



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
A Florida Municipal Corporation,
Petitioner,

DOAH Case No. _____

FMB Case No. 20240927

vs.

Nautical Marketing LLC,
Respondent,

Notice of Hearing

YOU ARE HEREBY NOTIFIED that, pursuant to Chapter 162, Florida Statutes and Chapter 2, Article V of the Town of Fort Myers Beach Land Development Code. The undersigned hereby gives notice that a Special Magistrate hearing is scheduled at **9:00 A.M. Friday, May 16th, 2025**, before the Honorable John G. Van Laningham at Fort Myers Beach Town Hall Council Chambers located at 2731 Oak Street, Fort Myers Beach, FL 33931. The violation is as described on Notice of Violation issued on the 14th day of November 2024 by the undersigned Code Enforcement Officer.

A copy of the evidentiary case file and all materials provided by the Town to the Special Magistrate in relation to this hearing can be viewed and accessed in advance of the hearing at the link below:

<https://www.fortmyersbeachfl.gov/1294/Public-Notices>

NO ADDITIONAL NOTICE OF THE HEARING WILL BE PROVIDED TO YOU. If you fail to attend this hearing, the Code Enforcement Special Magistrate will consider the case, even though you are not present, and may assess fines or take any other action(s) that may affect your rights. If you believe you have come into compliance, it is your responsibility to contact the Code Enforcement Division so that an inspection can be carried out to determine compliance. Telephone Number (239)765-0202

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISIONS OF CERTAIN ASSISTANCE. PLEASE NOTIFY THE TOWN CLERK FOR THE TOWN OF FORT MYERS BEACH AT 2731 OAK STREET, FORT MYERS BEACH, FL 33931; TELEPHONE NUMBER (239) 765-0202, AT LEAST 72 BUSINESS HOURS BEFORE THE HEARING DATE AND TIME.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT HEARING, SUCH AS PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE MAY NEED TO ENSURE AT THEIR OWN EXPENSE FOR THHE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE BY A COURT REPORTER UPON WHICH THE APPEAL IS TO BE BASED.

For Petitioner:

Nancy Stuparich

Florida Bar No. 646342

Vose Law Firm, LLP

324 W. Morse Blvd.

Winter Park, FL 32789-4294

Chloe Berryman

Florida Bar No. 1032129

Vose Law Firm, LLP

324 W. Morse Blvd.

Winter Park, FL 32789-4294

Thomas Yozzo

Emergency Services Director

Town of Fort Myers Beach

2731 Oak Street

Fort Myers Beach, FL 33931

Amy Baker

Town Clerk

Town of Fort Myers Beach

2731 Oak Street

Fort Myers Beach, FL 33931

For Respondent:

Nautical Marketing LLC

189 Sabal Dr

Fort Myers Beach, FL 33931

Signed this 28th day of April, 2025

Thomas Yozzo, Emergency Services Director

HEARING

EXHIBIT

A

- Notice of Hearing and Affidavit of Posting



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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Chloe Berryman

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Thomas Yozzo

Amy Baker

Emergency Services Director

Town Clerk

Town of Fort Myers Beach

Town of Fort Myers Beach

2731 Oak Street

2731 Oak Street

Fort Myers Beach, FL 33931

Fort Myers Beach, FL 33931

For Respondent:

Nautical Marketing LLC

189 Sabal Dr

Fort Myers Beach, FL 33931

Signed this 28th day of April, 2025

Thomas Yozzo, Emergency Services Director



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Nautical Marketing LLC
189 Sabal Dr.
Fort Myers Beach, FL 33931

Respondent,

| | |
|--------------------------|-----------------|
| FMB Case Number: | 20240927 |
| Certified Mail: | |
| Regular Mail: | |
| DOAH Case Number: | |

Site Address: 1698 Estero Blvd,
Fort Myers Beach, FL 33931
Parcel Strap No.194624W40070B001A

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo, who is the Emergency Services Director for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20240927 For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances. (Coastal A Zone for this property requires 13 feet) at the property of 1698 Estero Blvd, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified and regular mail copies of the Notice of Hearing scheduled 05/16/2025 to the following:
 - a. Nautical Marketing LLC
189 Sabal Dr.
Fort Myers Beach, FL 33931
Certified Mail No. 70222410000084700962
(Property Owner)
 - b. Liszak, Jacquelyn
189 Sabal Dr.
Fort Myers Beach, FL 33931
Certified Mail No. 70222410000084701297
(Registered Agent)

Copies of the certified mailing receipts are attached as evidence.

2. I posted a copy of the Notice at 1698 Estero Blvd, Fort Myers Beach, FL 33931, by which is the subject property. I took a photographs of the Notice I posted on the 28th day of April 2025. A true, accurate and unaltered copy of the photographs are attached.
3. I posted a copy of the Notice at the primary municipal government office for the Town of Fort Myers Beach, which is Town Hall and located at 2731 Oak Street, Fort Myers Beach, FL 33931. True, accurate and unaltered copies of photographs I took of the Notice posted on the 28th day of April 2025 are attached.
4. In addition, I posted a copy of the Notice on the Town's publicly accessible website at <https://www.fortmyersbeachfl.gov/1294/Public-Notices> on the 28th day of April, 2025. A copy of the posted webpage is attached as Evidence



Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

x [Signature]
Signature of Affiant

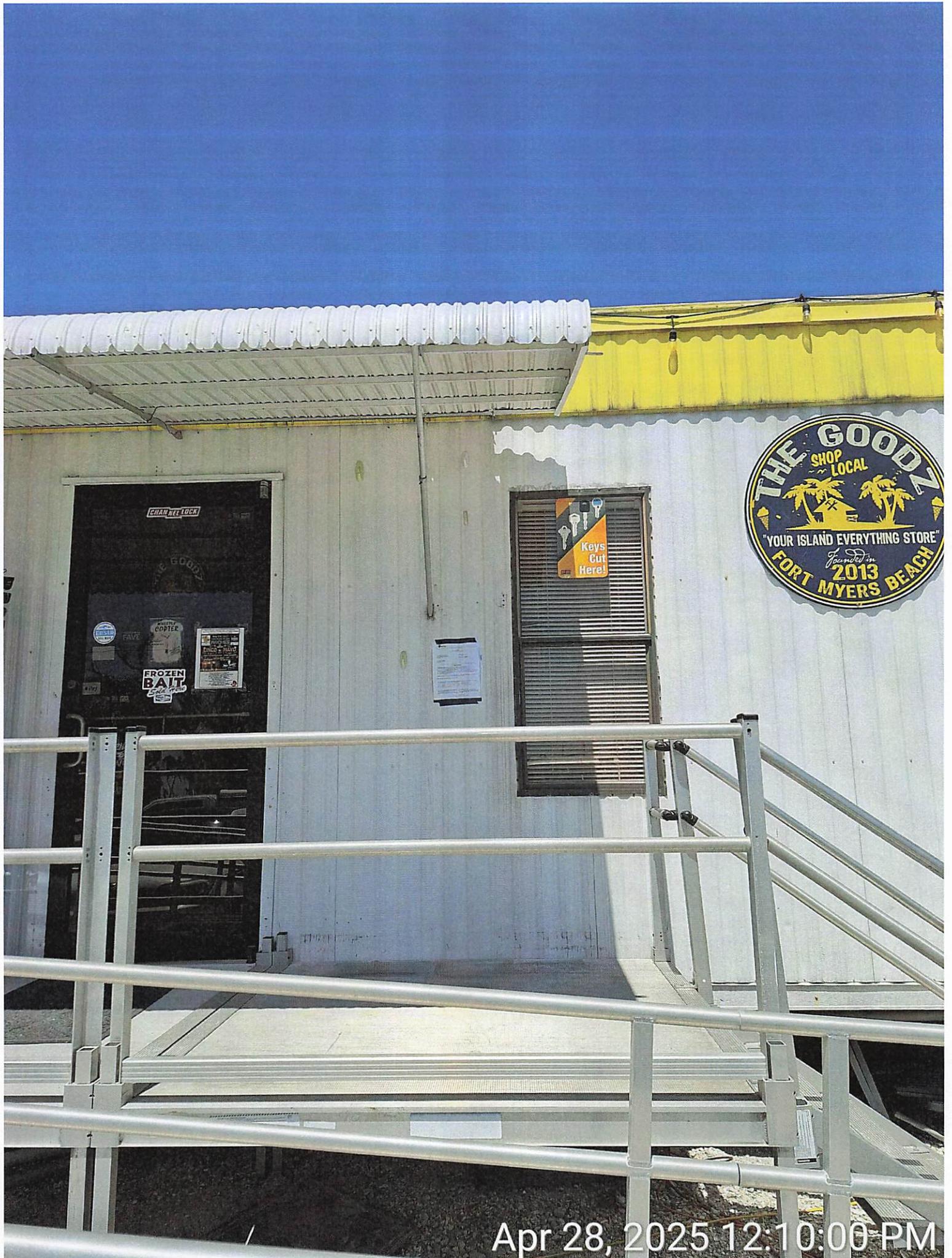
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either [] personal presence or [] online notarization this 28th day of April, 2025, by Thomas Yozzo. ~~She~~ [] is personally known to me or [] has produced _____ as identification.



[Notary Seal]

[Signature]
Notary Public, State of Florida
Print Name: Danielle Batt
My Commission Expires: July 14 2026



Apr 28, 2025 12:10:00 PM

Apr 28, 2025 12:55:19 PM



FMBgov.com

Dan Allers, Mayor | Jim Atterholt, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

TOWN OF FORT MYERS BEACH,
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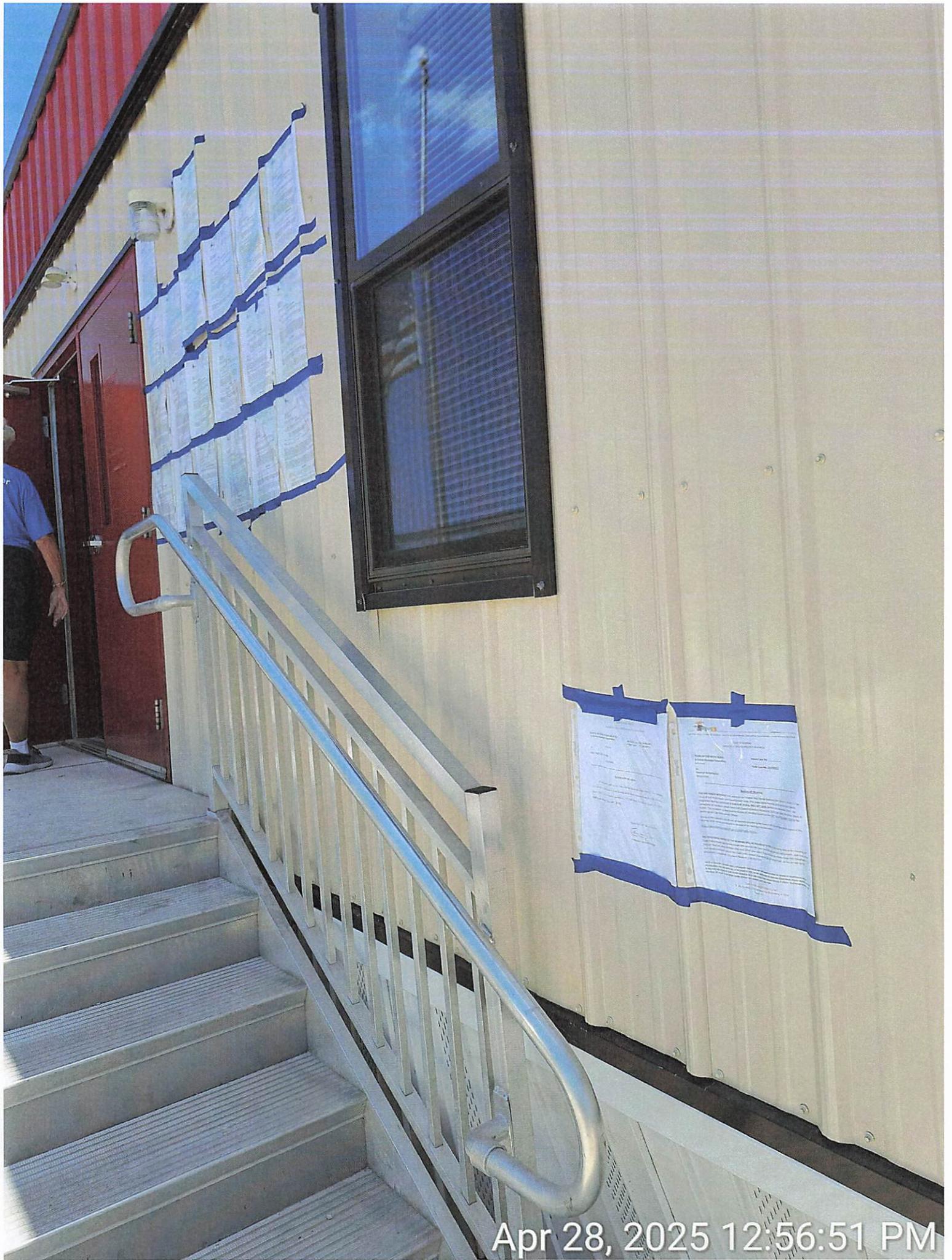
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FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931

Staples.



Apr 28, 2025 12:56:51 PM

STATE OF FLORIDA
ADMINISTRATIVE HEARINGS

DOAH Case No. 24-004407
FMB Case No. 20240915

NOTICE OF HEARING

notice that the Honorable Judge John G. Van Laningham
Hearing in the above referenced case(s) at the Fort Myers
located at 2731 Oak Street, Fort Myers Beach, FL 33931 a

025

Signed this 24th day of April 2025.

