

PLANNING AND DEVELOPMENT SERVICES

SUBSTANTIAL IMPROVEMENT/DAMAGE NOTICE (FEMA 50% RULE)

TO: Property Owners, Contractors, and Design Professionals

FROM: Sarasota County Floodplain Administrator

SUBJECT: Notice for Work on Existing Buildings in Flood Hazard Areas

Sarasota County's floodplain management regulations and codes specify that all new buildings to be constructed in flood hazard areas are required to have their Lowest Floors elevated to or above the minimum required elevation. The regulations also specify that **substantial improvements** of existing buildings (repairs, alterations, and additions) or buildings that have sustained **substantial damage** must be brought into full compliance with the flood design and construction requirements for new construction. Please note that a building may be substantially damaged by any cause, including fire, flood, high wind, land movement, or neglect. It is important to note that all costs to repair a substantially damaged building to its pre-damaged condition must be identified.

There are several aspects that must be addressed to achieve compliance with the floodplain management requirements. The requirements depend on several factors, including the flood hazard area at the property. The most significant compliance requirement is that the lowest floor, as defined in the regulations/code, must be elevated to or above the minimum required elevation. If you have any questions, please email them to floodplansreview@scgov.net.

Sarasota County Ordinance 2023-068 Section 54-513(b) defines these terms:

Lowest Floor means the lowest floor of the lowest enclosed area of a Building or Structure, including Basement, but excluding any unfinished flood-resistant Enclosure, other than a Basement, usable solely for parking of vehicles, Building access or, limited storage provided that such Enclosure is not built so as to render the Structure in Violation of the requirements of this Article or the Florida Building Code.

Market Value means the market value of Buildings and Structures, excluding the land and other improvements on the parcel. Market Value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, deferred maintenance, and quality of construction) established by a State of Florida certified appraiser, or the tax assessment value adjusted to approximate Market Value by a factor provided by the Sarasota County Property Appraiser. Any appraisal report prepared by an independent appraiser shall identify all intended users of report, including the Floodplain Administrator, and the intended use as ensuring compliance with this Article. The Floodplain Administrator shall use the higher of the actual cash value, if provided by applicant, or the adjusted tax assessment value.

Substantial Damage means damage of any origin sustained by a Structure whereby the cost of restoring the Structure to its before damaged condition would equal or exceed 50 percent of the Market Value of the Structure before the damage occurred.

Substantial Improvement means any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a Building or Structure, the cost of which equals or exceeds fifty percent of the Market Value of the Structure before the improvement or repair is started. This term includes Structures which have incurred Substantial Damage, regardless of the actual repair work performed. The term does not, include:

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- a. Any project for improvement of a Building or Structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the County and which are the minimum necessary to assure safe living conditions, or
- b. Any alteration of a Historic Structure provided that the alteration will not preclude the Structure's continued designation as a Historic Structure.

To make the substantial improvement or the substantial damage determination, Sarasota County staff will compare the cost of the proposed improvements or repairs to the depreciated market value of the building (see definition of "Market Value"). If the resulting ratio equals or exceeds 50 percent, the existing building must be brought into compliance with the floodplain management regulations for new buildings.

$$\frac{\text{Cost of Improvement or Cost to Repair to Pre-Damage Condition}}{\text{Market Value of Building}} \geq 50\%$$

Please note:

- The applicant must provide an estimate of the cost to perform the proposed improvements or repairs. If the building has been damaged, the cost estimate must include all work required to repair the building to its pre-damage condition. The cost estimate must include all labor and materials. If the work will be done by a contractor, the contractor's overhead and profit must be included. If the work will be done by the owner or volunteers, market rates must be used to estimate the cost of materials and the value of labor. Attached to this notice is a Cost Itemization Worksheet that lists the items that must be included. After this review of the cost estimate, Sarasota County staff may require that material and labor estimates be provided.
- The applicant must provide an appraisal report that provides the actual cash value (ACV) that is prepared by a licensed professional appraiser according to the standard practices of the profession. Sarasota County staff will review the appraisal to determine that it accurately describes your building and does not include the value of land, accessory buildings, landscaping, and other site improvements. Alternatively, staff will use the Sarasota County Property Appraiser's building value adjusted by a factor provided by the County Appraiser.
- In addition to submitting detailed construction plans, the applicant must complete the attached Substantial Improvement/Damage Worksheet, Cost Itemization Form, Owner's Affidavit (signed by owner, dated, and notarized), and Contractor's Affidavit (signed by contractor or agent, dated, and notarized).

