

MEMORANDUM

Agenda Item No. 7(A)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 1, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance related to Environmental Protection; amending sections 24-48, 24-48.2, 24-48.3, 24-48.5, 24-48.9, 24-48.13, and 24-48.18 of the Code; revising provisions related to expedited administrative authorizations to authorize the placement of biodiversity enhancement tiles on an existing seawall or bulkhead, under certain circumstances and pursuant to certain criteria; revising provisions related to eligibility for short form permits, with respect to seawalls and bulkheads; revising regulations related to seawalls and riprap boulders; revising procedures related to short form and standard form class permits; providing for administrative approval process for both short form and standard form class permit applications, with certain exceptions where public hearing is required; revising and deleting certain procedures which currently provide for short form and standard form class permit applications to be heard and decided upon by the board of county commissioners; creating exception for work related to seawalls and bulkheads from the permit application requirement to obtain a substantiating letter or plan approval from the applicable zoning authority; requiring the county mayor or county mayor's designee to ensure that seawall or bulkhead permits are processed expeditiously and requiring reports; directing the County Mayor to notify the respective District Commissioner of certain seawall or bulkhead permit applications that remain pending beyond specified timeframes

Ordinance No. 25-73

At the July 11, 2025 meeting, the Port and Resiliency Committee amended this substitute item to:

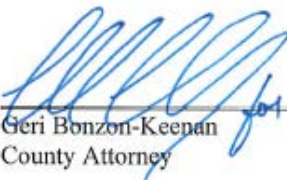
- 1) Amend a recital clause to delete the phrase “without the need for a public hearing.”
- 2) Add two recital clauses stating that: (1) in instances where the dimensions of a proposed seawall extend more than 18 inches waterward, the delegated authority granted to the County by the federal and state governments may no longer be applicable, thereby requiring the applicant to seek approvals through the federal and state permitting processes; and (2) in such cases where the proposed seawall dimensions exceed the County’s delegated permitting authority, the applicable jurisdictional agencies, such as the Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers, may be responsible for determining whether the proposed structure encroaches upon navigable waters, interferes with vessel access or operation, or otherwise impairs the ecological integrity of the waterway.
- 3) Amend a recital clause and subsection (I)(A)(1) of section 24-48.2 of the Code to provide that the construction, repair, or replacement of seawalls or bulkheads shall be eligible for a short form permit where there are seawall/bulkhead primary support piles (such as king piles, T-piles, or other structural piles) that extend a total of no more than 14 inches waterward, provided that the reconstructed, repaired, or replaced seawall or bulkhead is in total no more than 18 inches waterward of the existing primary support piles.
- 4) Amend subsection (I)(B)(1) of section 24-48.2 of the Code to provide that a public hearing by the Board of County Commissioners shall be held for any short form application that is not for work limited exclusively to seawalls and bulkheads, if a written request therefore is filed with the Department prior to the Department’s issuance of the permit. Accordingly, previously stricken provisions throughout the ordinance relating to such public hearings by the Board of County Commissioners upon written request remain, and conforming changes in renumbering are made.
- 5) Amend section 8 of the ordinance to provide that the new permitting timeline set forth therein shall take effect upon the full implementation and operational deployment by the Department of Regulatory and Economic Resources (RER) of the Gold Key software system specifically for the processing of Class I permit applications or on January 1, 2026, whichever date is earlier.

This committee amendment was in addition to the changes included in the substitute as described in the following substitute statement:

This substitute differs from the original item in that it revises the title to specify that public hearings are required where there are applicable exceptions to administrative approval provisions. The substitute also adds recital clauses relating to the purposes served by public hearings for certain environmental permit applications. Additionally, the substitute clarifies that natural limerock boulder riprap is required for the construction and repair of seawalls and bulkheads to the extent that it is required by the County's Comprehensive Development Master Plan. Lastly, the substitute revises requirements related to the County's processing of certain permit applications. Specifically, the County may request additional information from applicants for Class I seawall and bulkhead permits up to two more times after the initial request and must respond to each submission of additional information within 10 calendar days of receipt, unless the applicant waives this limitation on requests for information. Furthermore, within 90 calendar days after the Completeness Summary for a Class I seawall or bulkhead permit application is issued, the County is required to conduct all necessary assessments for the issuance of the permit and exercise its authority to issue permits on behalf of the Florida Department of Environmental Protection and the United States Army Corps of Engineers, when applicable.