Thomas Yozen
Thomas Yozen
Emergency Services Director



FMBgov.com

Dev Allen, Mayor | Jim Altendorf, Vice Mayor | John R. King, Council Member | Scott Safford, Council Member | Karen Woodson, Council Member

STATE OF FLORIDA
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FORT MYERS BEACH ESTERO ISLAND
P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931
Page 1 of 2

Property Data

STRAP: 19-46-24-W4-0070B.001A Folio ID: 10228174

Hurricanes Helene/Milton Tax Roll Value Letter Hurricane Ian Tax Roll Value Letter

Generated on 4/24/2025 2:24 PM

Owner Of Record - Sole Owner
[\[Change Mailing Address\]](#)



NAUTICAL MARKETING LLC
 189 SABAL DR
 FORT MYERS BEACH FL 33931

Site Address

Site Address maintained by [E911 Program Addressing](#)

1698 ESTERO BLVD
 FORT MYERS BEACH FL 33931

Property Description

Do not use for legal documents!



CRESCENT BEACH BLK B PB 4 PG 45 E 1/2 OF LT 1 + N 1/2 OF E 1/2 OF LT 4

[View Recorded Plat at LeeClerk.org](#) - Use this link to do an Official Records search on the Lee County Clerk of Courts website, using 4 and 45 for the book and page numbers.

Attributes and Location Details

Total Bedrooms / Bathrooms 0
 1st Year Building on Tax Roll N/A
 Historic Designation No

| Township | Range | Section | Block | Lot |
|--------------------------|----------|-----------|-------|------|
| 46 | 24E | 19 | 0070B | 001A |
| Municipality | Latitude | Longitude | | |
| Town of Fort Myers Beach | 26.45079 | -81.94931 | | |

[View Parcel on Google Maps](#)

[\[Tax Map Viewer \]](#) [\[View Comparables \]](#)



[\[Pictometry Aerial Viewer \]](#)

Image of Structure



◀ Photo Date February of 2024 ▶ View other photos

Last Inspection Date: 01/23/2025

Property Values / Exemptions / TRIM Notices

Generated on 4/24/2025 2:24 PM

No existing exemptions found for this property.

| TRIM Notices | Tax Year | Just | Land | Market Assessed | Capped Assessed | Exemptions | Classified Use | Taxable |
|--|--------------------|---------|---------|-----------------|-----------------|------------|----------------|---------|
| 2024 / Additional Info | 2024 (Final Value) | 351,038 | 351,038 | 351,038 | 351,038 | 0 | 0 | 351,038 |
| 2023 / Additional Info | 2023 (Final Value) | 351,038 | 351,038 | 351,038 | 351,038 | 0 | 0 | 351,038 |
| 2022 / Additional Info | 2022 (Final Value) | 524,130 | 300,949 | 524,130 | 486,160 | 0 | 0 | 486,160 |
| 2021 / Additional Info | 2021 (Final Value) | 459,757 | 277,500 | 459,757 | 441,964 | 0 | 0 | 441,964 |
| 2020 / Additional Info | 2020 (Final Value) | 455,243 | 277,500 | 455,243 | 401,785 | 0 | 0 | 401,785 |
| 2019 / Additional Info | 2019 (Final Value) | 365,259 | 185,000 | 365,259 | 365,259 | 0 | 0 | 365,259 |
| 2018 / Additional Info | 2018 (Final Value) | 361,608 | 185,000 | 361,608 | 361,608 | 0 | 0 | 361,608 |

| | | | | | | | | |
|--|--------------------|---------|---------|---------|---------|---|---|---------|
| 2017 / Additional Info | 2017 (Final Value) | 361,666 | 185,000 | 361,666 | 361,666 | 0 | 0 | 361,666 |
| 2016 | 2016 (Final Value) | 364,439 | 185,000 | 364,439 | 335,871 | 0 | 0 | 335,871 |
| 2015 | 2015 (Final Value) | 305,337 | 135,000 | 305,337 | 305,337 | 0 | 0 | 305,337 |
| 2014 | 2014 (Final Value) | 305,458 | 135,000 | 305,458 | 305,458 | 0 | 0 | 305,458 |
| 2013 | 2013 (Final Value) | 288,248 | 135,000 | 288,248 | 288,248 | 0 | 0 | 288,248 |
| 2012 | 2012 (Final Value) | 290,288 | 135,000 | 290,288 | 290,288 | 0 | 0 | 290,288 |
| 2011 | 2011 (Final Value) | 304,042 | 135,000 | 304,042 | 304,042 | 0 | 0 | 304,042 |
| 2010 | 2010 (Final Value) | 392,377 | 225,000 | 392,377 | 392,377 | 0 | 0 | 392,377 |
| | 2009 (Final Value) | 430,300 | 247,500 | 430,300 | 430,300 | 0 | 0 | 430,300 |
| | 2008 (Final Value) | 477,650 | 297,660 | 477,650 | 477,650 | 0 | 0 | 477,650 |
| | 2007 (Final Value) | 422,960 | 293,700 | 0 | 422,960 | 0 | 0 | 422,960 |
| | 2006 (Final Value) | 535,500 | 293,700 | 0 | 535,500 | 0 | 0 | 535,500 |
| | 2005 (Final Value) | 381,080 | 270,490 | 0 | 381,080 | 0 | 0 | 381,080 |
| | 2004 (Final Value) | 291,890 | 180,490 | 0 | 291,890 | 0 | 0 | 291,890 |
| | 2003 (Final Value) | 289,750 | 180,490 | 0 | 289,750 | 0 | 0 | 289,750 |
| | 2002 (Final Value) | 213,250 | 103,990 | 0 | 213,250 | 0 | 0 | 213,250 |
| | 2001 (Final Value) | 168,980 | 103,990 | 0 | 168,980 | 0 | 0 | 168,980 |
| | 2000 (Final Value) | 109,940 | 52,240 | 0 | 109,940 | 0 | 0 | 109,940 |
| | 1999 (Final Value) | 107,700 | 49,990 | 0 | 107,700 | 0 | 0 | 107,700 |
| | 1998 (Final Value) | 101,810 | 47,740 | 0 | 101,810 | 0 | 0 | 101,810 |
| | 1997 (Final Value) | 101,440 | 47,250 | 0 | 101,440 | 0 | 0 | 101,440 |
| | 1996 (Final Value) | 101,450 | 47,250 | 0 | 101,450 | 0 | 0 | 101,450 |
| | 1995 (Final Value) | 101,370 | 47,250 | 0 | 101,370 | 0 | 0 | 101,370 |
| | 1994 (Final Value) | 90,120 | 36,000 | 0 | 90,120 | 0 | 0 | 90,120 |
| | 1993 (Final Value) | 90,130 | 36,000 | 0 | 90,130 | 0 | 0 | 90,130 |
| | 1992 (Final Value) | 88,260 | 36,000 | 0 | 88,260 | 0 | 0 | 88,260 |

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

The **Land** value is the portion of the total parcel assessment attributed to the land.

The **Market Assessed** value is the total parcel assessment (less any considerations for the cost of sale) based upon the assessment standard. Most parcels are assessed based either upon the *Highest and Best Use* standard or the *Present Use* standard ([F.S. 193.011](#)) . For *Agriculturally Classified* parcels (or parts thereof), only agricultural uses are considered in the assessment ([F.S. 193.461 \(6\)\(a\)](#)). The difference between the *Highest and Best Use/Present Use* and the *Agricultural Use* is often referred to as the *Agricultural Exemption*.
(i.e. Market Assessed = Just - Agricultural Exemption)

The **Capped Assessed** value is the *Market Assessment* after any *Save Our Homes* or *10% Assessment Limitation* cap is applied. This assessment cap is applied to all properties and limits year-to-year assessment increases to either the *Consumer Price Index* or 3%, whichever is lower for *Homestead* properties OR 10% for non-*Homestead* properties.

The **Exemptions** value is the total amount of all exemptions on the parcel.

The **Taxable** value is the *Capped Assessment* after exemptions (*Homestead, etc.*) are applied to it. This is the value that most taxing authorities use to calculate a parcel's taxes.
(i.e. Taxable = Capped Assessed - Exemptions)

Property Details (Current as of 4/23/2025) 

Generated on 4/24/2025 2:24 PM

Land
Land Tracts

| Use Code | Use Code Description | Number of Units | Unit of Measure |
|----------|----------------------|-----------------|-----------------|
| 1000 | Commercial, Vacant | 4625.00 | Square Feet |

 **Property Details (2024 Tax Roll)** 

Generated on 4/24/2025 2:24 PM

Land
Land Tracts

| Use Code | Use Code Description | Number of Units | Unit of Measure |
|----------|----------------------|-----------------|-----------------|
| 1000 | Commercial, Vacant | 4625.00 | Square Feet |

Taxing Authorities

Generated on 4/24/2025 2:24 PM

TOWN OF FM BCH / FM BCH DOWNTOWN REDEV / 277

| Name / Code | Category | Mailing Address |
|---|----------------------|---|
| LEE CO GENERAL REVENUE / 044 | County | LEE COUNTY OFFICE OF MGMT & BUDGET PO BOX 398 FORT MYERS FL 33902-0398 |
| FORT MYERS BEACH FIRE CONTROL DIST / 032 | Independent District | FORT MYERS BEACH FIRE CONTROL DIST 100 VOORHIS ST FORT MYERS BEACH FL 33931 |
| FORT MYERS BEACH MOSQUITO CONTROL / 035 | Independent District | FORT MYERS BEACH MOSQUITO CONTROL PO BOX 2837 FORT MYERS BEACH FL 33932-2837 |
| FORT MYERS BEACH PUBLIC LIBRARY DIST / 033 | Independent District | FORT MYERS BEACH PUBLIC LIBRARY DIST 2755 ESTERO BLVD FORT MYERS BEACH FL 33931 |
| LEE CO HYACINTH CONTROL DIST / 051 | Independent District | LEE CO HYACINTH CONTROL DIST 15191 HOMESTEAD RD LEHIGH ACRES FL 33971 |
| WEST COAST INLAND NAVIGATION DIST / 098 | Independent District | WEST COAST INLAND NAVIGATION DIST 200 MIAMI AVE E VENICE FL 34285-2408 |
| TOWN OF FORT MYERS BEACH FLORIDA / 118 | Municipal | TOWN OF FORT MYERS BEACH 2523 ESTERO BLVD FORT MYERS BEACH FL 33931 |
| PUBLIC SCHOOL - BY LOCAL BOARD / 012 | Public Schools | LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966 |
| PUBLIC SCHOOL - BY STATE LAW / 013 | Public Schools | LEE COUNTY SCHOOL BOARD BUDGET DEPARTMENT 2855 COLONIAL BLVD FORT MYERS FL 33966 |
| GREEN CORRIDOR PACE / 363 | Special District | |
| SFWMD-DISTRICT-WIDE / 110 | Water District | SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406 |
| SFWMD-EVERGLADES CONSTRUCTION PROJECT / 084 | Water District | SFWMD 3301 GUN CLUB RD WEST PALM BEACH FL 33406 |

Sales / Transactions

Generated on 4/24/2025 2:24 PM

| Sale Price | Date | Clerk File Number | Type | Notes | Vacant/Improved |
|--------------|------------|-------------------------------|--------------------|-------|-----------------|
| 607,500.00 | 11/02/2012 | 2012000244161 | 40 | | |
| 1,100,000.00 | 07/10/2007 | 2007000227622 | 08 | | |
| 900,000.00 | 02/20/2004 | 4208/3228 | 98 | | |
| 100.00 | 06/01/1996 | 2724/3300 | 01 | | |
| 154,000.00 | 12/01/1993 | 2449/2427 | 01 | | |

[View Recorded Plat at LeeClerk.org](#)

Use the above link to do a search on the Lee County Clerk of Courts website, using **4** and **45** for the book and page numbers and **Plats Book** for the book type.

Help safeguard your home against property fraud. Sign up for the Lee Clerk's free [Property Fraud Alert](#).

Building / Construction Permit Data

Generated on 4/24/2025 2:24 PM

| Permit Number | Permit Type | Date |
|-------------------------------|---|------------|
| 235852 | Mobile Home | 11/02/2023 |
| 231149 | Mobile Home | 04/26/2023 |
| 231170 | Electric | 02/02/2023 |
| FNC13-0016 | Fence | 08/23/2018 |
| PRK13-0002 | Site Development - Driveway / Sidewalks | 03/07/2013 |
| COM08-0062 | Commercial | 10/09/2008 |
| FNC2005-02237 | Fence | 11/22/2005 |
| COM1999-00271 | Building New Construction | 02/01/2000 |

IMPORTANT: THIS MAY NOT BE A COMPREHENSIVE OR TIMELY LISTING OF PERMITS ISSUED FOR THIS PROPERTY.

Note: The Lee County Property Appraiser's Office does not issue or maintain any permit information. The Building / Construction permit data displayed here represents only those records this Office may find necessary to conduct Property Appraiser business. Use of this information is with the understanding that in no way is this to be considered a comprehensive listing of permits for this or any other parcel.

The Date field represents the date the property appraiser received information regarding permit activity; it may or not represent the actual date of permit issuance or completion.

Full, accurate, active and valid permit information for parcels can only be obtained from the [appropriate permit issuing agency](#).

Parcel Numbering History

Generated on 4/24/2025 2:24 PM

| Prior STRAP | Prior Folio ID | Renumber Reason | Renumber Date |
|------------------------|---------------------|----------------------------|---------------|
| 19-46-24-07-0000B.001A | N/A | Reserved for Renumber ONLY | 01/12/1995 |

Solid Waste (Garbage) Roll Data

Generated on 4/24/2025 2:24 PM

| Solid Waste District | Roll Type | Category | Unit / Area | Tax Amount |
|----------------------|-------------------------|----------|--------------|------------|
| 001 - Service Area 1 | C - Commercial Category | C | 0 | 0.00 |
| Collection Days | | | | |
| Garbage | Recycling | | Horticulture | |
| Thursday | Thursday | | Thursday | |

Flood and Storm Information

Generated on 4/24/2025 2:24 PM

| Community | Flood Insurance Panel | Find my flood zone Version | Date | Evacuation Zone |
|-----------|-----------------------|----------------------------|------------|-----------------|
| 071C | 0554 | G | 11/17/2022 | A |

Generated on 4/24/2025 2:24 PM

Prepared by and Return Recorded Original to:

Charles R. Meador, Jr., Attorney at Law
2085 Estero Boulevard
Fort Myers Beach, FL 33931
Telephone: (941) 463-6619
Facsimile: (941) 463-6454

Property Appraiser Parcel I.D. No.
19-46-24-W4-0070B.001A
Grantee Taxpayer I.D. No. _____
Documentary Stamp Tax on Transfer: \$4252.5

Reserved For Recorder

(STATUTORY FORM - Section 689.02, F.S.)

