:

The Provider shall perform all medical services outlined in Section I above for the annual retainer sum of \$24,210.00 paid in twelve equal monthly installments to be paid by the County Clerk's office prior to the 25<sup>th</sup> day of each month or the 1<sup>st</sup> day of each quarter following receipt of either monthly/quarterly invoice from Provider detailing the installment to be paid.

**B. COSTS.** All costs, fees and disbursements that are deemed necessary and reasonable that are incurred in connection with the professional services rendered by the Provider shall be reimbursed by the County.

## **SECTION III. DURATION OF CONTRACT.**

This Agreement shall be effective from the 1st day of April, 2012, and continue through the 31st day of March, 2013 and in accordance with the Resolution appointing the Provider for the term set forth herein. Contract may be renewed for a one year term up to two renewal periods thereafter upon the approval and written consent of the parties at least forty (40) prior to the expiration of the initial

**SECTION IV. LICENSURE AND COVERAGE.**

The N.P. and all physicians providing services hereunder shall maintain their license in good standing and satisfy all required continuing medical education required for licensure by the Florida Board of Medicine. Failure to do so or upon suspension or revocation of such license(s), the County may terminate this contract upon thirty (30) days written notice.

The Provider, during periods of absence shall at his own cost and expense, provide either a temporary back-up Nurse Practitioner or physician to cover his duties hereunder. Such replacement Nurse Practitioner or physician must meet all qualification standards of this agreement and be subject to performance requirements thereof. Written notice of such substituted coverage shall be given to the Chief County Correctional officer by the Provider.

**SECTION V. CONFIDENTIALITY.**

The Provider agrees to treat and maintain as confidential, and not to disclose to any third party or to use for his/her own benefit, reproduce or have reproduced, any information, work product or other such document or records obtained, learned or produced as a result of the medical services rendered under this Agreement (except to the extent required by law and or as may be released in fulfillment of a properly executed HIPPA release) without the prior written consent of the County which consent shall not be unreasonably withheld if required for a valid, lawful and useful purpose as determined in the sole discretion of the County.

**SECTION VI. PROPERTY AND RECORDS.**

The County, from time to time, may make available to the Provider, various information, records, documents or other material for utilization by the Provider in providing the services to the County, its Correctional Facility and its inmates, however, the County shall retain all of its right, title, and interest in and to any of the said material information and medical records.

**SECTION VII. TITLE TO WORK PRODUCT PRODUCED BY PROVIDER.**

The Provider agrees, as a material element of this Agreement, that the possession, ownership and title to and all rights and other legal interest(s) in all medical records, correspondence, memoranda, records, lab reports, analysis or physical property or other subject matter prepared, procured or produced in the providing of the medical professional services hereunder shall vest exclusively and remain with the County, exclusive of those items which may result in the violation of an ethical standard imposed upon the medical professional by the Florida Board of Medicine. If the Provider requires a copy of documents which can be legally released, the County shall provide such copies to the Provider.

**SECTION VIII. PAYMENT OF CLAIMS AND PROFESSIONAL LIABILITY INSURANCE.**

The Provider shall pay all lawful costs and charges which the Provider incurs in performance of the professional services under this Agreement, and including but not limited to salaries and wages of any agent, servant, or employee of the Provider. The Provider shall procure and maintain during the term of the Agreement, such employer insurance coverages for his employees, servants or agents as required by law and including but not limited to workman's compensation, employer's liability,

disability and unemployment insurance coverages.

During the term of this agreement the Provider shall maintain in full force and effect, professional liability insurance or funded self-insurance on it, and all of its employees in the minimum amount of \$500,000.00 per occurrence.

#### **SECTION IX. INDEMNIFICATION**

The Provider hereby agrees to hold harmless, indemnify and defend the County, its employees and agents, against any and all claims for damages allegedly arising from or related to the Provider's, or his employees' or agents' conduct or negligence. The County hereby agrees, within the limits of section 768.28, Florida Statutes (Sovereign Immunity Statute), to hold harmless, indemnify, and defend the Provider, his employees and agents, against any and all claims for damages allegedly arising from or related to the County's, or its employees' or agents' conduct or negligence.

#### **SECTION X. GENERAL PROVISIONS.**

A. This Agreement constitutes the entire understanding between the parties and shall take precedence over all other prior or existing agreements.

B. If any provision of this Agreement is held invalid or unenforceable by any Court of competent jurisdiction, all other provisions shall, nonetheless, continue in full force and effect.

C. No modification or waiver of any terms in this Agreement shall be valid unless in writing and executed by each of the parties.

D. The failure of any party to insist upon strict performance of any revision of this Agreement shall be deemed a waiver of any subsequent breach or default of any provision contained in the Agreement. This Agreement may not be assigned or transferred by the Provider without the prior written consent of the County.

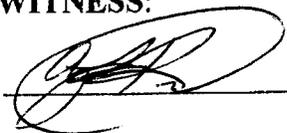
E. The Provider under this Agreement is an independent contractor, and under no circumstances shall the Provider, his employees, agents or subcontractors be deemed, construed or considered employees of the County.

#### **SECTION XI. GOVERNING LAW.**

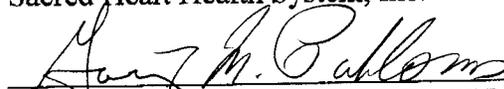
This Agreement has been drawn in Florida between the Provider licensed in the respective profession in the State of Florida and a public entity of the State of Florida and shall be governed by and construed under the laws of the State of Florida.

**IN WITNESS WHEREOF**, the parties have hereunto executed this Agreement as of the day and year first above written.

WITNESS:



Sacred Heart Health System, Inc.