Rules 5.06(h) and (i) of the Board's Rules of Procedure provide that where double underlining and double strike-through would not clearly show the differences between an original item and the substitute or amended item, comments may instead be provided. Pursuant to this rule, the preceding comprehensive description of the differences between the original item and the substitute and amended item is provided in lieu of double underlining and double strike-through for this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



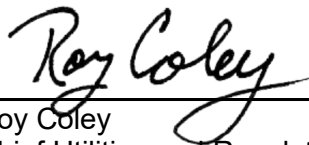
Date: July 1, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Amending Sections 24-48, 24-48.2, 24-48.3, 24-28.5, 24-48.9, 24-48.13, and 24-48.18 Related to Seawalls, Bulkheads, and Class Permit Application Requirements

Approval of this Ordinance is not anticipated to create a fiscal impact to Miami-Dade County. The proposed change would not require additional staffing resources or generate additional operational expenses covered by the existing permit revenue.

A handwritten signature in black ink, reading "Roy Coley".

Roy Coley
Chief Utilities and Regulatory Services Officer

Memorandum



Date: July 1, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Amending Sections 24-48, 24-48.2, 24-48.3, 24-28.5, 24-48.9, 24-48.13, and 24-48.18 Related to Seawalls, Bulkheads, and Class Permit Application Requirements

The proposed legislation amends County Code Sections 24-48, 24-48.2, 24-48.3, 24-28.5, 24-48.9, 24-48.13, and 24-48.18 related to seawalls, bulkheads, and Class Permit application requirements. While this ordinance generally seeks to provide social equity benefits by streamlining regulation and reducing permitting timeframes, it is important to note that the item provides short form permit eligibility for certain seawall and bulkhead work that may require federal and state permitting authorizations. Such permitting authorizations may be subject to varying permit processing times, as provided through the federal and state permitting processes. No further social equity benefit or burden can be determined at this time.



Roy Coley
Chief Utilities and Regulatory Services Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: July 1, 2025

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- _____ **"3-Day Rule" for committees applicable if raised**
- _____ **6 weeks required between first reading and public hearing**
- _____ **4 weeks notification to municipal officials required prior to public hearing**
- _____ **Decreases revenues or increases expenditures without balancing budget**
- _____ **Budget required**
- _____ **Statement of fiscal impact required**
- _____ **Statement of social equity required**
- _____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**
- _____ **No committee review**
- _____ **Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3) (h) or (4)(c) ____, CDMP 9 vote requirement per 2-116.1(4)(c) (2) ____)** to approve
- _____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor _____ Agenda Item No. 7(A)
Veto _____ 7-1-25
Override _____

ORDINANCE NO. 25-73

ORDINANCE RELATED TO ENVIRONMENTAL PROTECTION; AMENDING SECTIONS 24-48, 24-48.2, 24-48.3, 24-48.5, 24-48.9, 24-48.13, AND 24-48.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROVISIONS RELATED TO EXPEDITED ADMINISTRATIVE AUTHORIZATIONS TO AUTHORIZE THE PLACEMENT OF BIODIVERSITY ENHANCEMENT TILES ON AN EXISTING SEAWALL OR BULKHEAD, UNDER CERTAIN CIRCUMSTANCES AND PURSUANT TO CERTAIN CRITERIA; REVISING PROVISIONS RELATED TO ELIGIBILITY FOR SHORT FORM PERMITS, WITH RESPECT TO SEAWALLS AND BULKHEADS; REVISING REGULATIONS RELATED TO SEAWALLS AND RIPRAP BOULDERS; REVISING PROCEDURES RELATED TO SHORT FORM AND STANDARD FORM CLASS PERMITS; PROVIDING FOR ADMINISTRATIVE APPROVAL PROCESS FOR BOTH SHORT FORM AND STANDARD FORM CLASS PERMIT APPLICATIONS, WITH CERTAIN EXCEPTIONS WHERE PUBLIC HEARING IS REQUIRED; REVISING AND DELETING CERTAIN PROCEDURES WHICH CURRENTLY PROVIDE FOR SHORT FORM AND STANDARD FORM CLASS PERMIT APPLICATIONS TO BE HEARD AND DECIDED UPON BY THE BOARD OF COUNTY COMMISSIONERS; CREATING EXCEPTION FOR WORK RELATED TO SEAWALLS AND BULKHEADS FROM THE PERMIT APPLICATION REQUIREMENT TO OBTAIN A SUBSTANTIATING LETTER OR PLAN APPROVAL FROM THE APPLICABLE ZONING AUTHORITY; REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ENSURE THAT SEAWALL OR BULKHEAD PERMITS ARE PROCESSED EXPEDITIOUSLY AND REQUIRING REPORTS; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NOTIFY THE RESPECTIVE DISTRICT COMMISSIONER OF CERTAIN SEAWALL OR BULKHEAD PERMIT APPLICATIONS THAT REMAIN PENDING BEYOND SPECIFIED TIMEFRAMES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, seawalls are structures built along coastlines or shores which may protect land from erosion or flooding caused by waves and tides, and as such, seawalls may be of paramount importance to the resilience of Miami-Dade as a coastal county; and