WARRANTY DEED

THIS WARRANTY DEED, made this 1st day of November, A.D. 2012, between W.A. GREENE, LLC, a Florida limited liability company, whose post office address is 818 Cal Cove Drive, Fort Myers, FL 33919, hereinafter called Grantor, and NAUTICAL MARKETING LLC, a Florida limited liability company, whose post office address is 106 Hibiscus Drive, Fort Myers Beach, FL 33931, hereinafter called Grantee.

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and No/100's (\$10.00), and other good and valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Lee County, Florida, to-wit:

The Easterly one-half of Lot Numbered One (1) and the Northerly one-half of the Easterly one-half of Lot Numbered Four (4) in Block Lettered "B", CRESCENT BEACH SUBDIVISION, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court in Plat Book 4, Page 45, Public Records of Lee County, Florida.

SUBJECT TO easements, restrictions and reservations of record and taxes for the year 2013 and subsequent years.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

*"Grantor" and "Grantee" are used for singular and plural, as context requires.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
NAUTICAL MARKETING LLC

Filing Information

| | |
|------------------------|--------------|
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| Effective Date | 06/06/2007 |
| State | FL |
| Status | ACTIVE |

Principal Address

1698 Estero Blvd.
FORT MYERS BEACH, FL 33931

Changed: 01/24/2025

Mailing Address

189 Sabal Drive
FORT MYERS BEACH, FL 33931

Changed: 04/03/2020

Registered Agent Name & Address

LISZAK, JACQUELYN
189 Sabal Drive
FORT MYERS BEACH, FL 33931

Address Changed: 04/03/2020

Authorized Person(s) Detail

Name & Address

Title MGR

LISZAK, JACQUELYN
189 Sabal Drive
FORT MYERS BEACH, FL 33931

Annual Reports

| Report Year | Filed Date |
|-------------|------------|
|-------------|------------|

| | |
|------|------------|
| 2023 | 04/12/2023 |
| 2024 | 01/25/2024 |
| 2025 | 01/24/2025 |

Document Images

| | |
|---|--|
| 01/24/2025 -- ANNUAL REPORT | View image in PDF format |
| 01/25/2024 -- ANNUAL REPORT | View image in PDF format |
| 04/12/2023 -- ANNUAL REPORT | View image in PDF format |
| 01/23/2022 -- ANNUAL REPORT | View image in PDF format |
| 01/28/2021 -- ANNUAL REPORT | View image in PDF format |
| 04/03/2020 -- ANNUAL REPORT | View image in PDF format |
| 02/17/2019 -- ANNUAL REPORT | View image in PDF format |
| 04/14/2018 -- ANNUAL REPORT | View image in PDF format |
| 04/02/2017 -- ANNUAL REPORT | View image in PDF format |
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| 04/23/2013 -- ANNUAL REPORT | View image in PDF format |
| 04/30/2012 -- ANNUAL REPORT | View image in PDF format |
| 04/27/2011 -- ANNUAL REPORT | View image in PDF format |
| 07/12/2010 -- ANNUAL REPORT | View image in PDF format |
| 05/20/2009 -- ANNUAL REPORT | View image in PDF format |
| 01/27/2008 -- ANNUAL REPORT | View image in PDF format |
| 06/05/2007 -- Florida Limited Liability | View image in PDF format |

HEARING

EXHIBIT

B

- FEMA and Related Ordinances



FEMA

July 19, 2024

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Andy Hyatt
Town Manager, Fort Myers Beach
2525 Estero Blvd
Fort Myers Beach, FL 33931

Re: National Flood Insurance Program Participation

Dear Mr. Hyatt:

I'd like to thank you and your staff for the long hours and hard work during the last two months to help correct the Town of Fort Myers Beach's compliance issues regarding the National Flood Insurance Program (NFIP). Our teams have made great progress in helping ensure Fort Myers Beach and their residents are more resilient and prepared for future storms.

Our team has completed its review of the town's compliance with the minimum floodplain management standards and everything that has been done to correct any deficiencies and violations.

We acknowledge the work invested by your community has resulted in some improvements to meet minimum floodplain management standards. However, as the Town of Fort Myers Beach continues to recover from Hurricane Ian, FEMA finds that outstanding compliance issues remain. FEMA will not retrograde the town's class rating at this time.

Although FEMA will not retrograde the Town of Fort Myers Beach's class rating at this time, if the violations are not corrected or remedied by Nov. 18, FEMA's regulations (Title 44 Code of Federal Regulations 59.24(b) Suspension of Community Eligibility) require us to place the town on probation. This letter starts the official notification process. In addition, the town would no longer be eligible for Community Rating System participation and would be retrograded to Class 10 effective on April 1, 2025.

This letter and its attachments include FEMA's findings and our proposed next steps for the Town of Fort Myers Beach to remedy outstanding deficiencies and violations. These deficiencies and violations are described in the attached documents, specifically refer to the Status Report. To avoid probation in 121 days, the Town of Fort Myers Beach must correct deficiencies and remedy all identified violations to the maximum extent possible by Nov. 18.

You have my commitment of support as you work through these issues with your team.

A careful review of the data you provided since April shows that the implementation of the floodplain management program has several deficiencies that remain out of compliance. During the 60-day review period, the Town of Fort Myers Beach submitted additional permitting information for 105 structures in the floodplain.

Here is a summary of some of the items that the Town of Fort Myers Beach needs to remedy:

- Lack of permits for development in the Special Flood Hazard Area.
- Lack of maintaining permit records for development, new construction, or substantial improvements.
- Failure to make substantial improvement (SI) and substantial damage (SD) (“SI/SD”) determinations.

FEMA staff reviewed each of the submitted permit packages and learned:

- 31% of the permit packages were complete.
- 20% need additional information.
- 2% needed a Community Assistance Visit follow up.
- 15% were ongoing in a Code Enforcement Case.
- 32% will be followed up on during a Future Compliance Engagement.

FEMA also found:

- 51 out of the 105 permit packages submitted did not include permits for structures that sustained documented damage.
- 76 of the 105 were missing itemized/detailed cost information for repair performed.
- 62 of the 105 had individual permits issued without total repair costs.

To avoid probation, the Town of Fort Myers Beach must complete the following items by close of business on Nov.18. We encourage regular communication to share updates on your progress.

The town must remedy the following identified deficiencies:

1. Within 60 days of the date of this correspondence, September 16, 2024, develop and submit a plan that includes timelines and actions to address all identified program deficiencies and violations to the maximum extent possible.
2. Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations:
 - a. From FEMA’s April 8, 2024 letter:
 - i. Provide a status update for structures deemed Substantially Damaged on the list provided by the Town of Fort Myers Beach in accordance with the April 11, 2024, letter sent to the FEMA Region 4 Administrator.
 - ii. Provide evidence to support compliance action taken for the structures identified as having damage and FEMA identified as Future Compliance Engagement, Community Assistance Visit follow up, and additional information needed.

- b. In addition to the above, provide an assessment of all floodplain development impacts from Hurricane Ian to structures in the Special Flood Hazard Area and provide a plan for remedying any identified violations.
3. Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant. When a violation is confirmed, remedy to maximum extent possible. This includes:
 - a. In Item 2 above, structures identified during the evaluation as a Code Enforcement Case
 - b. Structures identified when assessing the Special Flood Hazard Area for all Hurricane Ian impacts to structures.
4. Put a process in place to ensure substantial damage compliance for future events.

You have my commitment to continue to support you and your team as you take the necessary compliance measures to avoid probation and possible suspension from the National Flood Insurance Program.

If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jacky Bell, Mitigation Division Director, at jacky.bell@fema.dhs.gov or 404-273-4710.

Sincerely,



Robert D. Samaan
Regional Administrator

Attachments:

- Community Status Report
- Criteria for Avoiding Probation

cc: Kristin Schumacher, Floodplain Administrator
Jason Hunter, Region Floodplain Management & Insurance Branch Chief
Jillian Kraynak, Florida NFIP State Coordinator
Office of Sen. Marco Rubio
Office of Sen. Rick Scott
Office of Rep. Byron Donalds
Office of Rep. Greg Steube



FEMA

Town of Fort Myers Beach Post-Disaster Compliance Status Update Report

FEMA remains committed to helping communities take appropriate remediation actions to remain in good standing with the National Flood Insurance Program (NFIP) and participate in the Community Rating System (CRS).

The Town of Fort Myers Beach was granted 60 days (June 10, 2024), to submit to FEMA any new information related to the deficiencies and substantive violations detailed in FEMA's April 8, 2024 Findings Report. The April 8, 2024 Findings Report supported an initial decision by FEMA to retrograde the Town of Fort Myers Beach to a CRS class 10 community. In the Findings Report, FEMA also found program deficiencies and violations within the Town of Fort Myers Beach, which will serve as a basis for the current enforcement action and needed remediation.

During the 60-day review period, the Town of Fort Myers Beach provided FEMA permit documentation for 105 sites. FEMA reviewed the submitted documentation, for the 105 sites as well as the Town of Fort Myers Beach's Narrative and supporting documentation.

After careful review of Town of Fort Myers Beach's submittal, FEMA finds that program deficiencies and substantive violations remain. Unfortunately, due to the deficiencies, the Town of Fort Myers Beach is being notified that they have until November 18, 2024 to address these deficiencies, or the Town will be placed on probation from the NFIP:

LIST OF PROGRAM DEFICIENCIES

Program Deficiencies are a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of floodplain management regulations of the standards in 44 CFR 60.3; 60.4; 60.6; and NFIP Community Compliance Program Guidance, P-1022 (July 2016) in section 3.2.

- Failure of the community's "commitment to recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action reasonably necessary to carry out the objectives of the program;" 44 CFR 59.22(8) and LDC CH 6, Art IV, Div 1, Sec 6-403(8).
- Failure to require permits for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); FBC R101.2.1; FBC EB701.3; FBC 105.1; LDC CH 6, Art IV, Div 3, Sec 6-427; and LDC CH 6, Art IV, Div 6, Sec 6-461.
- Failure to maintain permit records for development, new construction, or substantial improvements in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); and 44 CFR 60.3(e)(2)(ii).
- Failure to make substantial improvement (SI) and substantial damage (SD) ("SI/SD") determinations and calculations for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); LDC CH 6, Art IV, Div 3, Sec 6.428(1); and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in section 5.2.

- Failure to maintain SI/SD determination records for all proposed construction and development in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); 44 CFR 60.3(e)(2)(ii); and SI/SD Desk Reference in sections 4.2 and 7.7.
- Failure to keep records of permits, certifications, and variance actions. 44 CFR 59.22(a)(9)(iii).
- Failure to establish SI/SD procedures for administering and documenting determinations of SI/SD. LDC CH6, Art IV, Div 3, Sec 6.428(1) and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in sections 4.1, 4.3, & 7.1.
- Failure in permitting system, which allowed the use of "temporary" non-compliant structures (Including shipping container and trailers/food trucks). LDC CH 6, Art IV, Div, 4, Sec 6.443 (3)&(4), LDC CH 6, Art IV, Div 6, and LDC CH 6, Art IV, Div 6, Sec 6-462, Sec 6.463, and LDC CH 6, Art IV Div 10, Sec 6-501.



1. Program deficiencies

Serious program deficiencies in a community's administrative and enforcement process and procedures are those that have resulted or could result in substantive violations that increase potential flood damages or stages in the community. The following deficiencies represent gaps in the Town's administrative process that restrict the ability to meet the minimum standards for participation.

Permitting of non-compliant structures/shipping containers/

| Inconsistent Market Value | Missing Repair Permits (Known Damage (IA/Insurance) | Missing Detailed Cost Info | Low & Inadequate Labor Costs | Permits Issued Without Total Repair Costs | Failed To Capture Complete Scope of Work | After the Fact Permits | After the Fact Notice of Violation |
|---------------------------|---|----------------------------|------------------------------|---|--|------------------------|------------------------------------|
| 1 | 51 | 76 | 8 | 62 | 65 | 16 | 25 |

2. List of properties determined to be substantially damaged:

The Town of Fort Myers Beach has submitted to FEMA a list of properties that Town of Fort Myers Beach deemed substantially damaged since the disaster; there were 356 structures listed. What actions has the Town taken or plan to take to follow-up on those structures? Please provide FEMA with a status of each structure to indicate how substantial damage is being addressed.

3. Non-compliant development

- a. Non-compliant structures (containers) and temporary structures have been placed in the Coastal High Hazard Area (VE zone and coastal A zone). Please provide a plan to remove the structures or bring the non-compliant structures or non-compliant additions into compliance; and confirmation that the town has stopped issuing permits for this type of non-compliant development.





4. Data Dictionary (revised) – “Status” Column Meanings:

Additional Information Needed – Permit package needs additional information to be considered complete.

CAV Follow-Up – Not a Hurricane Ian issue but found a need for additional information during the next compliance follow-up with the community.

Code Enforcement Case – Community is currently processing as a code enforcement case and FEMA will accept and review case updates, follow-up permit information, and/or enforcement actions occurring prior to June 10, 2024. Actions occurring beyond that time will require future compliance engagement.

Complete – FEMA needs no further information regarding the specific address.

Future Compliance Engagement – Ian related activity. FEMA will follow-up on this site during the next compliance follow-up with the community.