Gary M. Pablo, MD, FAAEM, FACEP

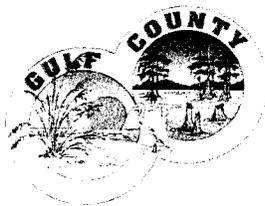
ATTEST:

Gulf County Board of County Commissioners

\_\_\_\_\_  
Deputy Clerk,  
Gulf County Clerk of Court

\_\_\_\_\_  
By: TYNALIN SMILEY, CHAIRMAN

\_\_\_\_\_  
Don Butler, County Administrator



**GULF COUNTY  
EMERGENCY MANAGEMENT**

1000 Cecil G. Costin, Sr. Blvd.  
Port St. Joe, Florida 32456

**INTEROFFICE MEMORANDUM**

TO: BOARD OF COMMISSIONERS  
FROM: MARSHALL NELSON *M. Nelson*  
DATE: NOVEMBER 9, 2012  
SUBJECT: **MODIFICATION #1 (CONTRACT # 13-FG-86-02-33-01-090)**  
**EMERGENCY MANAGEMENT PERFORMANCE GRANT**  
**(EMPG) AGREEMENT**

---

By this memo we are requesting the board's approval of the attached Modification #1 (Program Conditions) to the Emergency Management Performance Grant (EMPG) for the Fiscal Year 2012 - 2013.

Attachment

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

2012 NOV 14 AM 9:35

CLERK OF SUPERIOR COURT  
GULF COUNTY, FLORIDA  
1000 CECIL G. COSTIN, SR. BLVD.  
PORT ST. JOE, FL 32456

MODIFICATION # 1 TO SUBGRANT AGREEMENT

This Modification is made and entered into by and between the State of Florida, Division of Emergency Management, ("the Division"), and Gulf County ("the Recipient") to modify Subgrant Agreement Number 13-FG-86-02-33-01-090, dated June 28, 2012 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant of \$54,430 to Recipient; and

WHEREAS, the Division and the Recipient desire to modify the Agreement by amending Attachment C (Program Conditions).

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. Attachment C (Program Conditions) to this Agreement is hereby deleted in its entirety, and the Revised Attachment C, which is attached hereto and incorporated herein by reference, is substituted in its place and stead.
2. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
3. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective as of the date of the last execution of this Modification by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this document on the dates set out below.

RECIPIENT: GULF COUNTY

BY: \_\_\_\_\_

NAME & TITLE: TAN SMILEY, CHAIRMAN

DATE: \_\_\_\_\_

STATE OF FLORIDA  
DIVISION OF EMERGENCY MANAGEMENT

BY: \_\_\_\_\_  
Bryan Koon, Director

DATE: \_\_\_\_\_

## Attachment C

## Program Conditions

Items listed below are to be reviewed during the mid-year and end-of year progress report prepared in conjunction with the Division's Regional Coordinator to ensure county compliance.

1. **COORDINATION AND COLLABORATION** - Utilizing the below elements, county emergency management agencies will have an ongoing process that provides for coordinated and collaborated input in the preparation, implementation, evaluation and revision of emergency management programs. See Data Download and Upload details in # 3 below.
  - Provide an agenda or a copy of the certificate to show participation in the following during this contract period (July 1, 2012 – June 30, 2013):
    - Regional Domestic Security Task Force (RDSTF) Meeting
    - Urban Area Security Initiative Meetings (if applicable)
    - State Working Group Meetings (if applicable)
2. **TRAINING AND EXERCISE** - To ensure that each county emergency management agency is in compliance with EMPG Guidance, **each EMPG funded position** during this contract period (July 1, 2012 – June 30, 2013) shall provide the following items. See Data Download and Upload detail in # 3 below.
  - Participate in no less than three (3) exercises within the 12 month Agreement period
  - Submit an After Action Report (AAR) for each exercise conducted by the Recipient and/or provide sufficient exercise documentation (i.e., sign in sheet, certificate, etc.) for participation in each exercise not conducted by the Recipient
  - Complete IS 100, 200, 700, 800 and the Professional Development Series
3. **DATA DOWNLOAD AND UPLOAD** – Data exchange between the Division and counties will be facilitated by the use of the Division's Sharepoint Portal available at <https://portal.floridadisaster.org>. Counties will be provided user names and passwords to access the portal. All data, forms, templates and instructions to be provided by the Division will be made available via the portal, and counties shall use the portal to upload data or provide notice of "No Change" for applicable items.

GULF COUNTY TRANSPORTATION  
P. O. Box 8  
Port St. Joe, Florida 32457

Phone (850) 229-6550

Fax (850) 229-1134

DATE: 11/8/2012

BILL TO: Gulf County  
Cecil Costin Blvd.  
Port St. Joe, Florida 32456

SERVICE DATES: Oct 1-Oct 31, 2012

SERVICE: Non-Sponsored Transportation Disadvantaged  
Services for Gulf County Residents and Veterans

2012 NOV 14 PM 5:3

	<u>TRIPS</u>	<u>MILES</u>
Non-Spon	441	10,000
Veterans	8	2025

TOTAL \$ 1,551.16

APPROVED FOR PAYMENT

Date 11-14-12 D.H. LR  
Acct # 51363-82005

AUTHORIZED SIGNATURE

*Cecily Waters*

FILED FOR RECORD  
REBECCA L. NURSIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 NOV -9 AM 11:23

BCC APPROVED

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

11/27/12 *ll*

**Public Risk Insurance Agency**

P. O. Box 2416  
Daytona Beach, FL 32115

	Gulf County BOCC
	768
	11/07/2012
	Paul Dawson Linda Burtchett
1 of 1	

**Gulf County BOCC**  
**Gulf County Board of County Commissioners**  
**1000 Cecil G. Costin Sr. Blvd.**  
**Port St. Joe, FL 32456**

	71,811.25
	Invoice#26745
	PK FL1 0231023 12-03

Thank You

Please print and return with payment.

Customer: Gulf County BOCC

26745	12/01/2012	Installment	Policy #PK FL1 0231023 12-03 10/01/2012-10/01/2013	
			Preferred Gov Insurance Trust Business Auto - Renew policy 9,915.25 General Liability - Renew policy 4,047.00 Crime - Renew policy 250.00 Inland Marine - Renew policy 4,722.00 Law Enforcement Liability - Renew policy 1,877.00 Public Officials Liab - Renew policy 5,500.00 Commercial Property - Renew policy 45,500.00	
FILED FOR RECORD REBECCA L. MORRIS CLERK OF CIRCUIT COURT 2012 NOV 19 AM 9:10				
APPROVED FOR PAYMENT Date <u>11/15/12</u> D.H. <u>BS</u> Acct. # <u>225513-45000</u> \$ <u>71,811.25</u>				

71,811.25

\*\*\*\*\*Future Invoices\*\*\*\*\*

03/01/2013 71,811.25 |

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

Thank You

Public Risk Insurance Agency P. O. Box 2416 Daytona Beach, FL 32115	(386)252-6176	11/07/2012
---	---------------	------------

11/27/12 **27**

BOARD OF COUNTY COMMISSIONERS  
GULF COUNTY, FLORIDA  
**FIRE COORDINATOR**

Brad Price

1000 CECIL G. COSTIN SR. BLVD., ROOM 310 , PORT ST. JOE, FLORIDA 32456  
PHONE (850)229-6106 • FAX (850) 229-9252 • EMAIL: bprice@gulfcountry-fl.gov  
DATE AND TIME OF MEETINGS • SECOND AND FOURTH TUESDAY AT 6:00 P.M. E.T.