WHEREAS, furthermore, seawalls may mitigate the risk of flooding during storms and high tides and may help protect coastal infrastructure such as roads, buildings, and utilities from damage caused by coastal erosion and flooding; and

WHEREAS, the threats posed by rising sea levels are anticipated to escalate over time, as recognized by the Unified Sea Level Projection referenced in Policy LU-13E of the County's Comprehensive Development Master Plan; and

WHEREAS, this projected sea level rise is anticipated to increase the frequency and severity of coastal flooding in Miami-Dade County; and

WHEREAS, Miami-Dade County is committed to promoting a resilient and environmentally sustainable future by identifying vulnerabilities, coordinating stakeholders, and facilitating innovative solutions; and

WHEREAS, properties with failing seawalls or lacking seawalls may be increasingly vulnerable to environmental threats, which may jeopardize lives or cause significant infrastructure damage and exorbitant repair costs; and

WHEREAS, chapter 24 of the Code of Miami-Dade County (the "Code") has various environmental permitting requirements for coastal construction, including for seawalls and bulkheads; and

WHEREAS, the County's current permit processing times for seawall permit applications do not reflect their critical importance to our community; and

WHEREAS, various constituents have reported that permit approval from the Division of Environmental Resources Management (DERM) for a new seawall or seawall replacement typically takes 18 to 24 months; and

WHEREAS, this permitting time may vary significantly based on project location, such as between rivers and open bays, as well as local site conditions, including the presence of seagrasses or corals, and these factors may contribute to extended permitting times; and

WHEREAS, such constituents have also reported that the typical permitting time for seawalls in other coastal counties in Florida is only three to six months; and

WHEREAS, this disparity highlights the need for a more efficient permitting process in Miami-Dade County; and

WHEREAS, former United States Secretary of the Department of Energy Jennifer Granholm has stated that, “[w]e need to streamline the permitting process so we can deploy clean energy solutions faster and more efficiently. Every day we delay is a day we lose in the fight against climate change;” and

WHEREAS, a reduction in seawall and bulkhead permit processing times would better reflect the urgent need for timely action to address the climate crisis; and

WHEREAS, as such, this ordinance includes strict directives to the County administration to put measures in place to reduce such seawall and bulkhead permitting times for County environmental permits; and

WHEREAS, the construction, repair, and replacement of seawalls and bulkheads may also require approvals from multiple other jurisdictions, including municipal building permits, state approvals, and U.S. Army Corps of Engineers approvals, and these other entities may wish to conduct a similar review of their timeframes and criteria related to seawalls and bulkheads; and

WHEREAS, in addition to faster permit processing, this Board wishes to create additional flexibility in certain County regulations applicable to seawalls and bulkheads; and

WHEREAS, specifically, under the current provisions of chapter 24 of the Code, if a new or reconstructed seawall or bulkhead is proposed to be located more than 18 inches waterward of the existing seawall, then such seawall or bulkhead permit application would be required to be processed as a “standard form” application and would need to be heard at a public hearing before the Board of County Commissioners; and

WHEREAS, this Board wishes to allow more seawall and bulkhead permits to be processed administratively, and this ordinance therefore provides that, “[i]n addition, such construction, repair, or replacement shall also be eligible for a short form permit where there are seawall/bulkhead primary support piles (such as king piles, T-piles, or other structural piles) that extend a total of no more than 14 inches waterward, provided that the reconstructed, repaired, or replaced seawall or bulkhead is in total no more than 18 inches waterward of the existing primary support piles;” and