5. Documentation on the Finding Report and Site list:

Attached to this document is a list of structures within the SFHA with violations, including the type of violation, status, and needed documentation.

| Final Status <small>(as of June 28, 2024)</small> | Count |
|---|--------------|
| Additional Information Needed | 21 |
| CAV Follow-Up | 2 |
| Code Enforcement Case | 16 |
| Complete | 32 |
| Future Compliance Engagement | 34 |
| Grand Total | 105 |



National Flood Insurance Program

Privacy Act Notice

RE: Town of Fort Myers Beach, FL, National Flood Insurance Program Data from the Federal Emergency Management Agency (FEMA)

The Town of Fort Myers Beach, FL is receiving data from the Federal Emergency Management Agency's that is maintained in support of the National Flood Insurance Program (NFIP). Specifically, the Town of Fort Myers Beach, FL is receiving property addresses identified by FEMA as possible violations to the local floodplain management laws and regulations. The community shall use the data to verify, monitor, and resolve the possible violation. As an NFIP participating community, this information will assist the community to ensure compliance with the NFIP and maintain the availability of flood insurance. FEMA will send the information to you securely via email on a password-protected spreadsheet or pdf.

FEMA discloses this to you pursuant to the "routine use" provision of the Privacy Act of 1974, 5 U.S.C. § 552a(b)(3), specifically under Routine Uses G, I, M, N, O, R and T of the System of Records Notice (SORN), DHS/FEMA-003 - National Flood Insurance Program Files 79 FR 28747 (May 19, 2014). The SORN may be electronically viewed at <https://www.gpo.gov/fdsys/pkg/FR-2014-05-19/html/2014-11386.htm>.

The Town of Fort Myers Beach, FL does not have permission to release the provided information to third parties, including third party contractors and will only use the data for the stated purpose. Unauthorized disclosure of FEMA data will result in an immediate denial of access to the FEMA data. Pursuant to the Privacy Act, 5 U.S.C. § 552a(e)(10), please destroy or return said personally identifiable information (PII) to FEMA once you no longer have use for it. PII is information that can be used to identify, by itself, or in combination, individuals by direct or indirect means.

In the event of a privacy incident resulting from this sharing of FEMA PII, Town of Fort Myers Beach, FL shall immediately, but in no event later than twenty-four (24) hours from suspicion, discovery or notification of the suspected or confirmed privacy incident, notify the FEMA Privacy Officer at (202) 212-5100 or FEMA-Privacy@fema.dhs.gov. FEMA will investigate the incident pursuant to DHS standard procedures and will consult the Town of Fort Myers Beach, FL to diagnose, mitigate and manage the privacy incident. The Town of Fort Myers Beach, FL will be responsible for carrying out all necessary measures to remedy the effects of the privacy incident.

By accepting the FEMA data, the Town of Fort Myers Beach, FL agrees that it shall bear all costs, losses and damages to the extent resulting from the City's breach of FEMA data. The Town of Fort Myers Beach, FL further agrees to release, defend, indemnify, and hold FEMA harmless for claims, losses, penalties and damages, and reasonable attorneys' fees and costs to the extent arising out of the , Town of Fort Myers Beach, FL or its contractor's, negligence, unauthorized use or disclosure of FEMA PII and/or the Town of Fort Myers Beach, FL, or its contractor's, breach of its obligations under this sharing.

By accepting, receiving, downloading, or otherwise obtaining the routine use information or data discussed in this document, Town of Fort Myers Beach, FL understands, agrees, and accepts the terms of the use of the data as outlined in this document.



VIA CERTIFIED U.S. MAIL AND ELECTRONIC MAIL

November 1, 2024

Federal Emergency Management Agency (FEMA)
U.S Department of Homeland Security
Region 4
3005 Chamblee Tucker Road
Atlanta, Georgia 30341

Attn: Robert D. Samaan
Regional Administrator
FEMA Region IV

**RE: Removal of Shipping Containers and Temporary Structures
Town of Fort Myers Beach Post-Disaster Compliance Report**

Dear Mr. Samaan,

The Town Council of the Town of Fort Myers Beach requested that we send this letter to you regarding the non-compliant structures (containers and temporary structures) in the Coastal High Hazard Area (VE zone and coastal A zone) referenced on page 2 of the Town of Fort Myers Beach Post-Disaster Compliance Status Update Report, dated July 19, 2024 ("Compliance Report"). The Compliance Report requires that the Town "provide a plan to remove the structures or bring the non-compliant structures or non-compliant additions into compliance" by November 18, 2024. The Town has been and continues to work diligently toward satisfying this requirement.

The most recent storms, Hurricanes Helene and Milton, have facilitated the removal of many of these containers and temporary structures. In fact, the recent removal of shipping containers and temporary structures as the impacts of these hurricanes threatened the Town, provided information regarding the ability to quickly disassemble

and move shipping containers and temporary structures that was previously not available. For this reason, the Town Council gave direction to provide this information to you by letter.



https://drive.google.com/file/d/1vCB1lenwpTjKXBTs877OiR1nmTin2M8k9/view?usp=sharing_eil&ts=b7237f46

 businesses that temporarily operate out of shipping containers or other temporary structure, are important to the Fort Myers Beach community's recovery efforts immediately after these storms and since Hurricane Ian by providing a means to fulfill a basic human need: food.

Moreover, as you are aware, the economy of a beach community such as Fort Myers Beach, is highly dependent on tourists, who visit the beach and support local businesses providing food service. In 2023-2024, the Town was awarded over \$1.5 million in tourist development dollars from the Lee County Tourist Development Board. These tourist dollars significantly assisted the Town with its recovery efforts post-Hurricane Ian and the delivery of municipal services to its residents.

In addition to tourists, the Town's economy is also highly dependent on its seasonal residents, who visit the Town from the fall through the end of spring each calendar year. Food service and other local businesses rely on the Town's seasonal residents as well as tourists to maintain operation during the winter season.

In view of the significant hardship on the operations of these businesses and the overall adverse economic impact on the Town, the Town is requesting your consideration to allow shipping containers and temporary structures, which are able to demonstrate that they can disassemble in a short period of time as evidenced in the La Ola Surfside Restaurant's video, to remain in place until June 1, 2025. An extension to June 1, 2025, would allow these local businesses to operate without interruption until the beginning of the next hurricane season.

We appreciate your consideration of this request and look forward to discussing a limited extension of the November 18, 2024 deadline only for the removal of shipping containers and temporary structures, which can demonstrate the ability to quickly evacuate when a Hurricane Watch or Warning is issued to June 1, 2025. While this request is considered, the Town intends to continue its efforts achieve compliance with the November 18, 2024 deadline and removal of non-compliant shipping containers and temporary structures, such as La Ola Surfside Restaurant. Please do not hesitate to contact Frankie Kropacek, Operations & Compliance Director by phone at 239-955-3612 or by e-mail at fkropacek@fmbgov.com with any questions you may have. The Town looks forward to receiving a response to you regarding this request.

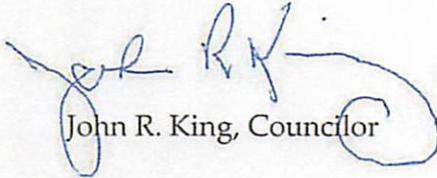
Sincerely,



Dan Allers, Mayor



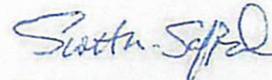
Jim Atterholt, Vice Mayor



John R. King, Councilor



Karen Woodson, Councilor



Scott Safford, Councilor

Cc: Andrew Hyatt, Town Manager
Becky Vose, Town Attorney
Nancy Stuparich, Town Attorney
Amy Baker, Town Clerk
Frankie Kropacek, Operations & Compliance Director

U. S. Department of Homeland Security
Region 4
3005 Chamblee Tucker Road
Atlanta, GA 30341



FEMA

November 12, 2024

The Honorable Dan Allers
Mayor, Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Re: Removal of Shipping Containers and Temporary Structures Town of Fort Myers Beach Post
Disaster Compliance Report

Dear Mayor Allers:

I received the letter from the Fort Myers Beach Town Council requesting an extension for the removal of non-compliant shipping containers and temporary structures located in the Special Flood Hazard Area and Coastal High Hazard Area.

While I understand and appreciate the importance of these structures to the Town's economy and recovery, the Code of Federal Regulations that governs the National Flood Insurance Program defines the development in question as structures – not recreational vehicles. Because of this, the fact that the structures can be removed pre-event is not relevant as those conditions apply to recreational vehicles only. There are no regulations for temporary structures and occupancy which means all development in the Special Flood Hazard Area must meet the NFIP minimum standards and local floodplain management regulations. **FEMA is not able to issue exemptions to the NFIP minimum standards nor extend the existence of non-compliant development.**

The purpose of these regulations is to protect lives and property in the Special Flood Hazard Area. These non-compliant structures are in the most 'at risk' flood area, VE zone, also known as the Coastal High Hazard Area, which received a 14-foot storm surge during Hurricane Ian. Allowing these structures to remain in place presents a hazard to residents and businesses in the event of another storm as demonstrated by Hurricanes Helene and Milton. For these reasons I am unable to grant the Town's request to allow the structures in question to remain in place beyond the current deadline.

You have my commitment to continue to support you and your team as you manage Hurricane Ian recovery and as you work to take the necessary compliance measures to avoid probation and possible suspension from the NFIP. If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jason Hunter, Floodplain Management and Insurance Branch chief, at Jason.hunter@fema.dhs.gov or 770-220-5471.

Sincerely,

**Jacky S. Bell
Mitigation Division Director**

cc: Kevin Guthrie, Executive Director, Florida Division of Emergency Management



FEMA

November 21, 2024

Andy Hyatt, Manager
Town of Fort Myers Beach
2731 Oak Street
Fort Myers Beach, FL 33931

Re: National Flood Insurance Program Participation

Dear Mr. Hyatt:

Once again, I'd like to thank you and your staff for the long hours and hard work during the last several months to correct the Town of Fort Myers Beach's issues regarding the National Flood Insurance Program (NFIP). Our teams have made great progress in helping ensure the city and their residents are more resilient and prepared for future storms.

On July 19, 2024, the Town received a letter from this office indicating the potential of being placed in probationary status with the NFIP if certain conditions were not met. These conditions consisted of five action items to be completed by November 18, 2024.

These action items were:

1. Develop and submit a plan that includes actions and timelines to address all identified program deficiencies and violations to the maximum extent possible.
2. Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations.
3. Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant.
4. Put a process in place to ensure substantial damage compliance for future events.
5. Remove noncompliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area.

We appreciate that the Town of Fort Myers Beach accomplished the first and fourth action items by submitting a plan to address deficiencies and establishing a process to ensure substantial damage compliance for future events.

However, our teams have identified additional work that needs to occur for items 2, 3 and 5.

The crosswalk assessment tool created has not been completed by town officials which prevents both items 2 and 3 from being completed. For the 5th item, the town also did not remove non-compliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area.

We acknowledge the work invested by you and your team has resulted in some improvements to meet minimum floodplain management standards. However, because of the outstanding compliance issues remaining, **the Town will be placed on probation with the National Flood Insurance Program effective November 18, 2024.**

During this probationary period, flood insurance coverage will remain available within the Town of Fort Myers Beach; however, a \$50 surcharge will be added to the premium of each new and renewed flood insurance policy sold within the community. Probation will remain in effect until all remaining program deficiencies and violations have been corrected to the maximum extent possible. Effective April 1, 2025, the town will be retrograded to a Class 10 in the Community Ratings System and policy premium discounts will not be applied to new or renewing policies. The Town is not eligible to reapply to the Community Rating System for a higher-class rating until the Town's probationary period is concluded, the Town is in full compliance with the minimum requirements of the National Flood Insurance Program, and at least two years has passed since the Town was placed in probationary status.

I am committed and I've instructed my staff that we will continue to provide technical assistance to Fort Myers Beach to meet the required program standards and potentially end probation as soon as practicable.

If you have any questions or at any time need technical assistance to address these issues, please contact FEMA Region 4 Office, Jacky Bell, Mitigation Division Director, at jacky.bell@fema.dhs.gov or 404-273-4710.

Sincerely,



Robert D. Samaan
Regional Administrator

cc:

Jason Hunter, Region Floodplain Management & Insurance Branch Chief
Jillian Kraynak, Florida NFIP State Coordinator

RESOLUTION NUMBER 24-182

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, DIRECTING THE TOWN MANAGER TO IMPLEMENT ALL REQUIREMENTS SET FORTH IN A LETTER DATED JULY 19, 2024, FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, on September 28, 2022, Hurricane Ian made landfall north of the Town causing historical property damage and loss of life; and

WHEREAS, FEMA has been working in conjunction with the Town for the last two (2) years on recovery efforts from Hurricane Ian, and has, on July 19, 2024, sent the Town a letter outlining requirements for the Town to maintain its class rating in the National Flood Insurance Program; and

WHEREAS, adoption of this Resolution is in the best interest of the residents of the Town and promotes its health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing Whereas clauses are ratified and confirmed as being true and correct, are the legislative and administrative findings of the Town Council and made a specific part of this Resolution.

Section 2. The Town Manager is directed and authorized to take any and all actions to implement the requirements contained in the letter from FEMA dated July 19, 2024, a copy of which is attached as Exhibit “A”.

Section 3. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon motion by Mayor Allers and seconded by Council Member Woodson, and upon being put to a roll call vote, the result was as follows:

| | |
|-------------------------------|-----|
| Dan Allers, Mayor | Aye |
| Jim Atterholt, Vice Mayor | Aye |
| Karen Woodson, Council Member | Aye |
| Scott Safford, Council Member | Aye |
| John R. King, Council Member | Aye |

APPROVED AND ADOPTED this 9th day of September 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH

Dan Allers
Dan Allers (Sep 19, 2024 10:13 EDT)

Dan Allers, Mayor

ATTEST:

Amy Baker

Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:

Nancy Stuparich
Nancy Stuparich (Sep 19, 2024 17:12 EDT)

Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 11th day of September 2024.



FEMA

Town of Fort Myers Beach Post-Disaster Compliance Status Update Report

FEMA remains committed to helping communities take appropriate remediation actions to remain in good standing with the National Flood Insurance Program (NFIP) and participate in the Community Rating System (CRS).

The Town of Fort Myers Beach was granted 60 days (June 10, 2024), to submit to FEMA any new information related to the deficiencies and substantive violations detailed in FEMA's April 8, 2024 Findings Report. The April 8, 2024 Findings Report supported an initial decision by FEMA to retrograde the Town of Fort Myers Beach to a CRS class 10 community. In the Findings Report, FEMA also found program deficiencies and violations within the Town of Fort Myers Beach, which will serve as a basis for the current enforcement action and needed remediation.