To: The Board of County Commissioners

From: Brad Price Gulf County Fire Coordinator

It is my recommendation to the Board to approve annual Christmas Dinners for all nine volunteer departments. Also include candy to be for the Christmas Parade. The funds for these events will be taken out of their annual budget.

If there are any questions or concerns please do not hesitate to call my office.

Thank you,



Brad Price

FILED FOR RECORD  
REBECCA L. MORRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 NOV 19 AM 11:26

**BCC APPROVED**  
DATE \_\_\_\_\_ D.C. \_\_\_\_\_

CARMEN L. MGEMORE  
District 1

WARD McDANIEL  
District 2

BILL WILLIAMS  
District 3

TAN SMILEY  
District 4

WARREN YEAGER  
District 5

11/27/12 *u*

Donald Butler

**From:** Andrew Rowell <arowell@gaccontractors.com>  
**Sent:** Thursday, October 11, 2012 11:35 AM  
**To:** Don Butler (dbutler@gulfcounty-fl.gov)  
**Cc:** Derwin White; Jeremy Powell  
**Subject:** Bridge Approaches  
**Attachments:** Bridge Approaches.pdf  
  
**Importance:** High

Mr. Don,

Attached is the quotes for the bridge approaches at CR 386 and Money Bayou. We will repair both sides at CR386 and the South side at Money Bayou. At each location we will mill a five foot strip next to the bridge and drop back twenty feet and mill another strip to tie back into the asphalt. Then overlay that 25 foot area with 1.5 inches of 12.5mm Superpave Asphalt. We will provide all labor, equipment, and materials to do this job. If you have any questions please feel free in calling.

**Your Partner In Success,**  
**Andrew Rowell**  
**Business Development Director**  
**GAC Contractors, Inc.**  
 Cell: (850) 527-8354

4116 Highway 231 North  
 Panama City, Florida 32404  
 Office: (850) 769-3477  
 Fax: (850) 769-3456

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

*Celebrating over 50 years of Excellence*



FILED FOR RECORD  
 FEDERAL COURTS  
 CLERK OF COURT  
 PANAMA CITY, FLORIDA  
 2012 NOV 19 AM 9:10

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

CONSENT  
 DATE 11-21-12 **29**

OFFICE: (850) 769-3477  
FAX: (850) 769-3456

POST OFFICE BOX 59462  
PANAMA CITY, FL 32412-0462



**Repair Bridge Approaches at CR386**  
**SCHEDULE OF VALUES**

DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
<b>GENERAL CONDITIONS</b>				
Repair Bridge Approach	LS	1	\$10,200.00	\$10,200.00
			<b>SUBTOTAL</b>	<b>\$10,200.00</b>

GRAND TOTAL                      \$10,200.00

GAC CONTRACTORS, INC.

A handwritten signature in cursive script, appearing to read 'A. Rowell'.

ANDREW ROWELL  
PROJECT MANAGER

CONSENT  
DATE 11-27-12 LB

OFFICE: (850) 769-3477  
FAX: (850) 769-3456



POST OFFICE BOX 59462  
PANAMA CITY, FL 32412-0462

**Repair Bridge Approach at Money Bayou  
SCHEDULE OF VALUES**

DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
<b>GENERAL CONDITIONS</b>				
Repair Bridge Approach	LS	1	\$7,800.00	\$7,800.00
			<b>SUBTOTAL</b>	<b>\$7,800.00</b>

GRAND TOTAL                      \$7,800.00

GAC CONTRACTORS, INC.

ANDREW ROWELL  
PROJECT MANAGER

CONSENT  
DATE: 11-27-12 *DR*

# RESOLUTION 2012-40

**WHEREAS**, the Gulf County Board of County Commissioners of Gulf County, Florida, has a new department (Fire Control Department) in the General Fund in fiscal year 2011-2012 that was not originally funded in the budget. This department is to be funded by each of the Fire Control Districts through budgeted transfers into the General Fund from the St. Joe Fire Control District Fund, Tupelo Fire Control District Fund, Overstreet Fire Control District Fund, and Howard Creek Fire Control District Fund. Unbudgeted additional cash carry forward was available in the following funds: St. Joseph Fire Control Impact Fee Fund, Tupelo Fire Control District Impact Fee Fund, Overstreet Fire Control District Impact Fee Fund, Howard Creek Fire Control District Impact Fee Fund, and the Construction and Acquisition Fund and

**WHEREAS**, said additional transfers and cash carry forward are needed to help pay certain expenditures incurred in fiscal year 2011-2012,

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The 2011-2012 fiscal year budget is amended to include additional cash, revenue, and expenditures as follows:

	ORIGINAL BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
<b>GENERAL FUND</b>			
<b>REVENUES &amp; TRANSFERS IN:</b>			
00181-00000 Interfund Transfers In	\$ -0-	\$ 21,804	\$ 21,804
<b>EXPENDITURES:</b>			
Fire Coordinator Department:			
314522-12000 Salaries	\$ -0-	\$ 14,419	\$ 14,419
314522-21000 FICA	\$ -0-	\$ 894	\$ 894
314522-21500 Medicare	\$ -0-	\$ 210	\$ 210
314522-22000 Retirement	\$ -0-	\$ 769	\$ 769
314522-24000 Workers Compensation	\$ -0-	\$ 512	\$ 512
314522-31300 Professional Svcs	\$ -0-	\$ 400	\$ 400
314522-40000 Travel	\$ -0-	\$ 500	\$ 500
314522-41000 Communications	\$ -0-	\$ 800	\$ 800
314522-46200 R & M Equipment	\$ -0-	\$ 500	\$ 500
314522-51000 Office Supplies	\$ -0-	\$ 800	\$ 800
314522-52000 Operating Supplies	\$ -0-	\$ 600	\$ 600
314522-52100 Gas, Oil, & Lube	\$ -0-	\$ 1,000	\$ 1,000
314522-54000 Books, Pub, Subs	\$ -0-	\$ 400	\$ 400