WHEREAS in instances where the dimensions of a proposed seawall extend more than 18 inches waterward, the delegated authority granted to the County by the federal and state governments may no longer be applicable, thereby requiring the applicant to seek approvals through the federal and state permitting processes; and

WHEREAS in such cases where the proposed seawall dimensions exceed the County’s delegated permitting authority, the applicable jurisdictional agencies, such as the Florida Department of Environmental Protection (FDEP) and the United States Army Corps of Engineers, may be responsible for determining whether the proposed structure encroaches upon navigable waters, interferes with vessel access or operation, or otherwise impairs the ecological integrity of the waterway; and

WHEREAS, this additional flexibility may allow more types of permit proposals related to seawalls and bulkheads to be processed administratively, including under certain circumstances where king piles may be proposed to remain in place; and

WHEREAS, this regulatory flexibility may be particularly helpful to applicants where there may be engineering reasons for having older king piles remain in place; and

WHEREAS, County seawall and bulkhead permits typically require the placement of natural limerock boulder riprap (“riprap boulders”), and such riprap boulders may serve various environmental purposes, depending on the location and the scope of the project, for example, related to the absorption of wave energy, the reduction in turbidity, and the creation of habitat; and

WHEREAS, this ordinance would revise the evaluation factors in chapter 24 that are applicable to County seawall and bulkhead permit applications, to expressly allow for greater flexibility in considering alternatives to riprap boulders, to the extent that the permitting proposal would provide viable habitat for marine life creation, absorb wave energy and reduce turbidity, provide sufficient surface rugosity, and have a minimum 2:1 surface-area-to-linear-foot ratio; and

WHEREAS, this will provide greater flexibility for the permitting of innovative seawall and bulkhead designs or proposals to use substitute materials rather than riprap, provided that criteria specified in this ordinance are satisfied, and in accordance with Policy CM-3M of the Miami-Dade County Comprehensive Development Master Plan, as there may be scientists and companies developing innovations for seawall and bulkhead designs that may be environmentally sustainable, may better support natural coastal ecosystems, and may ultimately improve coastal resilience and water quality; and

WHEREAS, it is anticipated that at least some riprap boulders may be needed for such coastal construction, regardless of any proposed changes in this ordinance, because of provisions in the Miami-Dade County Comprehensive Development Master Plan, as well as various requirements from the State of Florida; and

WHEREAS, depending on the location, the State of Florida, whether through its regulatory processes or its proprietary authority as the owner of extensive submerged lands in Miami-Dade County, has required certain amounts of riprap boulders in connection with coastal construction, such as the construction of seawalls, and this ordinance would not alter or interfere with any such state requirements; and

WHEREAS, in addition, Policy CM-3M of the Miami-Dade County Comprehensive Development Master Plan provides that, “[b]ulkhead repair or construction shall include the placement of riprap except where placement would be a hazard to navigation or public safety, or would preclude continued public recreational uses. Alternatives to riprap, such as an area of wave-absorbing material built into a seawall, shall be evaluated for use in places where riprap is not practical or safe, and where boat wakes create hazards to navigation”; and

WHEREAS, while encouraging flexibility and innovation in seawall and bulkhead design is essential to promoting ecological resilience, it is equally important to ensure that any changes to coastal infrastructure are reviewed transparently and with appropriate opportunities for public participation; and

WHEREAS, public input is a vital part of the environmental permitting process for projects that may affect sensitive coastal ecosystems, and opportunities for public hearings help ensure transparency, community engagement, and the incorporation of local concerns into project review; and

WHEREAS, certain standard form permit applications, such as those that require variances under section 24-48.25, and permit modifications that involve substantial modifications to previously approved projects, require a public hearing before the Board of County Commissioners to allow for public notice and neighbor input; and

WHEREAS, these public hearings are publicly noticed and provide a platform for nearby property owners and other stakeholders to participate in decisions that may affect their community and local environmental conditions; and

WHEREAS, the Environmental Quality Control Board (EQCB), which may also conduct public hearings under certain circumstances, is composed of members with professional expertise in relevant fields such as environmental science, engineering, and land use planning, ensuring that technical knowledge informs decision-making on complex applications; and