During the 60-day review period, the Town of Fort Myers Beach provided FEMA permit documentation for 105 sites. FEMA reviewed the submitted documentation, for the 105 sites as well as the Town of Fort Myers Beach's Narrative and supporting documentation.

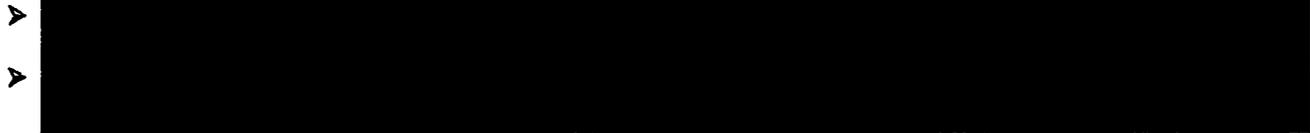
After careful review of Town of Fort Myers Beach's submittal, FEMA finds that program deficiencies and substantive violations remain. Unfortunately, due to the deficiencies, the Town of Fort Myers Beach is being notified that they have until November 18, 2024 to address these deficiencies, or the Town will be placed on probation from the NFIP:

LIST OF PROGRAM DEFICIENCIES

Program Deficiencies are a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of floodplain management regulations of the standards in 44 CFR 60.3; 60.4; 60.6; and NFIP Community Compliance Program Guidance, P-1022 (July 2016) in section 3.2.

- Failure of the community's "commitment to recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action reasonably necessary to carry out the objectives of the program;" 44 CFR 59.22(8) and LDC CH 6, Art IV, Div 1, Sec 6-403(8).
- Failure to require permits for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); FBC R101.2.1; FBC EB701.3; FBC 105.1; LDC CH 6, Art IV, Div 3, Sec 6-427; and LDC CH 6, Art IV, Div 6, Sec 6-461.
- Failure to maintain permit records for development, new construction, or substantial improvements in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); and 44 CFR 60.3(e)(2)(ii).
- Failure to make substantial improvement (SI) and substantial damage (SD) ("SI/SD") determinations and calculations for all proposed construction and development in the SFHA. 44 CFR 60.3(b)(1); 44 CFR 60.3(c)(1); 44 CFR 60.3(e)(1); LDC CH 6, Art IV, Div 3, Sec 6.428(1); and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in section 5.2.

- Failure to maintain SI/SD determination records for all proposed construction and development in the SFHA. 44 CFR 59.22(a)(9)(iii); 44 CFR 60.3(b)(5)(iii); 44 CFR 60.3(e)(2)(ii); and SI/SD Desk Reference in sections 4.2 and 7.7.
- Failure to keep records of permits, certifications, and variance actions. 44 CFR 59.22(a)(9)(iii).
- Failure to establish SI/SD procedures for administering and documenting determinations of SI/SD. LDC CH6, Art IV, Div 3, Sec 6.428(1) and FEMA Substantial Improvement / Substantial Damage Desk Reference, P-758 (May 2010) ("SI/SD Desk Reference") in sections 4.1, 4.3, & 7.1.
- Failure in permitting system, which allowed the use of "temporary" non-compliant structures (Including shipping container and trailers/food trucks). LDC CH 6, Art IV, Div, 4, Sec 6.443 (3)&(4), LDC CH 6, Art IV, Div 6, and LDC CH 6, Art IV, Div 6, Sec 6-462, Sec 6.463, and LDC CH 6, Art IV Div 10, Sec 6-501.



1. Program deficiencies

Serious program deficiencies in a community's administrative and enforcement process and procedures are those that have resulted or could result in substantive violations that increase potential flood damages or stages in the community. The following deficiencies represent gaps in the Town's administrative process that restrict the ability to meet the minimum standards for participation.

Permitting of non-compliant structures/shipping containers/

| Inconsistent Market Value | Missing Repair Permits (Known Damage (IA/Insurance)) | Missing Detailed Cost Info | Low & Inadequate Labor Costs | Permits Issued Without Total Repair Costs | Failed To Capture Complete Scope of Work | After the Fact Permits | After the Fact Notice of Violation |
|---------------------------|--|----------------------------|------------------------------|---|--|------------------------|------------------------------------|
| 1 | 51 | 76 | 8 | 62 | 65 | 16 | 25 |

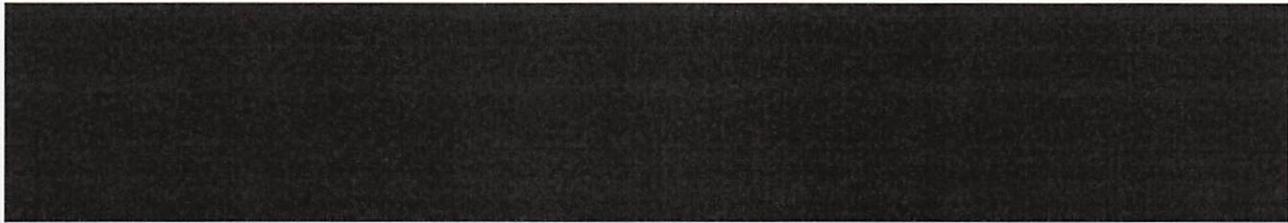
2. List of properties determined to be substantially damaged:

The Town of Fort Myers Beach has submitted to FEMA a list of properties that Town of Fort Myers Beach deemed substantially damaged since the disaster; there were 356 structures listed. What actions has the Town taken or plan to take to follow-up on those structures? Please provide FEMA with a status of each structure to indicate how substantial damage is being addressed.

3. Non-compliant development

- a. Non-compliant structures (containers) and temporary structures have been placed in the Coastal High Hazard Area (VE zone and coastal A zone). Please provide a plan to remove the structures or bring the non-compliant structures or non-compliant additions into compliance; and confirmation that the town has stopped issuing permits for this type of non-compliant development.





4. Data Dictionary (revised) – “Status” Column Meanings:

Additional Information Needed – Permit package needs additional information to be considered complete.

CAV Follow-Up – Not a Hurricane Ian issue but found a need for additional information during the next compliance follow-up with the community.

Code Enforcement Case – Community is currently processing as a code enforcement case and FEMA will accept and review case updates, follow-up permit information, and/or enforcement actions occurring prior to June 10, 2024. Actions occurring beyond that time will require future compliance engagement.

Complete – FEMA needs no further information regarding the specific address.

Future Compliance Engagement – Ian related activity. FEMA will follow-up on this site during the next compliance follow-up with the community.

5. Documentation on the Finding Report and Site list:

Attached to this document is a list of structures within the SFHA with violations, including the type of violation, status, and needed documentation.

| Final Status (as of June 28, 2024) | Count |
|---------------------------------------|-------|
| Additional Information Needed | 21 |
| CAV Follow-Up | 2 |
| Code Enforcement Case | 16 |
| Complete | 32 |
| Future Compliance Engagement | 34 |
| Grand Total | 105 |



National Flood Insurance Program Privacy Act Notice

RE: Town of Fort Myers Beach, FL, National Flood Insurance Program Data from the Federal Emergency Management Agency (FEMA)

The Town of Fort Myers Beach, FL is receiving data from the Federal Emergency Management Agency's that is maintained in support of the National Flood Insurance Program (NFIP). Specifically, the Town of Fort Myers Beach, FL is receiving property addresses identified by FEMA as possible violations to the local floodplain management laws and regulations. The community shall use the data to verify, monitor, and resolve the possible violation. As an NFIP participating community, this information will assist the community to ensure compliance with the NFIP and maintain the availability of flood insurance. FEMA will send the information to you securely via email on a password-protected spreadsheet or pdf.

FEMA discloses this to you pursuant to the "routine use" provision of the Privacy Act of 1974, 5 U.S.C. § 552a(b)(3), specifically under Routine Uses G, I, M, N, O, R and T of the System of Records Notice (SORN), DHS/FEMA-003 - National Flood Insurance Program Files 79 FR 28747 (May 19, 2014). The SORN may be electronically viewed at <https://www.gpo.gov/fdsys/pkg/FR-2014-05-19/html/2014-11386.htm>.

The Town of Fort Myers Beach, FL does not have permission to release the provided information to third parties, including third party contractors and will only use the data for the stated purpose. Unauthorized disclosure of FEMA data will result in an immediate denial of access to the FEMA data. Pursuant to the Privacy Act, 5 U.S.C. § 552a(e)(10), please destroy or return said personally identifiable information (PII) to FEMA once you no longer have use for it. PII is information that can be used to identify, by itself, or in combination, individuals by direct or indirect means.

In the event of a privacy incident resulting from this sharing of FEMA PII, Town of Fort Myers Beach, FL shall immediately, but in no event later than twenty-four (24) hours from suspicion, discovery or notification of the suspected or confirmed privacy incident, notify the FEMA Privacy Officer at (202) 212-5100 or FEMA-Privacy@fema.dhs.gov. FEMA will investigate the incident pursuant to DHS standard procedures and will consult the Town of Fort Myers Beach, FL to diagnose, mitigate and manage the privacy incident. The Town of Fort Myers Beach, FL will be responsible for carrying out all necessary measures to remedy the effects of the privacy incident.

By accepting the FEMA data, the Town of Fort Myers Beach, FL agrees that it shall bear all costs, losses and damages to the extent resulting from the City's breach of FEMA data. The Town of Fort Myers Beach, FL further agrees to release, defend, indemnify, and hold FEMA harmless for claims, losses, penalties and damages, and reasonable attorneys' fees and costs to the extent arising out of the Town of Fort Myers Beach, FL or its contractor's, negligence, unauthorized use or disclosure of FEMA PII and/or the Town of Fort Myers Beach, FL, or its contractor's, breach of its obligations under this sharing.

By accepting, receiving, downloading, or otherwise obtaining the routine use information or data discussed in this document, Town of Fort Myers Beach, FL understands, agrees, and accepts the terms of the use of the data as outlined in this document.

RESOLUTION NUMBER 24-296

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING A RESOLUTION TO REVOKE AND RESCIND EMERGENCY TEMPORARY PLACEMENT PERMITS AS PROVIDED AND AUTHORIZED IN SECTION 2 OF ORDINANCE 24-4 OF THE TOWN OF FORT MYERS BEACH, WHICH CLARIFIED ORDINANCE 23-05 RELATED TO TEMPORARY PLACEMENT PERMITS, IN FURTHERANCE AND IN SATISFACTION OF DIRECTION CONTAINED IN A LETTER DATED NOVEMBER 21, 2024 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY ("FEMA") MANDATING REMOVAL OF NONCOMPLIANT STRUCTURES THAT WERE INCORRECTLY PERMITTED IN THE SPECIAL FLOOD HAZARD AREA, IN ORDER TO COMPLY WITH MINIMUM FLOODPLAIN STANDARDS AND THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town Council to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, on September 28, 2022, Hurricane Ian made landfall north of the Town causing historical property damage and loss of life; and

WHEREAS, the Town Council recognized that recovery from a devastating natural disaster such as Hurricane Ian, created an immediate need for temporary housing, governmental services, and commercial uses for the Town's residents and adopted Ordinance 23-05 on May 15, 2023 to provide a temporary relief and the placement of certain structures in the Special Flood Hazard Area; and

WHEREAS, on May 6, 2024 the Town Council adopted Ordinance 24-04 amending and restating Ordinance 23-05 to clarify its intent at the time of adoption and to continue to provide temporary assistance to residents and to aid in the Town's redevelopment efforts by the emergency temporary placement of structures governmental, residential (manufactured homes, mobile homes, motor homes, recreational vehicles, or other temporary residential dwellings) or moveable commercial use; and

WHEREAS, both ordinances provided that permits issued under either Ordinance would be issued in increments of 6 months and would not exceed 18 months without demonstration of a hardship to the Town Manager; and

WHEREAS, Section 2 of Ordinance 24-04 further clarified that the Town Council intended permitted uses to be temporary in nature, and thereby subject to revocation and rescission at a future date under certain circumstances. More specifically, Paragraph 2 of Ordinance 24-04 identified several circumstances in which these temporary permitted uses required removal:

Unless otherwise provided in this Ordinance or in a Resolution that is adopted hereinafter by the town council, any governmental, residential (manufactured home, mobile home, motor home, recreational vehicle, or other temporary residential dwelling) or moveable commercial use shall be removed from the site 1) no later than 30 (days) after issuance of a certificate of occupancy or certificate of use associated with an approved permit; 2) at the time of the expiration of the ETPP as provided herein or as provided in a resolution; or 3) at the time of expiration of any local or state declaration of emergency or law, whichever is earlier. (Emphasis added).

WHEREAS, Section 2 of Ordinance 24-04(xi) also provided that the issued permit could be revoked for “noncompliance with applicable federal law/regulation, state law and town code”; and

WHEREAS, the number of outstanding temporary permits approved by the Town has decreased as a result of additional hurricanes impacting the Town subsequent to Hurricane Ian, the permitted rebuilding of destroyed properties; and the voluntary removal of the temporary permitted uses; and

WHEREAS, on July 19, 2024 and September 3, 2024, the Town was notified by the Federal Emergency Management Administration (“FEMA”) that the Town would be placed on permanent probation from participation in the National Flood Insurance Program if it allowed structures needed for these temporary uses to continue subsequent to November 18, 2024 in the Special Flood Hazard Area; and

WHEREAS, Section 6-494 of the Town of Fort Myers Beach Land Development Code defines the Special Flood Hazard Area as “[a]n area in the floodplain subject to a one- 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 202.]”, which in effect encompasses the entirety of the Town; and

WHEREAS, despite efforts by the Town Council to extend the November 18, 2024 FEMA deadline, the Town was notified by letter on November 21, 2024, that the Town was placed on probation with the National Flood Insurance Program effective November 18, 2024 in part due to its failure to “[r]emove noncompliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area”; and

WHEREAS, in order to comply with minimum floodplain standards and the requirements of the National Flood Insurance Program, the Town must now revoke and rescind emergency temporary placement permits which allow noncompliant structures in the Special Flood Hazard Area; and

WHEREAS, the definition of a “structure” for floodplain management purposes pursuant to 44 CFR Part 59.1 includes “any walled and roofed building, manufactured home or travel trailer without wheels,” and

WHEREAS, the definition of a “manufactured home” for floodplain management purposes pursuant to 44 CFR 59.1 is “a structure, transportable in one or more sections, which is built on a permanent 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”; and

WHEREAS, adoption of this Resolution is in the best interest of the residents of the Town as a step towards removal of its probationary status in the National Flood Insurance Program and compliance with its floodplain regulations.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are ratified and confirmed as being true and correct, are the legislative and administrative findings of the Town Council and are made a specific part of this Resolution.