	ORIGINAL BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
--	--------------------	------------------------	-------------------

**ST JOE FIRE CONTROL DISTRICT FUND**

**EXPENDITURES & TRANSFERS OUT:**

Highland View Fire Department:			
32222-64001 Equip > \$5,000	\$ 61,439	\$ (3,423)	\$ 58,016
White City Fire Department:			
32322-64001 Equip > \$5,000	\$ 485,429	\$ (3,423)	\$ 482,006
Beaches Fire Department:			
32122-64001 Equip > \$5,000	\$ 80,980	\$ (5,135)	\$ 75,845
S. Gulf Fire Department:			
32922-64001 Equip > \$5,000	\$ 138,000	\$ (5,135)	\$ 132,865
St. Joe Fire Control District Fund:			
106581-00000 Transfer for Fire Coord	\$ -0-	\$ 17,116	\$ 17,116

**TUPELO FIRE CONTROL DISTRICT FUND**

**EXPENDITURES & TRANSFERS OUT:**

Wetappo Fire Department:			
318522-64000 Equipment	\$ 2,000	\$ (451)	\$ 1,549
Dalkeith Fire Department:			
31922-64001 Equip > \$5,000	\$ 10,000	\$ (1,083)	\$ 8,917
Stonemill Creek Fire Department:			
31722-64001 Equip > \$5,000	\$ 7,000	\$ (1,083)	\$ 5,917
Tupelo Fire Control District Fund:			
107581-00000 Transfer for Fire Coord	\$ -0-	\$ 2,617	\$ 2,617

**OVERSTREET FIRE CONTROL DISTRICT FUND**

**EXPENDITURES & TRANSFERS OUT:**

Overstreet Volunteer Fire Department:			
32622-64000 Equipment	\$ 14,013	\$ (1,308)	\$ 12,705
Overstreet Fire Control District Fund:			
108581-00000 Transfer for Fire Coord	\$ -0-	\$ 1,308	\$ 1,308

**HOWARD CREEK FIRE CONTROL DISTRICT FUND**

**EXPENDITURES & TRANSFERS OUT:**

Howard Creek Volunteer Fire Department:			
32722-64000 Equipment	\$ 2,099	\$ (763)	\$ 1,336
109581-00000 Transfer for Fire Coord	\$ -0-	\$ 763	\$ 763

	ORIGINAL BUDGET	INCREASE (DECREASE)	AMENDED BUDGET
--	--------------------	------------------------	-------------------

**ST. JOSEPH FIRE CONTROL IMPACT FEE FUND**

**REVENUES:**

13498-99002 BAL Brt Forward: Restricted	\$ 5,513	\$ 18	\$ 5,531
---	----------	-------	----------

**EXPENDITURES:**

32152-64000 Equipment Beaches VFD	\$	\$ 3	\$ 3
32252-64000 Equipment Highland VFD	\$	\$ 4	\$ 4
32952-64000 Equipment S Gulf VFD	\$	\$ 11	\$ 11

**TUPELO FIRE CONTROL IMPACT FEE FUND**

**REVENUES:**

13598-99002 BAL Brt Forward: Restricted	\$ 5,803	\$ 19	\$ 5,822
---	----------	-------	----------

**EXPENDITURES:**

31752-64000 Equipment Stonemill VFD	\$	\$ 11	\$ 11
31852-64000 Equipment Wetappo VFD	\$	\$ 2	\$ 2
31952-64000 Equipment Dalkeith VFD	\$	\$ 6	\$ 6

**OVERSTREET FIRE CONTROL IMPACT FEE FUND**

**REVENUES:**

13698-99002 Bal Brt Forward: Restricted	\$ 1,886	\$ 6	\$ 1,892
---	----------	------	----------

**EXPENDITURES:**

32652-64000 Equipment Overstreet VFD	\$	\$ 6	\$ 6
--------------------------------------	----	------	------

**HOWARD CREEK FIRE CONTROL IMPACT FEE FUND**

**REVENUES:**

13798-99002 BAL Brt Forward: Restricted	\$ 562	\$ 3	\$ 565
---	--------	------	--------

**EXPENDITURES:**

32752-64000 Equipment Howard Crk VFD	\$	\$ 3	\$ 3
--------------------------------------	----	------	------

**CONSTRUCTION & ACQUISITION FUND**

**REVENUES:**

30298-99002 Additional Cash Brought Forward	\$ -0-	\$ 18,866	\$ 18,866
---	--------	-----------	-----------

**EXPENDITURES:**

41441-53000 Road Materials & Supplies	\$ -0-	\$ 18,866	\$ 18,866
---------------------------------------	--------	-----------	-----------

**THIS RESOLUTION ADOPTED** by the Gulf County Board of County Commissioners this the 26th day of November, 2012.

---

**Tynalin Smiley, Chairman**

**ATTEST:**

---

**Rebecca L. Norris, Clerk**

**RESOLUTION  
2012-42**

**WHEREAS**, the Gulf County Board of County Commissioners of Gulf County, Florida, has unanticipated revenue in the General Fund and CDBG Fund for fiscal year 2011-2012 and

**WHEREAS**, said revenue is needed to help pay certain expenditures incurred in fiscal year 2011-2012,

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The 2011-2012 fiscal year budget be amended as follows:

**GENERAL FUND**

EXPENDITURE OR REVENUE	PROJECT	Description	ORIGINAL BUDGET	INCREASE	DECREASE	AMENDED BUDGET
13537-34000		Other Contractual Services-	1,500.00	50,500.00	-	52,000.00
10131-39001		Federal Grant – Other Phy Env	-	50,500.00	-	50,500.00
10131-20000		Federal Grant – Publ Safety Div of Forestry	-	11,928.00	-	11,928.00
114522-52000		Fire Coord. – Operating Exp	966.00	11,928.00	-	12,894.00
10341-31000		Professional Services-LAP	50,000.00	70,635.00	-	120,635.00
10341-53000		Road Materials – LAP	500,000.00	1,312,215.00	-	1,812,215.00
10131-49000		Federal Grant - Other Transportation	550,000.00	1,382,850.00	-	1,932,850.00