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Date _____ Parcel ID Number _____ Permit Application Number _____

Property Address _____

Property Owner _____ Phone Number _____ Email _____

Contractor Name _____ Phone Number _____ Email _____

Description of Improvements/Repairs _____

Instructions: Fill out all the fields below. If the cost ratio is equal to or greater than 30 percent fill out the 2-page Cost Itemization Form. Note that the reviewer may require the cost itemization forms and quotes for material and labor if deemed necessary to make the Substantial Improvement/Damage determination. Fill out and have notarized the Owner and Contractor Affidavits.

Flood Zone: _____	Required Elevation: _____ NAVD	Year Built: _____
ACV Appraisal Attached? Yes ☐ No ☐	FEMA Elevation Cert Attached? Yes ☐ No ☐	

1. Present Market Value of building ONLY (depreciated value of building from ACV appraisal or adjusted assessed value, before start of improvement, or if damaged, before the damage occurred), not including land value:

\$ _____

2. Cost of Improvement and/or Repair, actual cost of the construction. See Cost Itemization Form for items that must be included (include volunteer labor and donated materials/supplies):

\$ _____

3. Ratio:

Cost of Improvement/Repair (line 2) ÷ Market Value (line 1) = _____ %

If the ratio in line 3 is 50 percent or greater the entire building must be elevated to the minimum elevation requirement and all other aspects brought into compliance with the Sarasota County floodplain management regulations.

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COST ITEMIZATION WORKSHEET FOR SUBSTANTIAL IMPROVEMENT/DAMAGE

The itemization worksheet below lists the items that must be included in the cost of improvement or repair. The term “costs of improvement” includes all costs directly associated with the alterations and/or additions to the building. The term “costs of repair” includes all costs of all work necessary to restore a damaged building to its pre-damaged condition. Both terms include the costs of all materials, labor, and other items necessary to perform the proposed work. Complete the itemization form by entering the estimated cost for materials, labor, profit and overhead in all the spaces in form that apply to proposed work. Costs of items not directly associated with the building such as outside improvements, detached accessory structures, pools, and permit fees can be excluded from the costs of improvement or repair.

Date _____ Parcel ID Number _____ Permit Application Number _____

Property Address _____

Item	Description	Cost
Site Preparation (e.g. foundation excavation)		\$
Demolition and Construction debris removal		\$
	Structural Elements and Exterior Finishes	
Foundations (e.g. footings, pilings, columns, posts, etc.)		\$
Monolithic and other types of concrete slabs		\$
Bearing and non-bearing walls exterior and interior		\$
Lintels, tie beams		\$
Joists, beams, subflooring, ceilings		\$
Attached decks and porches		\$
Exterior finishes (e.g. stucco, siding, painting, and trim)		\$
	Frame Lumber	
Truss package		\$
Hardware (e.g. connectors, straps, fasteners, nails, screws, etc.)		\$
Framing lumber		\$
Floor, wall, and roof sheathing		\$
Manufactured lumber		\$
Wall wrap/Vapor barrier		\$
	Windows and Doors	
Windows and sliding glass doors		\$
Exterior and interior doors		\$
Garage overhead doors and openers		\$
Shutters		\$
Skylights		\$
	Roofing	
Roofing underlayment (felt, self-adhered, synthetic)		\$
Roof cladding (e.g. shingle, metal, tile, membrane, etc.)		\$
Flashings, drip edge, fascia, soffit, gutters, down spouts, etc.		\$