WHEREAS, notices of EQCB meetings are publicly advertised in accordance with applicable legal requirements, ensuring transparency and affording the public an opportunity to participate in matters that may impact their communities and the local environment; and

WHEREAS, in addition to its role in reviewing certain variance requests, the EQCB also serves as a quasi-judicial body for a variety of regulatory matters under chapter 24 of the Code of Miami-Dade County, including appeals of actions or decisions made by the Director of DERM, extensions of compliance deadlines, and modifications to existing EQCB orders; and

WHEREAS, the ability of the EQCB to provide informed review, particularly in cases involving variances from environmental regulations, is a crucial safeguard that upholds the County's environmental standards while allowing for reasoned flexibility when appropriate; and

WHEREAS, as such, this Board wishes to adopt this ordinance related to environmental permitting of seawalls and bulkheads, with the goal of reducing permitting times and providing additional permitting flexibility related to seawalls and bulkheads in particular,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 24-48 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 24-48 - Permit required; expedited administrative authorizations; exceptions; work standards; compliance with work standards, suspension of permit.

* * *

- (4) The following activities shall not require a permit and shall be eligible to receive a written expedited administrative authorization, provided (i) the Department determines that the work meets one of the criteria set forth hereinbelow in subsections (a)—(g) and will not result in adverse environmental impacts, and (ii) unencapsulated polystyrene shall not be used or installed in connection with the work. The following items shall be required for departmental review: Site location and sketch of proposed work, full description of the work to be performed, all relevant information necessary to determine potential environmental impacts, as well as an administrative review fee. The Department will respond to the request with an approval, approval with conditions or denial within ten (10) business days from receipt of the required information. If the project is found to be ineligible for the expedited administrative authorization, the applicant may revise the request based on comments from the Department or the applicant may apply for a permit pursuant to Section 24-48.1. Expedited administrative authorizations are valid for a period of two (2) years unless otherwise noted.

- (a) Scientific, water quality, or geotechnical sampling or testing in tidal waters or wetlands.

* * *

- >>(h) The installation of marine enhancement tiles onto an existing seawall or bulkhead, provided that:
- (i) such tiles are not intended to serve any structural or load-bearing function,
 - (ii) the contractor includes shop drawings and specifications in the application,

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (iii) such installation does not impede the function of the existing seawall or bulkhead, and
- (iv) such installation does not cause the seawall or bulkhead to exceed the maximum waterward distance set forth in section 24-48.2(I)(A)(1).<<

* * *

Section 2. Section 24-48.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-48.2 - Permit application forms; procedures.

* * *

(I) *Short Form Permit Application:*

(A) *When permissible:* A short form permit application may be accepted by the Department for the following types of work:

- (1) The construction, repair, or replacement of seawalls or bulkheads, including the minimum filling or dredging necessary for installation, at the mean high water line or no more than 18 inches waterward of their existing location.
>>In addition, such construction, repair, or replacement shall also be eligible for a short form permit where there are seawall/bulkhead primary support piles (such as king piles, T-piles, or other structural piles) that extend a total of no more than 14 inches waterward, provided that the reconstructed, repaired, or replaced seawall or bulkhead is in total no more than 18 inches waterward of the existing primary support piles.<<

* * *

(B) *Application procedure (class I, class II, class III, class IV, class V, and class VI permits):*

- (1) The applicant or the applicant's agent shall submit to the Department an application in such form as prescribed by the Director, in accordance with the following[[:]] >>:<<

- (i) Written consent of an upland property owner who possesses riparian rights to the area of the proposed work shall be submitted with the application for a class I permit.

* * *

- (iii) A public hearing by the Board of County Commissioners shall be held for ~~[[a]]~~ >>any<< short form application >>that is not for work limited exclusively to seawalls and bulkheads,<< if a written request therefore is filed with the Department prior to the Department's issuance of the permit. The written request for public hearing before the Board of County Commissioners shall include in the written request the specific Department pending permit application number.

- (iv) If no such written request is filed, the Department shall approve and issue, deny or approve and issue subject to conditions, limitations, or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-48.3.

- (v) If a timely request is filed, the Board of County Commissioners shall approve, approve with conditions, limitations, or restrictions, or deny a permit for the proposed work after conducting said public hearing in accordance with the procedures set forth in paragraph (II)(C) below.