**CDBG FUND**

13554-34000	CDBG	Other Contractual Services	150,000.00	300,000.00	-	450,000.00
13538-34000	CDBG	Other Contractual Services	250,000.00	500,000.00	-	750,000.00
1331-50000	CDBG	CDBG Federal Disaster Recovery Grant	165,000.00	300,000.00	-	465,000.00
1331-39000	CDBG	CDBG Federal Disaster Recovery Grant	475,000.00	500,000.00	-	975,000.00

**THIS RESOLUTION ADOPTED** by the Gulf County Board of County Commissioners this the 27th day of November, 2012.

\_\_\_\_\_  
**Tynalin Smiley, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Rebecca L. Norris, Clerk**

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN** that the Gulf County Board of County Commissioners will hold two public hearings to consider adoption of an Ordinance with the following title:

**AN ORDINANCE BY THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS TO REPEAL ORDINANCE 2009-04 KNOWN AS THE GULF COUNTY FLOOD PREVENTION ORDINANCE; TO ADOPT A NEW FLOODPLAIN MANAGEMENT ORDINANCE; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

The first public hearing will be held during the Gulf County Board of County Commissioner's Regular Meeting on Tuesday, November 13, 2012 at 9:00 a.m., E.T. and the second public hearing to consider adoption will be held during the Gulf County Board of County Commissioner's Regular Meeting on Tuesday, November 27, 2012 at 9:00 a.m. E.T. Both public hearings will be held in the County Commissioner's meeting room in the Robert M. Moore Administration Building, Gulf County Courthouse Complex, Port St. Joe, Florida.

The public is encouraged to attend and be heard on this matter. The ordinance and contents are on file with the Clerk of Court and at the Planning and Building Departments, located in the Robert M. Moore Administration Building 1000 Cecil G. Costin, Sr. Blvd Port St. Joe, FL.

BOARD OF COUNTY COMMISSIONERS  
GULF COUNTY, FLORIDA

BY: WILLIAM C. WILLIAMS, III, CHAIRMAN

Ad Dates: November 1, 2012 and November 15, 2012  
Ad #2012-99  
Publish in Legals  
Invoice: Gulf County Board of County Commissioners

## ORDINANCE NO. 2012-

**AN ORDINANCE BY THE GULF COUNTY BOARD OF COUNTY COMMISSIONERS TO REPEAL ORDINANCE 2009-04 KNOWN AS THE GULF COUNTY FLOOD PREVENTION ORDINANCE; TO ADOPT A NEW FLOODPLAIN MANAGEMENT ORDINANCE; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, AND FOR OTHER PURPOSES; TO ADOPT LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**

---

**WHEREAS**, the Legislature of the State of Florida has, in **Chapter 125**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Gulf County and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, Gulf County was accepted for participation in the National Flood Insurance Program on June 15, 1983 and the Gulf County Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

**WHEREAS**, Gulf County participates in the Community Rating System (CRS) that allows credit points for additional flood prevention measures or activities and Gulf County has adopted a one (1) foot freeboard as one of its CRS participation credit point activities; and

**WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

**WHEREAS**, section 553.73(5), Florida Statutes, allows adoption of local administrative amendments to the *Florida Building Code* to implement the National Flood Insurance Program; and

**WHEREAS**, the Gulf County Board of County Commissioners is adopting a requirement to increase the minimum elevation requirement for buildings and structures in flood hazard areas and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the Florida Building Code;

**WHEREAS**, the Gulf County Board of County Commissioners has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

**NOW, THEREFORE, BE IT ORDAINED** by the Gulf County Board of County Commissioners of Gulf County, Florida that the following floodplain management regulations, and the following local administrative amendments to the 2010 *Florida Building Code*, are hereby adopted.

## SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2. This ordinance specifically repeals and replaces the following ordinance and regulation:** Ordinance 2009-04 known as the "Flood Ordinance" and/or *Flood Damage Prevention Ordinance*.

## CHAPTER 1 ADMINISTRATION

### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the *Floodplain Management Ordinance or 2012 Flood Ordinance* of Gulf County, Florida, hereinafter referred to as "this ordinance."

**101.2 Scope.** The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

**101.3 Intent.** The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

**101.4 Coordination with the *Florida Building Code*.** This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*. **40**

**101.5 Warning.** The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

**101.6 Disclaimer of Liability.** This ordinance shall not create liability on the part of Gulf County Board of County Commissioners of Gulf County, Florida or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

## SECTION 102 APPLICABILITY

**102.1 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

**102.2 Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard areas within the unincorporated Gulf County, Florida, as established in Section 102.3 of this ordinance.

**102.3 Basis for establishing flood hazard areas.** The Flood Insurance Study for *Gulf County, Florida and Incorporated Areas* dated September 28, 2007, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Gulf County Planning Department located at 1000 Cecil G. Costin Sr. Blvd, Rm. 312, Port St. Joe, FL 32456.

**102.3.1 Submission of additional data to establish flood hazard areas.** To establish flood hazard areas and base flood elevations, pursuant to Section 105 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

**102.4 Other laws.** The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

**102.5 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

**102.6 Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**103.1 Designation.** The Gulf County Planner is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

**103.2 General.** The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance 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 ordinance without the granting of a variance pursuant to Section 107 of this ordinance.

**103.3 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 ordinance;
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 ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

8. Coordinate with and provide comments to the Building Official to assure that applications for building permits for buildings and structures in flood hazard areas comply with the requirements of this ordinance. **42**

**103.4 Determinations for existing buildings and structures.** 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; 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 ordinance is required.

**103.5 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 Section 107 of this ordinance.

**103.6 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 ordinance.

**103.7 Inspections.** The Floodplain Administrator shall make the required inspections as specified in Section 106 of this ordinance 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.

**103.8 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 103.4 of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida 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 6 months of such data becoming available; **43**

4. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;
5. Notify the Federal Emergency Management Agency when the corporate boundaries of unincorporated Gulf County 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 the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) 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."

**103.9 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 ordinance 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 ordinance; 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 ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the Gulf County Building Department, 1000 Cecil G. Costin Sr. Blvd. Rm. 303, Port St. Joe, FL 32456.