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	Interior Finishes and Insulation	
Attic, wall, and floor insulation		\$
Drywall (walls and ceiling, textures)		\$
Flooring (e.g. wood, laminate, tile, stone, etc.)		\$
Finish carpentry (e.g. baseboard, casings, trim, wainscoting, etc.)		\$
Cabinetry and counter tops		\$
Wall tile		\$
Interior painting		\$
	Electrical	
Rough-in and trim-out		\$
Fixtures (e.g. lights, ceiling fans)		\$
Service Change		\$
	Plumbing	
Rough-in and trim-out		\$
Fixtures and accessories (e.g. showers, sinks, toilets, faucets, etc.)		\$
Fire suppression systems		\$
	Mechanical	
Rough-in and trim-out		\$
Equipment and accessories		\$
	Interior and Exterior Stairs	
Treads and risers		\$
Guardrails, handrails		\$
	Miscellaneous	
Aluminum screen lanais and porches under roof		\$
Bathroom accessories (e.g. mirrors, towel racks, shelving, etc.)		\$
Built-in appliances (e.g. dishwasher, microwave, central vacuum, etc.)		\$
Closet shelving and built-ins		\$
Exterior and interior door hardware		\$
Elevator		\$
Fireplace (flue, hearth, mantel, and surround)		\$
Kitchen accessories		\$
Low voltage electrical systems		\$
Other describe		\$
Other describe		\$
Other describe		\$
Other describe		\$
Line 1	Enter total	\$
Line 2	Enter Supervision, Overhead, Taxes, Profit	\$
Total estimate of cost	Add lines 1 and 2, enter sum in this line	\$

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CONTRACTOR'S AFFIDAVIT: SUBSTANTIAL IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE

Property Address: _____

Parcel ID Number: _____

Owner's Name: _____

Owner's Address/ Phone: _____

Contractor: _____

Contractor's License Number: _____

Date of Contractor's Estimate: _____

I hereby attest that I have personally inspected the building located at the above-referenced address and discussed the nature and extent of the work requested by the owner, including all improvements, rehabilitation, remodeling, repairs, additions, and any other form of improvement.

At the request of the owner, I have prepared a cost estimate for all of the improvement work requested by the owner and the cost estimate includes, at a minimum, the cost elements identified by Sarasota County that are appropriate for the nature of the work. If the work is repair of damage, I have prepared a cost estimate to repair the building to its pre-damage condition. I acknowledge that if, during the course of construction, the owner requests more work or modification of the work described in the application, that a revised cost estimate must be provided to Sarasota County, which will re-evaluate its comparison of the cost of work to the market value of the building to determine if the work is substantial improvement. Such re-evaluation may require revision of the permit and may subject the property to additional requirements.

I also understand that I am subject to enforcement action and/or fines if inspection of the property reveals that I have made or authorized repairs or improvements that were not included in the description of work and the cost estimate for that work that were the basis for issuance of a permit.

(Signature of Contractor/Agent)

STATE OF FLORIDA

(Printed Name)

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20_____, by _____,

☐ Personally known or ☐ Produced identification _____.
(type of identification produced)

Notary Name Printed: _____

Notary Signature: _____

Commission Number _____

(Notary Stamp)

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OWNER'S AFFIDAVIT: SUBSTANTIAL IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE

Property Address: _____

Parcel ID Number: _____

Owner's Name: _____

Owner's Address/ Phone: _____

Contractor: _____

Contractor's License Number: _____

Date of Contractor's Estimate: _____

I hereby attest that the description included in the permit application for the work on the existing building that is located at the property identified above is the complete scope of work that will be done, including all improvements, rehabilitation, remodeling, repairs, additions, and any other form of improvement.

I further attest that I requested the above-identified contractor to prepare a cost estimate for all of the work, including the contractor's overhead and profit. I acknowledge that if, during the course of construction, if scope of work is modified from the work described, that Sarasota County will re-evaluate its comparison of the cost of work to the market value of the building to determine if the work is substantial improvement. Such re-evaluation may require revision of the permit and may subject the property to additional requirements.

I also understand that I am subject to enforcement action and/or fines if inspection of the property reveals that I have made or authorized repairs or improvements that were not included in the description of work and the cost estimate for that work that were the basis for issuance of a permit.

(Signature of Owner)

STATE OF FLORIDA

(Printed Name)

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20_____, by _____,

☐ Personally known or ☐ Produced identification _____.
(type of identification produced)

Notary Name Printed: _____

Notary Signature: _____

Commission Number _____

(Notary Stamp)