- (vi) A short form permit application shall include but not be limited to the following:

* * *

- (d) A substantiating letter or plan approval shall be submitted, as part of the permit application, from the applicable zoning authority.

1. Said substantiating letter shall state that the proposed usage of the property upon which the proposed work would occur does not violate any zoning law applicable to the area of the proposed work.
2. A substantiating letter or plan approval from the applicable zoning authority shall not be required for the following:

Applications by the Federal Government, the Florida Department of Transportation, the Florida Department of Environmental Protection, the South Florida Water Management District, or a municipality or the County within its own jurisdiction; applications by an electric or gas utility for work that consists of or substantially relates to the construction, repair, or inspection of electrical or gas transmission or distribution infrastructure, including cables, power lines, towers, pipes, poles, mains, pipes, utility tunnels, or the like; Class V projects; >>work limited exclusively to seawalls and bulkheads; << and work limited exclusively to the trimming, cutting or alteration of mangrove tree(s)>>. << It is provided, however, that this exception shall not be construed to excuse compliance with applicable zoning regulations.

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- (B) *Application procedure:* The applicant or the applicant's agent shall submit to the Department an application in such form as prescribed by the Director, in accordance with subparagraph (I)(B)(1)(i) and (ii) above. A standard form permit application shall include, but not be limited to, the following:

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(7) A substantiating letter or plan approval shall be submitted, as part of the permit application, from the applicable zoning authority, as required for a short form application, except as follows.

- (a) Applicants for class I permits shall have the option of submitting the above described substantiating letter or plan approval from the applicable zoning authority after obtaining approval from the Board of County Commissioners but prior to permit issuance;
- (b) A substantiating letter or plan approval from the applicable zoning authority shall not be required for: applications for class I or class IV permits by the State of Florida Department of Transportation, the Federal Government, the State of Florida Department of Environmental Protection, the South Florida Water Management District, or a municipality or the County within its own jurisdiction; applications by an electric or gas utility for work that consists of or substantially relates to the construction, repair, or inspection of electrical or gas transmission or distribution infrastructure, including cables, power lines, towers, pipes, poles, mains, pipes, utility tunnels, or the like; >>work limited exclusively to seawalls and bulkheads<< or work limited exclusively to the trimming, cutting or alteration of mangrove tree(s). It is provided, however, that this exception shall not be construed to excuse compliance with applicable zoning regulations.

* * *

(10) In addition, the following supplemental information may, at the discretion of the Department, be required to be submitted with a standard form permit application:

* * *

- (c) A covenant running with the land in favor of Miami-Dade County executed by the owner(s) of the property. ~~[[Said covenant shall be subject to the approval of]]~~ >>Covenants approved by<< the Board of County Commissioners ~~[[and]]~~ shall not be released or modified without the consent of the Board of County Commissioners. Said covenant shall restrict development or alteration of the property to a designated portion of the property and may include conditions for the environmental protection and environmental management of designated portions of the property.

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(C) *Obtaining approval from the Board of County Commissioners:*

- (1) >>The following standard form permit applications shall require approval by the Board of County Commissioners, after public hearing, pursuant to this section:
- (a) Modification of standard form permits which were previously approved by the Board of County Commissioners, if, in the opinion of the Director, the proposed modification or modifications will result in a substantial change to the project.
 - (b) Modification of covenants which were previously approved by the Board of County Commissioners; and
 - (c) Standard form permit applications that are associated with a request for a variance pursuant to section 24-48.25 where said request for variance requires a public hearing before the Board of County Commissioners.
 - (d) All other standard form permit applications shall be approved, approved with conditions, limitation, or restrictions, or denied by the Director.<<
- (2) >>When approval by the Board of County Commissioners is required, the<< ~~[[The]]~~ Director shall review the permit application for the proposed work and shall make a recommendation to the Board

of County Commissioners of approval, denial, or approval subject to conditions, limitations or restrictions for the proposed work. The Director's recommendation shall be based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code. The Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 shall hold a public hearing concerning the proposed work. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Miami-Dade County a minimum of seven (7) days prior to the public hearing. Said notice shall include a brief description of the proposed work and the location of the proposed work. A courtesy notice containing substantially the same information set forth in said published notice shall be mailed to those parties whose names appear on the application as the owners of all riparian or wetland property within three hundred (300) feet of the proposed work. Failure to mail or receive said courtesy notice shall not affect any action or proceeding taken thereunder. The Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 shall, after holding the public hearing, approve, deny, or approve subject to conditions, limitations or restrictions, the work proposed under the permit application based upon the applicable evaluation factors set forth in Section 24-48.3 of this Code.