## SECTION 104 PERMITS

**104.1 Permits required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, 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(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

**104.2 Floodplain development permits or approvals.** Floodplain development permits or Development Orders (DO) shall be issued pursuant to this ordinance 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.

**104.2.1 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 C.F.R. Sections 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 ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
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 section 366.02, F.S., 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 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 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 section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

**104.3 Application for a permit or approval.** To obtain a floodplain development permit or approval as a DO, 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 Section 105 of this ordinance.
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.

**104.4 Validity of permit or approval.** The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, 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.

**104.5 Expiration.** A floodplain development permit or approval shall become invalid unless the work **45** 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.

**104.6 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 ordinance or any other ordinance, regulation or requirement of this community.

**104.7 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; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. Florida 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.

## SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

**105.1 Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where flood hazard areas, base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2 of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(1) or (2) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compacted specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

**105.2 Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source; or
2. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
  - a. Require the applicant to develop base flood elevation data prepared in accordance with currently accepted engineering practices; or
  - b. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.
3. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

**105.3 Additional analyses and certifications.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a floodway encroachment analysis which demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 105.4 of this ordinance.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

**105.4 Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## SECTION 106 INSPECTIONS

**106.1 General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.

**106.1.1 Development other than buildings and structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**106.1.2 Buildings, structures and facilities exempt from the *Florida Building Code*.** The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

**106.1.2.1 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection.** Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 105.2(2)(b) of this ordinance, the documentation of height of the lowest

**106.1.2.2 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 106.1.2.1 of this ordinance.

**106.1.3 Manufactured homes.** The Building Official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Building Official.

## SECTION 107 VARIANCES AND APPEALS

**107.1 General.** The Gulf County Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Gulf County Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code Building*.

**107.2 Appeals.** The Gulf County Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of Gulf County Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

**107.3 Limitations on authority to grant variances.** The Gulf County Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 107.6 of this ordinance, the conditions of issuance set forth in Section 107.7 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Gulf County Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

**107.3.1 Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 105.3 of this ordinance.

**107.4 Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

**107.5 Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 107.3.1, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

**107.6 Considerations for issuance of variances.** In reviewing requests for variances, the Gulf County Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**107.7 Conditions for issuance of variances.** Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the Gulf County Board of County Commissioners that:
  - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a new building, or **50** substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

## SECTION 108 VIOLATIONS

**108.1 Violations.** Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

**108.2 Authority.** For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

**108.3 Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

## CHAPTER 2 DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

**201.2 Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

**201.3 Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

### SECTION 202 DEFINITIONS

**Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal.** A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

**Basement.** The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

**Coastal construction control line.** The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

**Coastal high hazard area.** A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC,B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

**Design flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

**Design flood elevation.** The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 1612.2.]

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

**Encroachment.** The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**Existing building and existing structure.** Any buildings and structures for which the “start of construction” commenced before June 15, 1983. [Also defined in FBC, B, Section 1612.2.]

**Existing manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1983.

**Expansion to an existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

**Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- 1. The overflow of inland or tidal waters.
- 2. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood damage-resistant materials.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

**Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- 1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
- 2. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

**Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

**Flood Insurance Study (FIS).** The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

**Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

**Floodplain development permit or approval.** An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

**Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 1612.2.]

**Floodway encroachment analysis.** An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

**Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

**Freeboard.** Means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions. Gulf County has established a one (1) foot freeboard.

**Functionally dependent use.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

**Historic structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

**Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

**Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

**Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

**Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

**Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Market value.** The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

**New construction.** For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after June 15, 1983 and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 15, 1983.

**Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 15C-1.0101, F.A.C.]

**Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in section 320.01(b), F.S.]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand dunes.** Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

**Start of construction.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

**Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which 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. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

**Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

**Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

## CHAPTER 3 FLOOD RESISTANT DEVELOPMENT

### SECTION 301 BUILDINGS AND STRUCTURES

**301.1 Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*.** Pursuant to Section 104.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 307 of this ordinance.

**301.2 Buildings and structures seaward of the coastal construction control line.** If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.
2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

### SECTION 302 SUBDIVISIONS

**302.1 Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**302.2 Subdivision plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 105.2(1) or (2) of this ordinance; and
3. Compliance with the site improvement and utilities requirements of Section 303 of this ordinance.

**303.1 Minimum requirements.** All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

**303.2 Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

**303.3 Water supply facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

**303.4 Limitations on sites in regulatory floodways.** No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 105.3(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

**303.5 Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

**303.6 Limitations on sites in coastal high hazard areas (Zone V).** In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 105.3(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 307.8 of this ordinance.

## SECTION 304 MANUFACTURED HOMES

**304.1 General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

**304.2 Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazards areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. **58**
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

**304.3 Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

**304.4 Elevation.** Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 304.4.1 or 304.4.2 of this ordinance, as applicable.

**304.4.1 General elevation requirement.** Unless subject to the requirements of Section 304.4.2 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

**304.4.2 Elevation requirement for certain existing manufactured home parks and subdivisions.** Manufactured homes that are not subject to Section 304.4.1 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

**304.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas, as applicable to the flood hazard area.

**304.6 Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

**305.1 Temporary placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

**305.2 Permanent placement.** Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.

## SECTION 306 TANKS

**306.1 Underground tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

**306.2 Above-ground tanks, not elevated.** Above-ground tanks that do not meet the elevation requirements of Section 306.3 of this ordinance shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
2. Not be permitted in coastal high hazard areas (Zone V).

**306.3 Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

**306.4 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

## SECTION 307 OTHER DEVELOPMENT

**307.1 General requirements for other development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 303.4 of this ordinance if located in a regulated floodway;

3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

**307.2 Fences in regulated floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 303.4 of this ordinance.

**307.3 Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 303.4 of this ordinance.

**307.4 Roads and watercourse crossings in regulated floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 303.4 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 105.3.3(3) of this ordinance.

**307.5 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).** In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.
4. No more than one-hundred (100) square feet size limit of enclosed area, excluding elevator shafts.
5. An additional two-hundred (200) square feet of insect netting with four (4) feet or wider breakaway vertical support may be allowed if approved by the Building Official or Floodplain Administrator as having minimum adverse flooding impacts. At no point shall more than three-hundred (300) square feet be allowed.

