STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In re:

EMERGENCY AUTHORIZATION FOR REPAIRS, REPLACEMENT, RESTORATION, AND CERTAIN OTHER MEASURES MADE NECESSARY BY THE OCTOBER 2026 NORTHEASTER EVENT

OGC NO. 26-2181

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EMERGENCY FINAL ORDER

Under Sections 120.569(2(n) and 252.46, Florida Statutes, the State of Florida Department of Environmental Protection (Department) enters this Emergency Final Order (Order), including Findings of Fact and Conclusions of Law, in response to the imminent and immediate danger to the public health, safety, and welfare of the citizens of the State of Florida posed by the October 2026 Northeaster Event (hereinafter "the Storm").

FINDINGS OF FACT

1. The October 2026 Northeaster Event was a prolonged coastal storm system that impacted the Florida Atlantic. The system developed mid-October 2026, through a cold front (Oct 17-20) that pushed down the east coast while a high-pressure system was in the interior / Midwest creating a multi-day Nor'easter in North Carolina and the Mid Atlantic. On October 21, 2026, the low pressure strengthened and evolved into subtropical storm Josephine south of Cape Cod before moving out to sea. The remnants and energy from this system interacted with an expanding high-pressure system over the eastern U.S. and coupled with a strong low-pressure system over the Bahamas, created a pressure gradient that affected Florida's east coast for the week of October 24-29. This resulted in persistent northeast winds gusting to gale force and large ocean swells

between 10 feet to as high as 19.4 feet measured at offshore buoys. These extreme weather and marine conditions coincided with the highest annual astronomical tides (colloquially referred to as “King Tides” in the media) to cause severe beach and dune erosion and historic coastal flooding along the eastern coast of Florida. This triggered unprecedented coastal devastation and severe tidal flooding. The storm waves and tides caused major to moderate beach and dune erosion from Jacksonville Beach south through Miami Beach. Impacts also include damage to walkovers, decks, pools, beach access points, and undermining of beachfront structures. This storm system as it relates to Florida impacts is named the October 2026 Northeaster Event. Accordingly, this Order shall apply to an area hereafter referred to as the "Emergency Area,” which consists of the following counties: Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade.

2. The Department finds that the effects of the Storm created a state of emergency threatening the public health, safety, welfare, and property throughout the Emergency Area. As a result of the emergency, immediate action by Florida's citizens and government may be necessary to protect coastal structures and homes damaged by the Storm.

3. The Department finds that an emergency authorization is required to address the need for immediate action because the normal procedures for obtaining the necessary authorizations would not result in sufficiently timely action to address the emergency.

4. The Department finds that immediate, strict compliance with the provisions of the statutes, rules, or orders noted within this Order would prevent, hinder, or delay

necessary action to cope with the emergency, and that the actions authorized under this Order are narrowly tailored to address the immediate need for action and are procedurally appropriate under the circumstances.

CONCLUSIONS OF LAW

1. Based on the findings recited above, it is hereby concluded that the emergency caused by the Storm poses an immediate danger to the public health, safety, or welfare and requires an immediate order of the Department.

2. Under Sections 120.569(2)(n) and 252.46, Florida Statutes, the Secretary or designee of the Department is authorized to issue this Order.

3. Suspending rules as noted within this Order, is required so as not to prevent, hinder, or delay action necessary to cope with the emergency.

THEREFORE, IT IS ORDERED*:*

A. Coastal Construction Control Line ("CCCL") Activities

This section applies to activities conducted within the Emergency Area seaward of the CCCL as established by Chapter 62B-26, F.A.C. Emergency Permits may be issued by the Office of Resilience and Coastal Protection, pursuant to Rule 62B-33.014, F.A.C. A list of activities seaward of the CCCL that are exempt from CCCL permitting requirements is contained in Rule 62B-33.004, F.A.C., and Section 161.053(11), F.S. The Office of Resilience and Coastal Protection has developed a Public Information Handout to provide property owners with a concise explanation of activities that are authorized seaward of the CCCL in this Order. To obtain a copy, please visit the Coastal Construction Control Line Emergency Permits website at

https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permitting. You may also contact the Office of Resilience and Coastal Protection directly by email at CCCL@FloridaDEP.gov, by mail at 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-3000, or by phone at 850-245-8570.

This Order constitutes the declaration of a shoreline emergency and activates emergency protection and permitting procedures established in Section 161.085 (3), F.S., and in subsection 62B-33.0051(5), F.A.C., and Rule 62B-33.014, F.A.C.