>>(3)<<[(2)] If the Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 approves a permit application, the Department of Environmental Resources Management shall issue the permit subject to the conditions, limitations or restrictions required by the Community Zoning Appeals Boards or Board of County Commissioners. The Department of Environmental Resources Management, in its discretion, may require additional conditions, limitations and restrictions as part of the permit only if said additional conditions, limitations or restrictions are consistent with the action of the Board of County Commissioners or Community Zoning Appeals Board with respect to the permit.

>>(4)<<[[{(3)}]] At the request of a permit applicant, a conclusive list of permit conditions, limitations, and restrictions, which may not be amended or modified by the Department of Environmental Resources Management except as provided in Section 24-48.2(II)(C)(3)(b), below, shall be prepared prior to the public hearing and shall be submitted to the Board of County Commissioners or Community Zoning Appeals Board pursuant to Section 33-13 as part of the Director's recommendation of approval, provided that the permit application includes the following:

* * *

Section 3. Section 24-48.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-48.3 -Factors for evaluation of permit applications; incomplete permit applications.

- (1) >>Decisions by the Director and, where applicable, the Board of County Commissioners, including recommendations to the Board of County Commissioners by the Director,<< ~~[[The Department shall base its recommendation for approval, denial or approval subject to conditions, limitations, or restrictions, and the Board of County Commissioners shall make its decision]]~~ for approval, denial, or approval subject to conditions, limitations or restrictions, for any of the permits provided for under this article, >>shall be based<< upon the following evaluation factors, when applicable:

* * *

- >>(k) For new seawalls or bulkheads, or replacements or repairs to a seawall or bulkhead, where placement of natural limerock boulder riprap would otherwise be required pursuant to this chapter, substitute materials shall be approved where all of the following are satisfied: (i) the proposed seawall or bulkhead would provide viable habitat for marine life to support producers, primary consumers, and secondary consumers on and within the seawall or bulkhead, (ii) such substitute materials absorb wave energy and reduce turbidity, (iii) such substitute materials provide surface rugosity across 100 percent of

submerged surfaces below mean high water line, and (iv) the proposed seawall or bulkhead would have a minimum 2:1 surface-area-to-linear-foot ratio (doubling total surface area). Notwithstanding anything to the contrary in this paragraph, the placement of natural limerock boulder riprap shall still be required for seawall and bulkhead construction and repair, to the extent required by the Comprehensive Development Master Plan. In addition, to the extent that natural limerock boulder riprap is required pursuant to state or federal regulations or approvals, as may be applicable, such natural limerock boulder riprap shall also be required as part of a permit issued related to such seawall pursuant to this chapter. Any substitute materials selected must meet the structural specifications of the designs and plans submitted as part of the permit application. The installer shall provide an as-built drawing after installation, and no formal modification shall be required for a Class I permit where such as-built drawing is provided.<<

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Section 4. Section 24-48.5 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 24-48.5 -Permit issuance; waiver of bonding requirements.

- (1) Issuance of a Department permit does not relieve the applicant from obtaining all required federal, State and local permits.
- (2) Following approval of a standard form permit application by the Board of County Commissioners or after submitting a short form application >>or a standard form application that does not require approval by the Board of County Commissioners<<, a construction permit may be issued to the permit applicant and a contractor holding an applicable certificate of competency, provided:

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Section 5. Section 24-48.9 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 24-48.9 -Time of completion of work; extension of completion time and new permits for incomplete work.

- (1) All work authorized by a permit issued pursuant to this article shall be completed within the time periods set forth in the permit in accordance with the following schedule, unless another period of time is permitted as set forth in the resolution granting approval of the permit by the Board of County Commissioners:

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- (2) Extensions of time for completion of work being performed pursuant to a permit issued pursuant to this article may be granted by the Director or the Director's designee provided that:

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- (c) The Director or the Director's designee has determined that the applicant for the extension of time has affirmatively established by competent factual data and information in the application that:

* * *

- (iv) The applicant for the extension of time has agreed to any additional conditions, limitations or restrictions to the issued permit required by the Director or the Director's designee which are consistent with the approval of the Board of County Commissioners>>, if approved by the Board of County Commissioners,<< [[or, in the case of short form permits,]] >>and<< consistent with the original approval of the issued ~~[[short form]]~~ permit by the Director or the Director's designee. In the case of rock mining, such conditions, limitations, or restrictions shall not reduce the deep mining area and volume previously permitted.