Section 2. All emergency temporary placement permits for “noncompliant structures that were incorrectly permitted and should not have been placed in the Special Flood Hazard Area” are hereby revoked and rescinded.

Section 3. The Town Manager is directed and authorized to immediately take the following actions to implement this Resolution:

1. Provide formal Notice to holders of any emergency temporary placement permit by certified mail, posting on the property and any other known method for notification that:
 - a) the permit is revoked and rescinded as of December 16, 2024; and
 - b) the permit holder may appeal this revocation action pursuant to Section 34-86 of the Code of Ordinances as stated in Section 4 of Ordinance 24-04, or by any other lawful means; and
 - c) the contact information for a member of the Town staff, who can answer questions and provide more information.

The Notice shall also include a copy of this Resolution and FEMA's letter of November 21, 2204

2. Initiate or continue any needed code enforcement action against permit holders who fail to immediately begin removal of noncompliant structures.

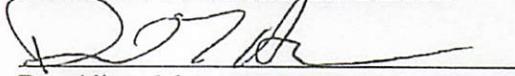
Section 4. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

THE FOREGOING RESOLUTION was adopted by the Town Council upon motion by Mayor Allers and seconded by Vice Mayor Atterholt, and upon being put to a vote, the result was as follows:

| | |
|-------------------------------|--------|
| Dan Allers, Mayor | Aye |
| Jim Atterholt, Vice Mayor | Aye |
| Karen Woodson, Council Member | Aye |
| John R. King, Council Member | Absent |
| Scott Safford, Council Member | Aye |

APPROVED AND ADOPTED this 16th day of December 2024, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



Dan Allers, Mayor

ATTEST:



Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



Vose Law Firm, LLP, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 16th day of December 2024.

HEARING

EXHIBIT

C

- Notice of Violation



Town of Fort Myers Beach
CODE COMPLIANCE
2731 Oak Street Fort Myers Beach, FL 33931
Phone: (239) 765-0202 Fax: (239) 765-0909

11/14/2024

| | |
|-----------------|--------------------|
| Case Number: | 20240927 |
| Certified Mail: | 958907100183635928 |
| Regular Mail | |

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH, FL 33931

SITE ADDRESS: 1698 ESTERO BLVD
PARCEL STRAP NO: 194624W40070B001A

NOTICE OF VIOLATION

YOU ARE HEREBY NOTIFIED that an inspection of the above-referenced property on **09/19/2024** by Town of Fort Myers Beach Code Enforcement Officer **Thomas Yozzo** indicates that the following items are in violation:

For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances. (Coastal A Zone for this property requires 13 feet)

These items are a violation of the following Town Codes:

ASCE 24-14 A copy is available at https://www.fema.gov/sites/default/files/2020-07/asce24-14_highlights_jan2015.pdf

Sec. 6-501. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 6-443, 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, must 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 must comply with the requirements of division 10, subdivision VII.

Sec. 6-525. - 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 article or the Florida Building Code, must:

(1)Be located and constructed to minimize flood damage;(2)Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;(3)Be constructed of flood damage-resistant materials; and(4)Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, 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.

COMPLIANCE:

The following action is needed to bring the violation(s) into compliance. 1) Remove Structure(s) and/or Shipping Containers from property. 2) Provide proof of compliance with the requirements of Chapter 6, Article IV Division Section 6-501 and 5-525 of the Land Development Code .

You are hereby directed to bring these violations into compliance within 30 days.

ONCE THIS VIOLATION(S) IS (ARE) IN COMPLIANCE, IT IS YOUR OBLIGATION TO NOTIFY CODE ENFORCEMENT SO THAT THE PROPERTY CAN BE INSPECTED TO VERIFY THAT THE VIOLATION(S) HAS (HAVE) BEEN CORRECTED ON OR BEFORE THE ABOVE-SPECIFIED COMPLIANCE DATE.

If you fail to correct the violation(s) by the date specified above, or if the violation(s) is (are) brought into compliance and reoccur(s), the case may be scheduled for hearing before the Town of Fort Myers Beach Special Magistrate. The Code Enforcement Division may, in their discretion, schedule the case for

a hearing and seek a finding of a violation by the Special Magistrate even if you have corrected the violation prior to the time set for the hearing.

You will be provided with a Notice of Hearing specifying the date, time and location of the hearing if one is scheduled. Please be aware that under Florida Statutes, Chapter 162 and Town of Fort Myers Beach Land Development Code, Section 2-427(b), a fine of up to \$250.00 per day for the first violation or \$500.00 per day for a repeat violation may be imposed for each day the violation continues to exist past the date set for compliance by the Special Magistrate. If the Special Magistrate finds that a violation is irreparable or irreversible in nature, a fine of up to \$5,000.00 per violation may be imposed. The Special Magistrate may also assess the costs of prosecution of the case against you and you may be required to pay those fees, even if the violation has been corrected prior to the hearing.

Please contact the Town of Fort Myers Beach Code Enforcement Division at 239-292-3568 or code@fmbgov.com if you have any questions concerning this Notice of Violation.

Respectfully,

Thomas Yozzo
Code Enforcement Officer
Town of Fort Myers Beach



TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

Nautical Marketing LLC
189 Sabal Dr
Fort Myers Beach, FL 33931

Respondent,

| | |
|--------------------------|-------------------------|
| FMB Case Number: | 20240927 |
| Certified Mail: | |
| Regular Mail: | |
| DOAH Case Number: | [Not Applicable] |

Site Address: 1698 Estero Blvd,
Fort Myers Beach, FL 33931
Parcel Strap No. 334624W30200000CE

AFFIDAVIT OF NOTICE AND POSTING

STATE OF FLORIDA

COUNTY OF LEE

BEFORE ME, the undersigned authority, personally appeared Thomas Yozzo, who is the Emergency Services Director for the Town of Fort Myers Beach, who was sworn and under oath, deposes and says the following regarding case #20240927 For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances (Coastal A Zone for this property requires 13 feet) for the property 1698 Estero Blvd, Fort Myers Beach, FL 33931.

FORT MYERS BEACH ESTERO ISLAND

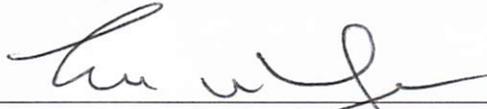
P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



1. I personally mailed by certified mail a copy of the Notice of Violation on 11/14/2024 to the following:

- a. Nautical Marketing LLC
189 Sabal Dr
Fort Myers Beach, FL 33931
Certified Mail No. 9589071052700183635928
(Property Owner)

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true and to the best of my knowledge and belief comply with Section 2-429 of the Town Land Development Code and Section 162.12, Florida Statutes.

x 
Signature of Affiant

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of either personal presence or online notarization this 24th day of April, 2025, by Thomas Yozzo. He is personally known to me or has produced _____ as identification.



[Notary Seal]


Notary Public, State of Florida
Print Name: Danielle Batt
My Commission Expires: July 14 2026

FORT MYERS BEACH ESTERO ISLAND

9589 0710 5270 0183 6359 28

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH, FL 33931

Stamp of Fort Myers Beach
NOV 14 2024
Sent by:

Postmark
Here



20240927
1698 ESTUD

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

NAUTICAL MARKETING LLC
189 SABAL DR
FORT MYERS BEACH, FL 33931



9590 9402 8344 3094 9343 24

2. Article Number (Transfer from service label)

9589 0710 5270 0183 6359 28

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from Item 1? Yes
If YES, enter delivery address below: No

20240927 1698 Estero Blvd

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery
 - Priority Mail Express®

Domestic Return Receipt

TOWN OF FORT MYERS BEACH
CODE ENFORCEMENT SPECIAL MAGISTRATE

TOWN OF FORT MYERS BEACH,

Petitioner,

vs.

NAUTICAL MARKETING LLC
189 Sabal Drive
Fort Myers Beach, FL 33931

Respondent(s),

| | |
|-------------------|-----------------|
| FMB Case Number: | [CASE NUMBER] |
| Certified Mail: | Not Applicable |
| Regular Mail: | Not Applicable |
| DOAH Case Number: | [Make Fillable] |

Site Address: 1698 Estero Blvd.,
Fort Myers Beach, FL 33931
Parcel Strap No.: 194624W40070B001A

JOINT STIPULATION OF VIOLATION(S)
AND SCHEDULING OF COMPLIANCE HEARING

COMES NOW, Nautical Marketing LLC ("Respondent"), who is the owner(s) of real property in Fort Myers Beach, Florida, with an address of 1698 Estero Blvd, Fort Myers Beach, Florida, 33931, upon which a Notice of Violation was properly issued by Fort Myers Beach Code Enforcement Officer, Thomas Yozzo, on the 23rd day of September, 2024 and also on the 14th day of November, 2024. The Notices of Violations were for violation of Section(s) 6-501, 6-525, incorporating by reference ASCE 24-14 of the Fort Myers Beach Land Development Code. The parties have agreed and are presenting this Stipulation and Scheduling of Compliance Hearing requesting entry of an Order consistent with the provisions agreed to by the parties in this Joint Stipulation.

In support of this Joint Stipulation, the parties have agreed:

1. Respondent(s) is the legal owner of the real property with a property address of 1698 Estero Blvd., Fort Myers Beach, Florida 33931, and Parcel Identification number: 194624W40070B001A, hereinafter referred to as the Subject Property.
2. Respondent was served with a copy the Notices of Violations as required by Florida law and Fort Myers Beach Code of Ordinances on the ~~23rd of September 2024~~ and the 14th day of November 2024 and understands the nature of the violations cited in the Notice of Violation.
3. Respondent voluntarily waives its right to an evidentiary hearing before the Fort Myers Beach Special Magistrate to determine whether violations have occurred and does not dispute that the Subject Property was and continues to be in violation of Section(s) 6-501, 6-525, of the Fort Myers Beach Code of Ordinances, incorporating by reference ASCE 24-14.
4. Respondent has agreed to bring the Subject Property into compliance by taking the following action: removal of the non-compliant structure within 30 days or no later than May 1, 2025, ("Compliance Date"). If the violation(s) continues beyond the Compliance Date, Respondent agrees to pay a fine of \$250.00 per day, per violation and an administrative fee in the amount of \$250.00.
5. All fines must be paid by cashier's check or electronic transfer to the Town of Fort Myers Beach Finance Department. The cashier's check can be delivered to the Town of Fort Myers Beach, 2731 Oak Street, Fort Myers Beach, Florida. Please call the Finance Department for additional information regarding an electronic transfer.
6. Any unpaid fines and administrative costs shall constitute a lien upon the Subject Property and any and all real and personal property owned by the Respondent.

Town of Fort Myers Beach

MAK 28 2025

Received by: _____

7. Respondent understands that Respondent must notify Fort Myers Beach Code Enforcement Officer when the violation has been remedied for a re-inspection of the Subject Property prior to the Compliance Date.

8. A Fort Myers Beach Code Enforcement Officer shall re-inspect the Subject Property after the Compliance Date or upon request by the Respondent and complete an Affidavit of Compliance or an Affidavit of Non-Compliance based on the Fort Myers Beach Code Enforcement Officer's observations of the condition of the Subject Property.

9. If the Subject Property is not in compliance by the Compliance Date, Respondent(s) agree to notify the Fort Myers Beach Code Enforcement Department as soon as compliance is achieved for a re-inspection and completion of the applicable affidavit.

10. If the Respondent fails to contact the Code Enforcement Department and 30 days have lapsed since the Compliance Date, the Town or its contractor is authorized to enter the property to abate the violation. Respondent agrees to pay any costs incurred by the Town in abating the violation. If payment is not received, the Town may seek certification of the amount owed by the Special Magistrate and record a lien in the amount certified, which may be collected as provided by Florida law.

11. This Joint Stipulation shall be presented the Fort Myers Beach Special Magistrate at a Code Violation Hearing to be held on the 1st day of April, 2025.

12. Respondent waives the right to any further notice of a Compliance Hearing. The Fort Myers Beach Code Enforcement Department shall post notice of the Compliance Hearing on the Subject Property prior to the hearing date.

13. Both parties have had the opportunity to review this Stipulation with legal counsel and thereafter voluntarily sign this Stipulation with an understanding of its legal effect and consequences.

Witness:

Dayla Rumpf
PRINT NAME
Dayla Rumpf

[Signature]
Nautical Marketing, LLC
By: JACKI LISZAK
Title: MANAGER

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3/27, 2025, by Jacki Liszak, who is personally known to me or who has produced _____ as identification.

[Notary Seal]

[Signature]
Notary Public



Hannah C. Nutt-Malinguaggio
Name typed, printed or stamped
My Commission Expires: 7/12/25

Witness:

Yozzo, Thomas
PRINT NAME

[Signature]
FORT MYERS BEACH CODE
ENFORCEMENT OFFICER
BADGE NO. 001

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 1st April, 2025, by Thomas Yozzo who is personally known to me or who has produced FL DL as identification.

[Notary Seal]

Tracie Raski
Notary Public



Tracie Raski
Name typed, printed or stamped
My Commission Expires: 2-3-2029

Witness:

Yozzo, Thomas
PRINT NAME

[Signature]
FORT MYERS BEACH CODE
ENFORCEMENT OFFICER
BADGE NO. 021

STATE OF FL
COUNTY OF Lee

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 15th April, 2025, by Thomas Yozzo, who is personally known to me or who has produced FL DL as identification.