In addition to emergency protective measures that can be conducted under the above referenced statutes and rules, this Order authorizes both the protection, repair, or replacement of public infrastructure and a local government's ability to issue certain coastal construction permits in lieu of Department CCCL permits, subject to the conditions and limitations of this Order. Activities that extend onto state-owned lands of Florida seaward of the mean high-water line or an Erosion Control Line that would typically require a permit pursuant to Sections 161.041 and/or 161.055, F.S., i.e., regulated under the Joint Coastal Permit program (JCP), are not authorized under this subsection. JCP activities are addressed separately in subsection B of this Order.

a. Activities Undertaken by Local Governments, the Department of Environmental Protection, the Florida Department of Transportation, and Utility Companies

The Department waives Rules 62B-33.005 and 62B-33.0051, F.A.C., to the extent that the following activities may be undertaken by local governments, agencies of the State of Florida, and utility companies to protect, repair, or replace structures and property without

notice to the Department or water management district, subject to the limitations below. Work performed under this Order must be completed within 60 days of the expiration date of this Order.

(1) Removal of Storm-generated debris. Prior to removing the debris and to the greatest extent possible, beach compatible sand should be separated from the debris and kept on-site. To prevent debris from becoming buried, all Storm-generated debris shall be removed to an appropriate upland disposal site landward of the CCCL prior to conducting any fill activities.

(2) The repair or replacement of the following public facilities: utilities, roads, beach access ramps, and dune walkover structures (see guidelines for construction of dune walkovers at https://floridadep.gov/rcp/coastal-construction-control-line/documents/beach-and-dune-walkover-guidelines).

(3) Return of sand to the beach and dune system that has been deposited upland by the Storm, and restoration of a dune system using beach compatible sand from an upland source. The material shall not cover any Storm-generated debris or construction debris. All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/documents/sand-specifications-hurricane-recovery. No sand may be obtained from the beach, near shore, or below the mean high- water line seaward of the CCCL without specific written authorization from the Department.

b. Activities Requiring Local Authorization

Local governments are authorized to issue permits in lieu of Department permits to private and public property owners for the activities listed below in addition to the temporary protective measures described in Section 161.085 (3), F.S., and Rule 62B-33.0051, F.A.C. Local governments shall notify the Department in writing within three (3) working days of permits issued under this section. The notification must be submitted to the Department by email to CCCL@FloridaDEP.gov. Work authorized by the local government must be completed within 60 days of issuance of the local government permit or within 60 days of the expiration date of this Order, whichever deadline occurs first.

(1) Repair or replacement of minor ancillary structures (such as stairs, landings, and HVAC platforms) and service utilities that are associated with the existing habitable structure. The repair of minor ancillary structures or service utilities shall not exceed the size of the original structure or service utility damaged or destroyed by the Storm. Repair of surviving beach/dune walkovers is authorized provided the structure is substantially intact and the repair adjusts the seaward terminus of the walkover to a more landward location to accommodate changes in the shoreline topography and native salt-resistant vegetation patterns. Viewing platforms as part of the walkovers may not be constructed on or seaward of the surviving or post-Storm rebuilt dune system or sandy beach.

(2) Permanent repair of foundations for buildings that have not been substantially damaged.

(3) The replacement or repair of caps and anchoring systems (or tiebacks) for seawalls or bulkheads.

(4) Restoration of a dune system damaged by the Storm using beach compatible sand from an upland source. All fill material shall be sand that is similar to the pre-Storm beach sand in both coloration and grain size and be free of debris, rocks, clay, organic matter, or other foreign matter and shall meet the specifications set forth by the Department for the location that the fill is being placed. Such specifications are available at https://floridadep.gov/rcp/coastal-construction-control-line/content/coastal-construction-control-line-emergency-permitting. No sand may be obtained from the beach, near shore, or below mean-high water seaward of the CCCL without specific written authorization from the Department.

(5) Return of sand to the beach dune system which has been deposited upland by the Storm. The recovered sand shall be free of debris and other foreign matter and shall not cover any Storm-generated debris or construction debris.