**307.6 Decks and patios in coastal high hazard areas (Zone V).** In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

**307.7 Other development in coastal high hazard areas (Zone V).** In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

**307.8 Nonstructural fill in coastal high hazard areas (Zone V).** In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

**SECTION 3. Administrative amendments to the *Florida Building Code, Building.***

Sec. 104.10.1, Florida Building Code, Building

Add a new Sec. 104.10.1 as follows:

**104.10.1 Modifications of the strict application of the requirements of the *Florida Building Code.*** The Building Official shall coordinate with the Floodplain Administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

Sec. 107.6.1, Florida Building Code, Building

Add a new Sec. 107.6.1 as follows:

**107.6.1 Building permits issued on the basis of an affidavit.** Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to 105.14 and Section 107.6, shall not extend to the flood load and flood resistance construction requirements of the *Florida Building Code*.

Sec. 117, Florida Building Code, Building

Add a new Sec. 117 as follows:

**117 VARIANCES IN FLOOD HAZARD AREAS**

**117.1 Flood hazard areas.** Pursuant to section 553.73(5), F.S., the variance procedures adopted in the local floodplain management ordinance shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

**SECTION 4. The *Florida Building Code, Residential* is hereby amended by the following technical amendments.**

Sec. 322.2.1, Florida Building Code, Residential

Modify Sec. R322.2.1 as follows:

**R322.2.1 Elevation requirements.**

1. Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot or the design flood

elevation, whichever is higher.

2. Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.
3. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 1 foot, or at least 3 feet if a depth number is not specified.
4. Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher.

**Exception:** Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.

### Sec. 322.3.2, Florida Building Code, Residential

Modify Sec. R322.3.2 as follows:

#### **R322.3.2 Elevation requirements.**

1. All buildings and structures erected within coastal high-hazard areas shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is:
  - 1.1 Located at or above the base flood elevation plus 1 foot or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented parallel to the direction of wave approach, where parallel shall mean less than or equal to 20 degrees (0.35 rad) from the direction of approach, or
  - 1.2 Located at the base flood elevation plus 2 feet, or the design flood elevation, whichever is higher, if the lowest horizontal structural member is oriented perpendicular to the direction of wave approach, where perpendicular shall mean greater than 20 degrees (0.35 rad) from the direction of approach.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.
4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

**Exception:** Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

### **SECTION 5. FISCAL IMPACT STATEMENT.**

In terms of design, plan application review, construction and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. In terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

### **SECTION 6. APPLICABILITY.**

For the purposes of jurisdictional applicability, this ordinance shall apply in unincorporated Gulf County, Florida. This ordinance shall apply to all applications for development, including building permit

applications and subdivision proposals, submitted on or after the adoption date of this ordinance.

**SECTION 7. REPEALER.**

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict. This ordinance specifically repeals Ordinance 2009-04 and replaces Ordinance 2005-16.

**SECTION 8. INCLUSION INTO THE CODE OF ORDINANCES.**

It is the intent of the Gulf County Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the **ordinances for Gulf County, Florida**, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 9. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

**SECTION 10. EFFECTIVE DATE.**

This ordinance shall take effect upon adoption.

**PASSED** on first reading November 13, 2012.

**PASSED and ADOPTED** in regular session, with a quorum present and voting, by the Gulf County Board of County Commissioners, upon second and final reading this November 27, 2012.

**GULF COUNTY BOARD OF COUNTY COMMISSIONERS**

---

Tanalin Smiley, Chairman

**Attest:**

---

Rebecca L. Norris, Clerk

**Approved as to Form:**

---

Jeremy Novak, County Attorney

## PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that the Gulf County Board of County Commissioners will hold an adoption public hearing to consider adoption of an Ordinance for amending the Gulf county Comprehensive Plan with the following title:

**AN ORDINANCE AMENDING THE GULF COUNTY COMPREHENSIVE PLAN PER THE REQUIREMENTS OF FLORIDA STATUE 163 BY AMENDING THE ELEMENTS OF THE GULF COUNTY COMPREHENSIVE PLAN THROUGH TEXT ADDITIONS, REMOVALS AND REVISIONS TO THE GOALS, OBJECTIVES AND POLICIES OF THE LAND USE ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT AND INTERGOVERNMENTAL COORDINAION ELEMENT; REVISING THE EXISTING (ELUM) AND FUTURE (FLUM) LAND USE MAP AND TRAFFIC CIRCULATION MAP; PROVIDING FINDINGS FOR ADOPTION; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT THEREWITH; PROVIDING FOR SEVERABLITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA.**

The public hearing will be held during the Gulf County Board of County Commissioner's Regular Meeting on Tuesday, November 27, 2012 at 9:00 a.m., E.T. in the County Commissioner's meeting room in the Robert M. Moore Administration Building, Gulf County Courthouse Complex, Port St. Joe, Florida.

The public is encouraged to attend and be heard on this matter. The ordinance and contents are on file with the Clerk of Court and at the Planning Department, Room 311 in the Robert M. Moore Administration Building 1000 Cecil G. Costin, Sr. Blvd Port St. Joe, FL.

BOARD OF COUNTY COMMISSIONERS  
GULF COUNTY, FLORIDA

BY: Tynalin Smiley, Chairman

Ad #2012-102

Ad Dates: November 15, 2012

Invoice: Gulf County Planning

**Headline no smaller than 18 point**

**Must be at least 2 columns wide by 10 inches long**

**Must not appear in the newspaper portions where legal notices and classified advertisements appear**

## PUBLIC NOTICE

**A Public Hearing will be held at the Planning and Development Review Board (PDRB) meeting on Monday, November 19 , 2012 at 8:45 a.m. EST, and at the Board of County Commissioners (BOCC) meeting on Tuesday, November 27, 2012 at 9:00 a.m. EST. Both public hearings will be held in the BOCC Meeting Room at the Robert M. Moore Administration Building, 1000 Cecil G. Costin Sr. Blvd., Port St. Joe, Florida. The public hearings will be to discuss and act on the following:**

1. Tabled Variance Application - Hinds & Ivey - Parcel ID # 03798-660R & 03798-662R- Located in Section 31, Township 6 South, Range 11 West, Gulf County, Florida - encroachment into road setback for elevated deck.
2. Variance - SEALARGO, LLC - Parcel ID 03185-135R - Located in Section 20, Township 9 South, Range 10 West, Gulf County, Florida - 4' encroachment of HVAC into side setback.
3. Development Review for Phase 1 and Phase 2 - Palms at Money Bayou, LLC - for Parcel ID #03179-005R - Located in Section 19, Township 9 South, Range 10 West, Gulf County, Florida - Development review for approval and development order.
4. Development Policy, Ordinances, Comprehensive Plan and LDR Revisions
  - Occupational License
  - Comp Plan GOP's
  - Construction without permit penalties and fines
  - After the fact variances penalties and fines
  - Additional development & planning issues
5. Public and Open Discussion

The public is encouraged to attend and be heard on these matters. Information prior to the meeting can be viewed at the Planning Department at 1000 Cecil G. Costin Sr. Blvd., Room 311.