[Notary Seal]

[Signature]
Notary Public



Tracie Raski
Name typed, printed or stamped
My Commission Expires: 2.3.2029

HEARING

EXHIBIT

D

- Status of Compliance



04/24/2025

TOWN OF FORT MYERS BEACH,
Petitioner,

vs.

NAUTICAL MARKETING LLC
Respondent.

| | |
|-----------------|-----------|
| Case Number: | 20240927 |
| Certified Mail: | |
| DOAH Case: | OPEN 2025 |

Site Address: 1698 ESTERO BLVD
Parcel Strap No.: 194624W40070B001A

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA)
COUNTY OF LEE)

BEFORE ME, the undersigned authority, personally appeared Officer Thomas Yozzo, Emergency Services Director for the Town of Fort Myers Beach, FL, who after being duly sworn, deposes and says:

1. I, Thomas Yozzo, am a person authorized by law to inspect violations of the Town of Fort Myers Beach Code contained herein and the statements set forth herein are based upon personal knowledge.

2. The NAUTICAL MARKETING LLC (property owner) was observed in violation of

ASCE 24-14 A copy is available at https://www.fema.gov/sites/default/files/2020-07/asce24-14_highlights_jan2015.pdf

For the keeping and/or maintaining of non-compliant structure(s) and/or shipping containers on property, which are not built to current flood design codes in the Special Hazard Areas as defined in Section 6-494 of the FMB Code of Ordinances. (Coastal A Zone for this property requires 13 feet)

Sec. 6-501. – Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 6-443, 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, must 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 must comply with the requirements of division 10, subdivision VII.

Sec. 6-525. – 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 article or the Florida Building Code,

FORT MYERS BEACH ESTERO ISLAND

P. 239-765-0202 | 2731 Oak Street, Fort Myers Beach, FL 33931



must:

(1)Be located and constructed to minimize flood damage;(2)Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;(3)Be constructed of flood damage-resistant materials; and(4)Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, 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.

At the property located at 1698 Estero Blvd, Fort Myers Beach, FL 33931 ("Subject Property").

3. A Notice of Violation was issued on 11/14/2024, and sent certified mail to the addresses of record to the property owner Nautical Marketing LLC at 189 Sabal Dr, Fort Myers Beach, FL 33931 and the registered agent Jacquelyn Liszak at 189 Sabal Dr, Fort Myers Beach, FL 33931, posted to the violation property located at 1698 Estero Blvd and posted to Town Hall located at 2731 Oak St., Fort Myers Beach, FL 33931 both inside (Case Enforcement Case Log Book & Town of Fort Myers Beach website) and outside on the N/W wall at the entrance to Town Hall.

4. Nautical Marketing LLC was/were given 30 days to come into compliance with the Town of Fort Myers Beach Ordinance, which was on or before 12/14/2025.

5. I performed an inspection of the Subject Property on 04/24/2025, and the Subject Property remains in violation with the Town of Fort Myers Beach Ordinance. There does not appear to be any progress made towards compliance at 1698 Estero Blvd, Fort Myers Beach, FL 33931.

6. Photographs of the Subject Property, which I personally took, and which fairly represent the violation on the Subject Property I personally observed on 04/24/2025. These photographs are a true and accurate representation of my observations on this date.

7. I have personal knowledge of all these facts, and each is true to the best of my knowledge and belief.

8. The Town of Fort Myers Beach hereby has requested a hearing before the Special Magistrate on Friday, May 16th, 2025 and that an order be issued affording the appropriate relief, including an order to correct the above listed violation(s) through a Stipulation and/or the imposition of an administrative fine not to exceed \$250.00 for each day each violation continues past the date for compliance or \$500.00 for each day each violation was repeated, and for such other and further relief as is consistent with the powers of the Special Magistrate.



FURTHER AFFIANT SAYETH NAUGHT.

Signature of Affiant

Thomas Yozzo

STATE OF FLORIDA
COUNTY OF LEE

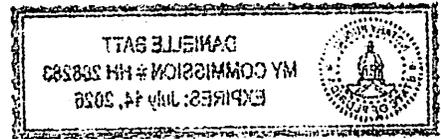
The foregoing instrument was certified and subscribed before me by means of physical presence OR online notarization, this 24th day of April, 2025, by Thomas Yozzo, who is personally known to me OR who has produced _____ as identification.

(SEAL)



Notary Public Signature: *Danielle Batt*

My Commission Expires: July 14 2026





1698

PAINT SUPPLIES
NAILS

FAUCETS

YOUR ISLAND EVERYTHING
EST. 2013
FORT MYERS BEACH

ICE CREAM
CHEAPER
THAN
THERAPY

LEE'S ICE
of Southwest Florida

PROPANE EXCHANGE
SWAP YOUR TANK HERE

7UP

BRINGING THE FLAME
TO YOU!

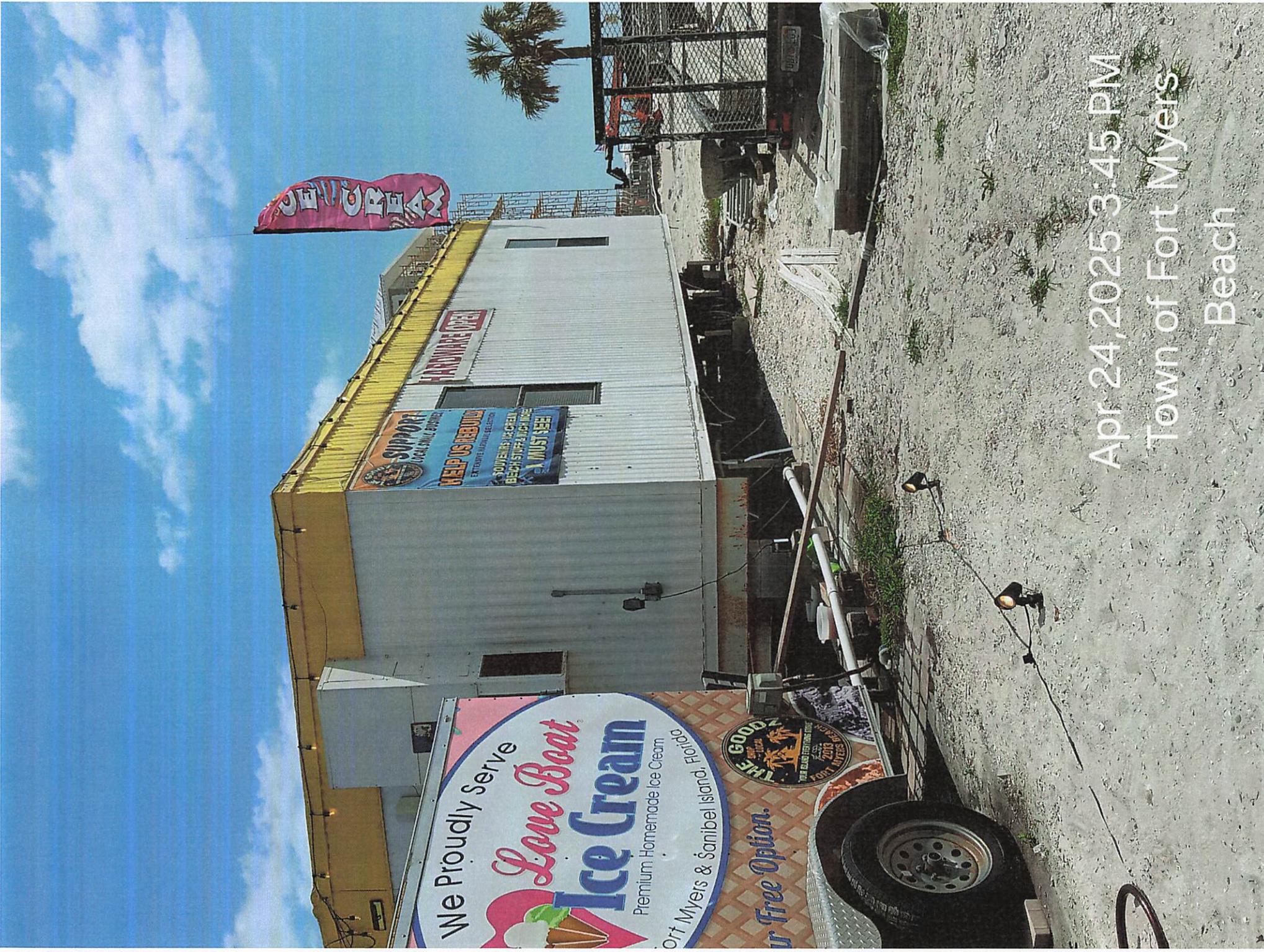
PROPANE NINJA

EXCHANGE
\$21.99

NET WEIGHT
50 LB TANK

EMERGENCIES: 1.800.845.2729
NO FRANCHISES AVAILABLE IN FL

Apr 24, 2025 3:45 PM
Town of Fort Myers
Beach



We Proudly Serve
Love Boat
Ice Cream
Premium Homemade Ice Cream

Fort Myers & Sanibel Island, Florida
Free Option.



SUPPORT
LOCAL SMALL BUSINESS
HELP US REBUILD
EXTERIOR PAINT/ELECTRIC
DOOR/SHUTTERS
BEACH STUFF & JUST IN CASE
A MUST SEE!

HARDWARE OPEN

ICE CREAM

Apr 24, 2025 3:45 PM
Town of Fort Myers
Beach



Apr 24, 2025 3:46 PM
Town of Fort Myers
Beach



Apr 24, 2025 3:46 PM
Town of Fort Myers
Beach

HEARING

EXHIBIT

E

- Violated Regulations

Sec. 6-501. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to ~~section 6-443~~, 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, must 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 must comply with the requirements of division 10, subdivision VII.

(Ord. No. 16-02, § 2, 8-8-2016)

Sec. 6-525. - General requirements for other development.

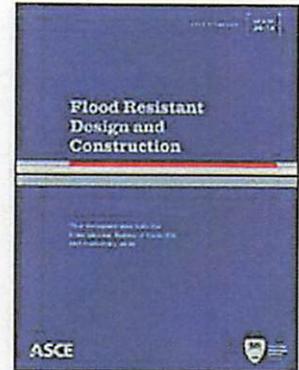
All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, must:

- (1) Be located and constructed to minimize flood damage;
- (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- (3) Be constructed of flood damage-resistant materials; and
- (4) Have mechanical, plumbing and electrical systems above the design flood elevation or meet the requirements of ASCE 24, 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.

(Ord. No. 16-02, § 2, 8-8-2016)

HIGHLIGHTS OF ASCE 24-14 *Flood Resistant Design and Construction*

Published by the American Society of Civil Engineers (ASCE), *Flood Resistant Design and Construction*, ASCE 24, is a referenced standard in the *International Codes*[®] (I-Codes[®]). ASCE 24 states the minimum requirements and expected performance for the siting and design and construction of buildings and structures in flood hazard areas that are subject to building code requirements. Types of buildings and structures are described in ASCE 24-14, Table 1-1 (see page 5 of these Highlights), and include commercial, residential, industrial, educational, healthcare, critical facilities, and other occupancy types. Buildings and structures designed according to ASCE 24 are better able to resist flood loads and flood damage.



FEMA deems ASCE 24 to meet or exceed the minimum National Flood Insurance Program (NFIP) requirements for buildings and structures. ASCE 24 includes additional specificity, some additional requirements, and some limitations that are not in NFIP regulations.

Buildings and structures within the scope of the IBC and proposed to be located in any flood hazard area must be designed in accordance with ASCE 24. The 2015 I-Codes reference ASCE 24-14, while the 2006 through 2012 I-Codes reference ASCE 24-05. The *International Residential Code*[®] requires dwellings in floodways to be designed in accordance with ASCE 24, and the 2015 edition of the IRC allows use of ASCE 24 for dwellings in any flood hazard area (the 2012 and 2009 editions allow use of ASCE 24 in Coastal High Hazard Areas).

Highlights of ASCE 24-14 that complement the NFIP minimum requirements are described below.

A summary of significant technical revisions from ASCE 24-05 to ASCE 24-14 is reproduced on page 6 of these Highlights.

Building Performance

- Flood loads and other loads and load combinations are specified in ASCE 7-10, *Minimum Design Loads for Buildings and Other Structures*. Performance of foundations exposed to flooding is specified in ASCE 24. Soil characteristics and underlying strata, including soil consolidation, expansion or movement, erosion and scour, liquefaction and subsidence must be considered, as applicable.
- Flood Design Classes replace Occupancy/Risk Categories for the purpose of establishing elevations of lowest floors, flood-resistant materials, equipment and floodproofing. The 2015 *International Building Code* requires designers to identify the Flood Design Class assigned in accordance with ASCE 24-14.
- Elevation and Freeboard (additional height above the NFIP's base flood elevation) are specified as a function of the Flood Design Class and the nature of the flood hazard areas (see table on page 4 of these Highlights). Essential facilities (Flood Design Class 4) must be elevated or protected to the BFE + 2 ft or 500-year flood elevation, whichever is higher.
- Elevation requirements in Zone V and Coastal A Zones are independent of orientation of the lowest horizontal structural member (relative to direction of wave approach) as a factor in determining the required freeboard (ASCE 24-05 made elevation a function of orientation of the lowest horizontal structural member relative to the direction of wave approach).

ASCE 24 uses 'design flood' and 'design flood elevation' to acknowledge that some communities adopt flood hazard maps that depict flood hazard areas in addition to Special Flood Hazard Areas shown on FEMA's Flood Insurance Rate Maps (FIRM).

The design flood elevation (DFE) equals the base flood elevation (BFE) in communities that regulate based on FIRMs. The DFE is always equal to or higher than the BFE.