B. Joint Coastal Permit Activities

This subsection applies to certain activities along the natural sandy beaches of the Atlantic Ocean, Gulf of America or Straits of Florida that extend onto sovereignty lands of Florida, seaward of the mean high water line and are likely to have a material physical effect on the coastal system or natural beach and inlet processes, i.e., activities that are regulated under the JCP program, pursuant to Sections 161.041 and/or 161.055, F.S. The Department waives Rules 62B-41.005 and 62B-41.0055, F.A.C., to the extent necessary so that:

a. In lieu of a normal JCP for activities summarized above, federal, state, or local governments may apply to the Office of Resilience and Coastal Protection, Beaches, Inlets and Ports Program for emergency authorizations to alleviate hazardous conditions

resulting from the Storm that pose an immediate danger to life or limb, including sudden and unpredictable hazards to navigation. Applications for emergency authorizations shall meet the following criteria:

(1) The application must be received by the Department during the duration of this Order;

(2) The hazardous conditions are a result of the Storm identified in this Order and did not exist prior to the Storm;

(3) The proposed measures are limited to the minimum amount necessary to alleviate the hazardous conditions by temporarily stabilizing the structure or clearing the channel, until a JCP can be processed to address the long-term repair;

(4) Fill material shall not extend seaward of the mean high water line that existed immediately before the Storm;

(5) Navigational dredging shall not exceed channel depths, widths or alignment that existed immediately before the Storm;

(6) Reconstruction of non-water-dependent structures on sovereign submerged lands unless authorized in a current sovereign submerged lands lease issued by the Department is prohibited;

(7) Fill may only be placed seaward of the mean high water line to temporarily stabilize an upland structure if that structure is in danger of imminent collapse and was located behind the primary dune line prior to the Storm. The amount of fill allowed is the minimum necessary for the stabilization of the structure;

(8) The placement of fill may only extend the mean high water line seaward of the current (post-Storm) location if the applicant provides proof that the riparian owner(s)

has obtained a disclaimer under Rule 18-21.019, F.A.C., (from the Department's Division of State Lands) for the proposed project site, a memorandum from the Department's Division of State Lands acknowledging the Storm-related occurrence of avulsion for the proposed project site, or documentation from the Department that a valid erosion control line has been established at the fill site;

(9) Any fill material placed on the beach shall meet the criteria for beach-quality sand in paragraph 62B-41.007(2)(j), F.A.C.;

(10) The proposed measures shall not cause water quality violations outside of the mixing zone, established pursuant to Rule 62-4.244, F.A.C.; and

(11) The proposed measures shall not adversely affect hardbottom or coral reef communities, seagrass communities or functional marine turtle nesting habitat that existed before the Storm and shall not contribute to erosion of adjacent properties.

b. Emergency authorizations shall expire 90 days after issuance unless a written request for an extension of the expiration date is received and granted by the Department before this Order's expiration date. Any request for extension of an emergency authorization issued under this subsection must contain a reasonable schedule for when repair, restoration, or reconstruction will commence and ultimately conclude.

c. Application fees and noticing requirements shall be waived for projects that are eligible for this emergency authorization.

C. GENERAL PROVISIONS

1. General Limitations

The Department issues this Order solely to address the emergency created by the Storm. This Order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this Order. Under no circumstances shall anything contained in this Order be construed to authorize the repair, replacement, or reconstruction of any type of unauthorized or illegal structure, habitable or otherwise. This Order does not convey any property rights or any rights or privileges other than those specified in this Order.

2. Suspension of Statutes and Rules

Within the Emergency Area, the requirements and effects of statutes and rules which conflict with the provisions of this Order are suspended only to the extent necessary to implement this Order.

3. Other Authorizations Required

This Order only provides relief from the specific regulatory and proprietary requirements addressed herein for the duration of the Order and does not provide relief from the requirements of other federal, state, water management district or local agencies. This Order therefore does not negate the need for the property owner or a permit holder to obtain any other required permits or authorizations, nor from the need to comply with all the requirements of other government agencies. This Order does not provide relief from any of the requirements of Chapter 471, F.S., regarding professional engineering. Activities subject to federal consistency review that are emergency actions necessary for the repair of immediate, demonstrable threats to public health or safety are

consistent with the Florida Coastal Management Program if conducted in strict conformance with this Order.

4. Expiration Date

This Emergency Final Order shall take effect immediately upon execution by the Secretary of the Department, or designee, and shall expire on December 29, 2026, unless modified or extended by further order.

5. Violation of Conditions of Emergency Final Order

Failure to comply with any condition set forth in this Order shall constitute a violation of a Department Final Order under Chapters 161, 253, 258, 373, 376, and 403, F.S., and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

NOTICE OF RIGHTS

Pursuant to Section 120.569(2)(n), F.S., any party adversely affected by this Order has the right to seek an injunction of this Order in circuit court or judicial review of it under Section 120.68, F.S. Judicial review must be sought by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel by mail at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the Clerk of the Department.

DONE AND ORDERED on this 30th day of October 2026, in Tallahassee, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Alexis Lambert, Secretary
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

FILED on this date, pursuant to §120.52 Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

Lea Crandall Digitally signed by Lea Crandall Date: 2026.10.30 15:13:29 -04'00'

CLERK

October 30, 2026
DATE