

Substantial Improvement/Substantial Damage Detailed Construction Cost Breakdown Itemization Package

Last revised: 9/13/24

<https://www.leegov.com/dcd/flood/building/improvements>

Lee County
Southwest Florida

FEMA 50% Rule

This rule is only applicable to structures located in a flood zone.

What is the FEMA 50% Rule?

Structures that do not meet the current flood requirements for the flood zone that they are located in are subject to the 50% rule.

This rule limits the improvements or repairs on buildings to 50% of the *Market Value* before the entire structure is required to be brought into full compliance with current flood regulations. If the value of a repair or improvement is more than 50% of the market value, the structure is considered *Substantially Damaged* or *Substantially Improved*.

If a structure is *Substantially Damaged* or *Substantially Improved* it must be brought into compliance with current flood regulations including potentially elevating the building.

If your home or business is in the Special Flood Hazard Area (SFHA) and is not flood compliant (i.e. structure and mechanical equipment is below Freeboard*), Unincorporated Lee County has flood damage prevention regulations that may affect how you remodel, renovate, or add on to your building. *Freeboard is FEMA BFE + 1 foot. (examples of mechanical equipment: HVAC, hot water heater, electrical panel, etc.)

If your proposed project is too close to the 50% threshold to determine if work is considered to be “Substantial Improvement” or “Substantial Damage”, then you will be asked to submit a detailed cost estimate (aka detailed cost breakdown) for the addition, remodeling, reconstruction, repair of the structure. This detailed cost breakdown must be prepared and signed by either a contractor or by the owner (if owner is acting as contractor).

The contractor must sign an affidavit indicating that the cost estimate submitted includes ALL damages or ALL improvements to your structure. See details on next few pages.

If the owner is acting as the contractor (aka "owner/builder"), the owner is responsible for submitting the cost estimate and providing documentation (including subcontractor bids) to document the cost estimate. See details on next few pages.

The following pages contain:

- * Contractor’s Affidavit
- * Property Owner’s Affidavit
- * Cost Estimate of Reconstruction/Improvement
- * Full Scope of Work
- * List of items to be included (for informational purposes only)
- * List of items to be excluded (for informational purposes only)

ITEMS REQUIRED FROM APPLICANT FOR STAFF TO EVALUATE: ALL PAGES MUST BE SUBMITTED TOGETHER AS ONE DOCUMENT

1. **Contractor’s Affidavit** - signed, notarized and dated (only to be completed by a licensed contractor pulling the building permit).
2. **Property Owner’s Affidavit** - signed, notarized and dated only to be completed if owner is acting as contractor (aka "owner/builder"). Information including, but not limited to: Owner is taking responsibility of permit and work, must be on-site at all times supervising, can hire construction subcontractors to work under their supervision but those contracted employees must be licensed. For more information on liability information and what it means to be an "owner/builder", refer to this document <https://www.leegov.com/dcd/PermittingDocs/OwnerBldrDisclosure.pdf>
3. **Cost Estimate of Reconstruction/Improvement** - ALL costs for ALL improvements/repairs necessary to restore damaged structures to their before-damage condition must be listed. The County must require the applicant to provide an estimate of the entire cost to fully restore the structure. Cost backup must be provided for **every line item entry**. Supporting/cost back up documents examples: receipts, quotes, cost estimates, bids. **Pictures are encouraged**
4. **Copy of Sub-Contractor Bids** (if applicable) – the bids should include labor costs as well as material costs. Cost backup must be provided for **every line item entry**. Supporting/cost back up document examples: receipts, quotes, cost estimates, bids.
5. **Elevation Certificate** - (ONLY if owner is attempting to prove that the structure is already compliant. Please contact staff before purchasing a new elevation certificate). If structure is currently compliant, the 50% rule does not apply.

SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE



**CONTRACTOR'S
SUBSTANTIAL DAMAGE OR
SUBSTANTIAL IMPROVEMENT AFFIDAVIT**

Property Address: _____

Contractor's Name: _____

Contractor's Company Name: _____

Contractor's Address: _____

Contractor's Phone Number: _____

Contractor's State Registration or Certification Number: _____

Contractor's Registration Number (if applicable): _____

I hereby attest to the fact that I, or a member of my staff, personally inspected the above-mentioned property and produced the attached itemized list of repairs, reconstruction and/or remodeling which are hereby submitted for a Substantial Damage or Substantial Improvement review by Lee County Staff. The list of work contains ALL OF THE WORK TO BE CONDUCTED or HAS BEEN CONDUCTED on the subject property. Neither I, nor any other contractor, will make any repairs or reconstruction of additions or remodeling not included in the attached list. I UNDERSTAND THAT I AM SUBJECT TO ENFORCEMENT ACTION, WHICH MAY INCLUDE FINES, IF ANY INSPECTION OF THE PROPERTY REVEALS THAT REPAIRS OR IMPROVEMENTS HAVE BEEN MADE AND ARE NOT INCLUDED ON THE ATTACHED LIST OF REPAIRS OR THE APPROVED BUILDING PLANS.