- Fill is required to be stable under conditions of flooding, including rapid rise and rapid drawdown, prolonged inundation, and erosion and scour. Compaction of structural fill is specified unless otherwise required by the building code or in a geotechnical or engineering report. Fill side slopes must be no steeper than 1:1.5.
- Two methods are specified to meet the requirements for flood openings in walls of enclosures below elevated buildings, to allow for the automatic entry and exit of floodwater: nonengineered openings that do not require certification (1 sq in per sq ft of enclosed area) and engineered openings that must be certified by a registered design professional. The performance of engineered openings must account for the presence of louvers, blades, screens, grilles, faceplates, or other covers and devices and must ensure that the difference between the exterior and interior floodwater levels does not exceed 1 foot. Installation of all flood openings must be in at least two walls and must be no more than 1 foot above the higher of the interior grade or floor and the finished exterior grade immediately under each opening.
- All breakaway walls in all flood hazard areas must have flood openings (ASCE 24-05 did not require flood openings in Zone V breakaway walls).
- Provisions are included for attached and detached decks and porches, and for garages, carports, and accessory storage structures.
- Provisions are listed for concrete slabs-on-grade, depending on the purpose and location of the slabs.
- Stairways and ramps must be designed and constructed to resist flood loads and to minimize transfer of flood loads to foundations, or to break away without causing damage to the main structure, or to be retractable/able to be raised.
- Where stairways are located inside areas enclosed with breakaway walls, exterior doors are required at the main building entry at the top of the stairs, to minimize entry of wind-driven rain and wave splash after breakaway walls have failed.
- In Coastal High Hazard Areas (Zone V) and Coastal A Zones:
 - Coastal A Zones are treated like Coastal High Hazard Areas if FEMA has delineated a Limit of Moderate Wave Action, or if the community has designated a Coastal A Zone.
 - Buildings must be supported on piles, drilled shafts, caissons, or other deep foundations (including columns, and shear walls) and foundation depth must take into account erosion and local scour.
 - Stem walls supporting floors and backfilled with soil or gravel are allowed in Coastal A Zones if designs provide for the effects of local scour and erosion.
 - Requirements are included for shallow foundations in circumstances where soil conditions prevent deep foundations.
 - Provisions are provided for pile foundations, attachment to piles, and different types of piles (wood, steel H, concrete-filled steel pipe, prestressed concrete, precast concrete, cast-in-place concrete).
 - Provisions are provided for pile design (capacity, capacity of supporting soils, minimum penetration, spacing, connections, splicing, and mixed and multiple types of piles).
 - Provisions are provided for footings, mats, rafts, slabs-on-grade, pile caps, grade beams, bracing, and shear walls.
 - Walls designed to break away must not produce debris that is capable of damaging structures.
 - Erosion control structures (bulkheads, seawalls, revetments) must not be attached to buildings or direct floodwater into or increase flood forces or erosion impacts on structures.
 - Pools must be elevated, or designed to breakaway without producing damaging debris, or designed to remain in the ground without obstructing flow that causes damage. Pools must be structurally independent of buildings and structures unless pools are located in or on elevated floors or roofs that are above the design flood elevation.

- Dry floodproofed nonresidential buildings and non-residential portions of mixed-use buildings:
 - The terms “mixed use” and “residential portions of mixed use” now are defined in Commentary.
 - Dry floodproofing measures are not permitted in Coastal High Hazard Areas, Coastal A Zones, High Risk Flood Hazard Areas, where flood velocities exceed 5 ft/sec, and where conformance with certain human intervention limits cannot be achieved.
 - At least one exit door or emergency escape/rescue opening must be provided above the elevation specified for dry floodproofing.
 - If dry floodproofing measures specified require human intervention to activate or implement, there must be a minimum warning time of 12 hours unless a community warning system provides a warning time sufficient to accomplish certain activities. If removable shields are approved as part of design, flood emergency plans must address specified elements and actions and must be posted in at least two conspicuous locations.

Flood Damage-Resistant Materials

- Flood damage-resistant materials must be used below specified elevations (see table on page 4).
- Metal connectors and fasteners exposed to salt water, salt spray or other corrosive agents must be stainless steel or equivalent corrosion resistant material, or hot-dipped galvanized after fabrication.
- Where preservative treated wood is required, treatment must be in accordance with AWWA requirements.

Attendant Utilities and Equipment

- Attendant utilities and equipment must be at or above specified elevations (see table on page 4), or must be specifically designed, constructed, and installed to prevent floodwaters from entering or accumulating within components.
- Fuel supply lines must be equipped with float operated automatic shut-off valves.
- Where required to meet life safety provisions of the code, certain exterior electrical components may be installed below the design flood elevation, provided they are installed on a non-breakaway structural element on the landward or downstream side of structures.
- Tanks that are below the design flood elevation and that are attached to or beneath buildings must be installed and anchored to resist at least 1.5 times the potential buoyant and other flood forces assumed to act on empty tanks.
- Elevator cabs that descend below the design flood elevation must be equipped with controls that prevent the cab from descending into floodwaters. Elevator shafts must be designed to resist flood loads, but are not required to have flood openings or breakaway walls.

Siting Considerations

- New buildings must not be built (1) seaward of the reach of mean high tide, or (2) in areas subject to flash flooding (floodwaters rise to 3 feet or more above banks in less than 2 hours). Unless protected, new buildings must not be built (1) in erosion-prone areas (determined by analysis); or (2) in mudslide areas (determined by analysis); or (3) in certain portions of alluvial fan areas; or (4) in high velocity flow areas (faster than 10 ft/sec); or (5) in ice jam and debris areas.
- Buildings in proximity to flood protective works (dams, levees, floodwalls, diversions, channels, flood control structures) must not have adverse effects on, or conflict with, maintenance and repairs of those protective works.

Prepared by FEMA Building Science Branch. Content from ASCE 24-14 used with permission from ASCE. Purchase ASCE 24 at www.asce.org.

See next page for description of Flood Design Classes →

| | | Flood Design Class 1 | Flood Design Class 2 | Flood Design Class 3 | Flood Design Class 4 |
|--|---|---------------------------------------|---------------------------------------|---------------------------------------|--|
| Minimum Elevation* of Lowest Floor (Zone A: ASCE 24-14 Table 2-1) | Zone A not identified as Coastal A Zone | DFE | BFE +1 ft or DFE, whichever is higher | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| Minimum Elevation of Bottom of Lowest Horizontal Structural Member (Zone V: ASCE 24-14 Table 4-1) | Coastal High Hazard Areas (Zone V) and Coastal A Zone | DFE | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| Minimum Elevation Below Which Flood-Damage-Resistant Materials Shall be Used (Table ASCE 24-14 5-1) | Zone A not identified as Coastal A Zone | DFE | BFE +1 ft or DFE, whichever is higher | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| | Coastal High Hazard Areas (Zone V) and Coastal A Zone | DFE | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| Minimum Elevation** of Utilities and Equipment (ASCE 24-14 Table 7-1) | Zone A not identified as Coastal A Zone | DFE | BFE +1 ft or DFE, whichever is higher | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| | Coastal High Hazard Areas (Zone V) and Coastal A Zone | DFE | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| Minimum Elevation of Dry Floodproofing of non-residential structures and non-residential portions of mixed-use buildings (ASCE 24-14 Table 6-1) | Zone A not identified as Coastal A Zone | BFE +1 ft or DFE, whichever is higher | BFE +1 ft or DFE, whichever is higher | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| | Coastal High Hazard Areas (Zone V) and Coastal A Zone | Not permitted | Not permitted | Not permitted | Not permitted |
| Minimum Elevation of Wet Floodproofing*** (ASCE 24-14 Table 6-1) | Zone A not identified as Coastal A Zone; Coastal A Zone; Coastal High Hazard Areas (Zone V) | BFE +1 ft or DFE, whichever is higher | BFE +1 ft or DFE, whichever is higher | BFE +1 ft or DFE, whichever is higher | BFE +2 ft or DFE, or 500-year flood elevation, whichever is higher |
| <p>* Flood Design Class 1 structures shall be allowed below the minimum elevation if the structure meets the wet floodproofing requirements of ASCE 24-14 Section 6.3. ** Unless otherwise permitted by ASCE 24-14 Chapter 7 *** Only if permitted by ASCE 24-14 Section 6.3.1</p> | | | | | |

| ASCE 24-14 Table 1-1 Flood Design Class of Buildings and Structures | |
|--|---------------------------|
| Use or Occupancy of Buildings and Structures | Flood Design Class |
| Buildings and structures that normally are unoccupied and pose minimal risk to the public or minimal disruption to the community should they be damaged or fail due to flooding. Flood Design Class 1 includes (1) temporary structures that are in place for less than 180 days, (2) accessory storage buildings and minor storage facilities (does not include commercial storage facilities), (3) small structures used for parking of vehicles, and (4) certain agricultural structures. [Note (a)] | 1 |
| Buildings and structures that pose a moderate risk to the public or moderate disruption to the community should they be damaged or fail due to flooding, except those listed as Flood Design Classes 1, 3, and 4. Flood Design Class 2 includes the vast majority of buildings and structures that are not specifically assigned another Flood Design Class, including most residential, commercial, and industrial buildings. | 2 |
| Buildings and structures that pose a high risk to the public or significant disruption to the community should they be damaged, be unable to perform their intended functions after flooding, or fail due to flooding. Flood Design Class 3 includes (1) buildings and structures in which a large number of persons may assemble in one place, such as theaters, lecture halls, concert halls, and religious institutions with large areas used for worship; (2) museums; (3) community centers and other recreational facilities; (4) athletic facilities with seating for spectators; (5) elementary schools, secondary schools, and buildings with college or adult education classrooms; (6) jails, correctional facilities, and detention facilities; (7) healthcare facilities not having surgery or emergency treatment capabilities; (8) care facilities where residents have limited mobility or ability, including nursing homes but not including care facilities for five or fewer persons; (9) preschool and child care facilities not located in one- and two-family dwellings; (10) buildings and structures associated with power generating stations, water and sewage treatment plants, telecommunication facilities, and other utilities which, if their operations were interrupted by a flood, would cause significant disruption in day-to-day life or significant economic losses in a community; and (11) buildings and other structures not included in Flood Design Class 4 (including but not limited to facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, hazardous waste, or explosives) containing toxic or explosive substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. [Note (b)] | 3 |
| Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the community at large in the event of failure, disruption of function, or damage by flooding. Flood Design Class 4 includes (1) hospitals and health care facilities having surgery or emergency treatment facilities; (2) fire, rescue, ambulance, and police stations and emergency vehicle garages; (3) designated emergency shelters; (4) designated emergency preparedness, communication, and operation centers and other facilities required for emergency response; (5) power generating stations and other public utility facilities required in emergencies; (6) critical aviation facilities such as control towers, air traffic control centers, and hangars for aircraft used in emergency response; (7) ancillary structures such as communication towers, electrical substations, fuel or water storage tanks, or other structures necessary to allow continued functioning of a Flood Design Class 4 facility during and after an emergency; and (8) buildings and other structures (including, but not limited to, facilities that manufacture, process, handle, store, use, or dispose of such substances as hazardous fuels, hazardous chemicals, or hazardous waste) containing sufficient quantities of highly toxic substances where the quantity of the material exceeds a threshold quantity established by the authority having jurisdiction and is sufficient to pose a threat to the public if released. [Note (b)] | 4 |
| <p>[Note (a)] Certain agricultural structures may be exempt from some of the provisions of this standard; see ASCE 24-14 Section C1.4.3.</p> <p>[Note (b)] Buildings and other structures containing toxic, highly toxic, or explosive substances shall be eligible for assignment to a lower Flood Design Class if it can be demonstrated to the satisfaction of the authority having jurisdiction by a hazard assessment as described in ASCE 7-10 Section 1.5.3 of <i>Minimum Design Loads for Buildings and Other Structures</i> that a release of the substances is commensurate with the risk associated with that Flood Design Class.</p> | |

Significant Technical Revisions

ASCE 24-14 lists a number of significant technical revisions from the 2005 edition:

1. Defines *Flood Design Class* rather than use Risk/Occupancy Classification assigned under ASCE 7 and requires each building or structure governed by the standard to be assigned to Flood Design Class 1, 2, 3, or 4. Uses the assigned Flood Design Class to apply elevation requirements specified in Chapters 2, 4, 5, 6 and 7. Flood Design Class 4 buildings and facilities are equivalent to Occupancy Category/Risk Category IV buildings, which ASCE 7-10 identifies as essential facilities.
2. Adds definitions for *Mixed Use* and *Residential Portions of Mixed Use* in commentary to clarify limitations on use of dry floodproofing measures.
3. Changes the Coastal A Zone determination requirement from the designer's responsibility to one depending on either: 1) delineation of a Limit of Moderate Wave Action (LiMWA) on a Flood Insurance Rate Map, or 2) designation by the Authority Having Jurisdiction.
4. Separates specifications for flood openings from the installation requirements. Requires the presence of louvers, blades, screens, faceplates, or other covers and devices to be accounted for in determining net open area for non-engineered openings and in determining the performance of engineered openings. Revises coefficient of discharge table for engineered flood openings. Adds commentary regarding selection of coefficient of discharge and for grouping or stacking of flood openings.
5. For Flood Design Class 4 buildings, requires the minimum lowest floor elevation (or floodproofing level of protection) to be the higher of: the Base Flood Elevation plus freeboard specified in Chapters 2, 4 and 6, the Design Flood Elevation, or the 500-year flood elevation. The 500-year flood elevation requirement is new.
6. Clarifies text pertaining to alluvial fan high risk flood hazard areas.
7. In coastal high hazard areas (V Zone) and Coastal A Zones (if delineated):
 - a. Makes explicit that designs must account for local scour and erosion
 - b. Provides for shallow foundations in Coastal A Zones under certain circumstances
 - c. Requires flood openings in breakaway walls
 - d. Eliminates orientation of the lowest horizontal structural member as a factor to determine elevation for lowest floors, equipment, and flood damage-resistant materials
 - e. Requires exterior doors at the top of stairways that are located inside enclosed areas with breakaway walls
 - f. Consolidates requirements for all nonstructural concrete slabs
 - g. Allows substantial improvement of existing buildings seaward of the reach of mean high tide in V zones (makes ASCE 24 consistent with NFIP) and Coastal A Zones.
8. Updates flood damage-resistant material requirements.
9. Clarifies emergency escape and rescue opening requirements for dry floodproofed buildings.
10. Clarifies requirements for garages, carports, and accessory storage structures. Adds new section for multistory parking structures.
11. Consolidates requirements for tanks and more clearly distinguishes between requirements based on flood hazard area.