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Section 6. Section 24-48.13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-48.13 -Suspension, revocation, modification, change of permit; notice.

- (1) If the Director or the Director's designee determines that the permittee or contractor is not performing the work in accordance with the provisions of the permit or the approved plans upon which the permit was issued, the Director or Director's designee may order suspension of the permit or the stopping of work until such time as the permittee or contractor has complied with the permit or plans. In such cases, the permittee or contractor shall take all necessary precautions to leave the work area in a safe and secure condition.
- (2) Modification(s) to a permit issued for work hereunder and any associated covenant running with the land shall be approved by the Department. >>For modification to a permit approved by the Board of County Commissioners, if<< [[H]], in the opinion of the Director, the proposed modification(s) will result in a substantial change to the project, said modification(s) shall be subject to a public hearing before the Board of County Commissioners.

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Section 7. Section 24-48.18 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 24-48.18 -Transfer of permits.

- (1) The Director, or the Director's designee, is hereby authorized and empowered to transfer, in whole or in part, short form and standard form class I, class II, class III, class IV, class V or class VI permits issued pursuant to this Article from the person (transferor) who has obtained the issued permit to another person (transferee) and shall transfer same, provided:

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- (2) The Director, or the Director's designee, is hereby authorized and empowered to transfer, in whole or in part, short form and >>standard<< class I, class II, class III, class IV, class V or class VI permit approvals>>, including, but not limited to, permits approved<< by the Board of County Commissioners from the person (transferor) who obtained the permit approval [[from the Board of County Commissioners]] to another person (transferee) and shall transfer same, provided:

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Section 8. This Board directs the County Mayor or County Mayor's designee to take immediate action to ensure that County Class I seawall or bulkhead permit applications are processed more expeditiously, consistent with the following goals: (a) providing an initial review, which includes providing an Online Payment Link, issuing a Completeness Summary of Class I seawall and bulkhead permit applications, and requesting additional information within 10 calendar days of application submission (the County may request additional information up to two more times after the initial request and must respond to each submission of additional information within 10 calendar days of receipt, unless the applicant waives this limitation on requests for information); (b) after the Completeness Summary for a Class I seawall or bulkhead permit application is issued, providing a final decision within 90 calendar days for short form applications, and within 30 calendar days for applications for permit modifications; and (c) within 90 calendar days after the Completeness Summary for a Class I seawall or bulkhead permit application is issued, the County is required to conduct all necessary assessments for the issuance of the permit and exercise its authority to issue permits on behalf of the Florida Department of Environmental Protection and the United States Army Corps of Engineers, when applicable. Any applicant may, in writing, voluntarily waive the foregoing time limits for processing its application. The new permitting timeline set forth herein shall take effect upon the full implementation and operational deployment by the Department of Regulatory and Economic Resources (RER) of the Gold Key software system specifically for the processing of Class I permit applications or January 1, 2026, whichever date is earlier.

Section 9. The County Mayor or County Mayor's designee shall provide regular updates to this Board as to compliance with these directives and timelines, as well as the number of seawall and bulkhead Class I permits that may be pending and of such pending permits, how many of such pending permits have been deemed complete. Such updates shall be provided to the

Board in the form of a brief written report every 90 days, beginning from the effective date of this resolution, and such report shall be placed on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure. If the County Mayor or County Mayor's designee finds that the processing of these types of permits is in compliance with the time limits required by this ordinance, then the reporting requirement shall sunset two years after the effective date of this ordinance.

Section 10. This Board directs the County Mayor or County Mayor's designee to notify the respective District Commissioner of any County Class I seawall or bulkhead permit application, which has been deemed complete and remains pending for more than 15 calendar days past the timeframes outlined above in section 8.

Section 11. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 12. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 13. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

July 1, 2025

Approved by County Attorney as
to form and legal sufficiency:

MAG for GBK

Prepared by:

CMR

Abbie Schwaderer-Raurell
Cristina M. Rabionet

Prime Sponsor: Eileen Higgins