Ad #2012-101

Date: November 8, 2012 and November 15, 2012

Invoice: Gulf County Planning Department

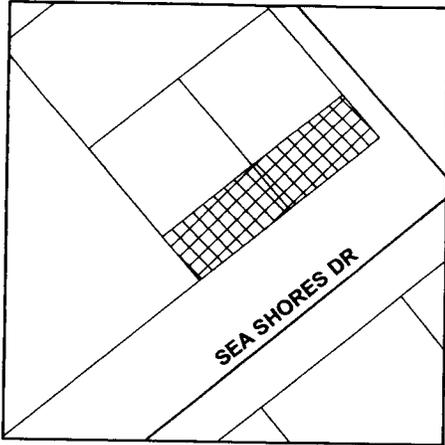
**Size: Headline no smaller than 18 point**

**Must be at least 2 columns wide by 10 inches long**

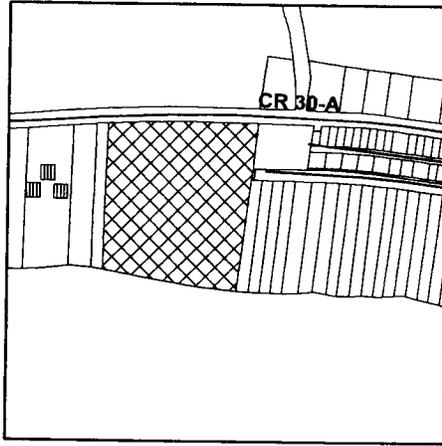
**Must not appear in the newspaper portions where legal notices and classified advertisements appear**

**MAP**

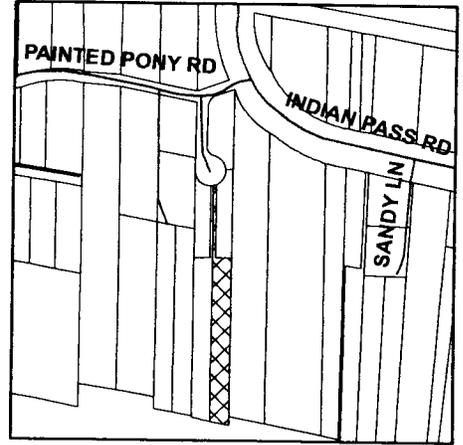
Variance - Hinds & Ivey



Palms at Money Bayou, LLC



SEALARGO, LLC



# GULF COAST WORKFORCE BOARD, INC.

68

5230 West Highway 98 - Panama City, FL 32401 - Phone (850) 913-3285 - Fax (850) 913-3269 - www.workforcecenter.org

---

October 23, 2012

Mr. Bill Williams, Chairman  
Gulf County Board of County Commissioners  
1000 Cecil G. Coston, Sr. Blvd.  
Port St. Joe, Florida 32456

Dear Chairman Williams:

The Gulf Coast Workforce Board is required under Title 1 of the Workforce Investment Act to submit our Local Workforce Services Plan for 2012-2016. As required by the State of Florida, the Plan will require the approval of the Gulf County Board of Commissioners and your signature.

We respectfully request placement of this item: "Approval of the 2012-2016 Gulf Coast Workforce Board Local Workforce Services Plan" on your November 27 meeting agenda. We will deliver copies to your office.

If you have questions or need additional information, please call me at 850-913-3285. Your assistance is most appreciated.

Yours truly,



Kimberly L. Bodine  
Executive Director

Cc: Don Butler, Chief Administrator

**BCC APPROVED**

DATE \_\_\_\_\_ D.C. \_\_\_\_\_

FILED FOR RECORD  
REBECCA L. HARRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 OCT 26 PM 3:36

---

Tommy Ward  
Interim Chair

Kimberly Bodine  
Executive Director

68  
11/27/12 LL

**REGION 4  
GULF COAST WORKFORCE BOARD  
LOCAL WORKFORCE SERVICES PLAN  
2012-2016**

Submitted on: October 1, 2012  
Plan Contact: Jennifer German  
Email: [jgerman@gcwb.org](mailto:jgerman@gcwb.org)  
Phone No.: 850-913-3285

FILED FOR RECORD  
REBECCA L. HARRIS  
CLERK OF CIRCUIT COURT  
GULF COUNTY, FLORIDA  
2012 OCT 26 PM 3:40

\*\*COMPLETE PLAN ON FILE IN CLERK'S OFFICE\*\*

## SIGNATURE PAGE

This plan represents the Region 4 Gulf Coast Workforce Board's efforts to maximize resources available under Title I of the Workforce Investment Act (WIA) of 1998, the Wagner-Peyser Act, The Welfare Transition Act, and the Food Stamp Employment and Training programs and to coordinate these resources with other State and local programs in the following geographical workforce investment area:

Gulf County, Florida

This comprehensive plan is submitted for the period July 1, 2012 through June 30, 2016 in accordance with the provisions of the Workforce Investment Act, the Wagner-Peyser Act, the Welfare Transition Act, and the Food Stamp Employment and Training Act. We further certify that we will operate our Workforce Investment Act, Wagner-Peyser Act, Welfare Transition, and the Food Stamp Employment and Training Act programs in accordance with this plan and applicable federal and state laws and regulations.

**Workforce Development Board Chair****Chief Elected Official**


---

 Signature

---

 Signature

---

 Tommy Ward

---

 TYNALIN SMILEY

Name

Name

Interim Chair,  
Gulf Coast Workforce Board, Inc.

Chair, Gulf County Board of  
County Commissioners

---

 Date

---

 Date