

Can I occupy a structure and/or connect electric service?

The structures located in the Town of Fort Myers Beach have been severely impacted by Hurricane Ian with widespread visible damage to one or more structural and electrical components. Due to the severity of the storm and with the intent of protecting against further loss of life, it is the position of the Town of Fort Myers Beach that all structures are currently considered unsafe until a certification of safety can be completed for the structure and electrical systems.

Prior to occupying a structure or proceeding with building, renovating, or adding to a structure, a structural inspection and an electrical inspection must be completed.

The structural inspection must be performed by a professional engineer with structural experience licensed in the State of Florida. Upon completing the inspection, the structural engineer must offer their findings and expert opinion in the form of a post-inspection report. This report must be signed, sealed, and dated by the structural engineer and must certify the following:

- 1) The integrity of the structure has been maintained
- 2) The structure is currently in a condition to securely withstand the weight of its anticipated loads
- 3) The structure will continue to perform safely as intended for the foreseeable future.

The electrical inspection must be performed by either an electrical engineer licensed in the State of Florida or a Florida-licensed electrical contractor. The report must certify that in the expert opinion of the Florida-licensed electrical professional, the electrical system is safe to reconnect to electrical service.

Note that it is the property owners' responsibility to arrange for these inspections with the licensed professionals of their choice and to ensure that the documents are submitted to the Town of Fort Myers Beach. A list of contractors registered with the Town of Fort Myers Beach is available at the Town website at <http://www.fmbgov.com>. However, the property owner may also select a professional that is not currently registered with the Town but is licensed in the State of Florida. The post-inspection reports must be emailed to the Town of Fort Myers Beach Building Services Division at buildingpermits@fmbgov.com. After submittal and approval of the documents, the structure may be legally occupied.

After submitting the two inspection reports and applying for a building permit, the contractors and design professionals associated with the permit must be registered with the Town of Fort Myers Beach. Note that any person engaging in contracting services in the State of Florida must be currently registered, certified, or possess a certificate of authority through the Department of Business and Professional Regulation (DBPR). Under section 489.127 Florida Statutes, anyone providing unlicensed contracting services during a state of emergency commits a felony of the third degree.

Due to structures throughout the Town of Fort Myers Beach being located in the special flood hazard area, the FEMA “50% Rule” for substantial improvement or substantial damage will continue to be enforced during plan review. Please consult with your design professional to determine whether this rule will impact the design of your construction project.”

“What is the “50% rule” for substantial improvement or substantial damage?

1. This is in effect and will continued to be enforced during building permit plan review.

1. Basic rule: If the cost of improvements or the cost to repair the damage exceeds 50% of the market value of the building prior to sustaining damage, it must be brought up to current floodplain management standards.

The Town of Fort Myers Beach, following the National Flood Insurance Program (NFIP) requirements, must determine "substantial damage" and "substantial improvement" for structures.

1. Substantial damage is defined as damage of any origin sustained by a structure whereby the cost of restoring the structure to its “before damage” condition would equal or exceed 50% of the market value of the structure. (Note: The cost of the repairs must include all costs necessary to fully repair the structure to its “before damage” condition.)

2. Substantial improvement is defined as any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure (before any improvements are performed).

3. Historic structures may be exempt from these requirements if the compliance would threaten the structure’s continued eligibility for historic designation.

These laws are required by the NFIP to protect lives and investments from future flood damages. The Town must enforce these laws in order for federally backed flood insurance to be made available to Town residents and property owners.

Where can I get more information regarding Substantial Improvement/Substantial Damage (the 50% rule)?

For more detailed information about SI/SD, please see the following FEMA publications:

Substantial Improvement and Substantial Damage Desk Reference:

https://www.fema.gov/sites/default/files/documents/fema_nfip_substantial-improvement-substantial-damage-desk-reference.pdf

Questions about Substantial Improvement / Substantial Damage:

https://www.fema.gov/sites/default/files/2020-07/fema_p213_08232018.pdf

If your structure is located in the Special Flood Hazard Area (SFHA) and is not flood compliant, meaning that the lowest floor elevation of the structure is below the base flood elevation plus 1 foot of freeboard elevation (BFE + 1’), the Town of Fort Myers Beach (the Town) has flood damage prevention regulations that may affect how you remodel, renovate, or add on to your building.

The NFIP (National Flood Insurance Program) requires that any structure located in the SFHA (flood zones beginning with A and V) where the cost of proposed improvements or repairs equals or exceeds 50% of the value of the structure must be brought into full compliance with current flood damage prevention regulations.”