See attached itemized list.

Pursuant to Section 117.05(13)(a), Florida Statutes, the following notarial certificates is sufficient for an acknowledgment in a representative capacity.

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online

notarization this ____ day of _____, 20____ by _____
(Contractor Name) (Contractor Signature)

as _____
(type of authority, e.g. officer, trustee, attorney in fact)

for _____
(name of party on behalf of whom instrument was executed)

Notary Seal

Signature of Notary Public-State of Florida

Personally Known ___ OR Produced Identification ___

Name of Notary Typed, Printed or Stamped

Type of Identification Produced _____

Initials: _____

Date: _____



SUBSTANTIAL IMPROVEMENT OR SUBSTANTIAL DAMAGE

**PROPERTY OWNER'S
SUBSTANTIAL DAMAGE OR
SUBSTANTIAL IMPROVEMENT AFFIDAVIT**

Property Address: _____

Property Owner's Name: _____

Property Owner's Phone Number: _____

PROPERTY OWNER

I hereby attest to the fact that I (acting as contractor) personally produced the attached itemized list of repairs, reconstruction and/or remodeling which are hereby submitted for a Substantial Damage or Substantial Improvement Review by Lee County Staff. These damages/improvements are ALL OF THE DAMAGES/IMPROVEMENTS sustained to or proposed for this structure, and that all additions, improvements or repairs proposed on the subject building are included in this estimate. Neither I, nor any other contractor, will make any repairs or reconstruction of additions or remodeling not included in the attached list.

I UNDERSTAND THAT I AM SUBJECT TO ENFORCEMENT ACTION, WHICH MAY INCLUDE FINES, IF ANY INSPECTION OF THE PROPERTY REVEALS THAT I HAVE MADE REPAIRS OR IMPROVEMENTS NOT INCLUDED ON THE ATTACHED LIST OF REPAIRS OR THE APPROVED BUILDING PLANS.

See attached itemized list.

Pursuant to Section 117.05(13)(a), Florida Statutes, the following notarial certificate is sufficient for an acknowledgment in a representative capacity.

STATE OF FLORIDA

COUNTY OF _____

The foregoing instrument was acknowledged before me by means of physical presence or online

notarization this ____ day of _____, 20____ by _____
(Property Owner Name) (Property Owner Signature)

as _____ for _____
(type of authority, e.g. officer, trustee, attorney in fact) (name of party on behalf of whom instrument was executed)

Notary Seal

Signature of Notary Public-State of Florida

Personally Known ___ OR Produced Identification ___

Name of Notary Typed, Printed or Stamped

Type of Identification Produced _____

Initials: _____

Date: _____

Substantial Improvement / Substantial Damage Cost Estimate of Reconstruction-Repair-Improvement-Renovation

Permit Number: _____ Date: _____

Address: _____

Prepared by:	
<input type="checkbox"/>	Owner acting as contractor
<input type="checkbox"/>	Contractor

- A. Subcontractor bids may be used for any item of material and/or labor cost breakdown.
- B. If any amounts appear in the "Sub-contractor" column, a copy of each signed and dated bid must accompany this form.
- C. Cost backup must be provided for **every line item entry**. Supporting document examples: receipts, quotes, cost estimates, bids.
- D. This cost estimate must be prepared and signed by the contractor or by the owner (if the owner acts as the contractor - aka "owner/builder").
- E. Labor costs must be estimated at the current market value for local or regional construction industry wage scales for any work performed. The most current data from U.S. Bureau of Labor Statistics – Occupational Employment and Wages in Cape Coral-Ft. Myers should be used as a guideline for compliance – excluding Helper wages. (www.bls.gov/regions/southeast/news-release/occupationalemploymentandwages_capecoral.htm or https://www.bls.gov/oes/current/oes_15980.htm)
- F. Line item 29 is for other/misc. costs (e.g. skylights, guardrails, generator, garage doors). Must add a separate detailed cost sheet.
- G. Damage repairs: **ALL** costs for all repairs necessary to fully restore damaged structure to the "before-damage" condition must be listed.
- H. Elective repairs: all costs for all proposed improvements, additions, renovations must be listed.

	Sub-Contractor Bids	Contractor or Owner Estimates			
	Bid Amounts (see notes A, B and C)	Material Costs	Hours of labor	Hourly rate <small>(See section E. above)</small>	Total labor costs
1. Masonry					
2. Carpentry					
3. Roofing					
4. Trusses					
5. Exterior Finish (i.e. Stucco, siding)					
6. Lumber Finish					
7. Hardware					
8. Drywall					
9. Insulation and Weatherstrip					
10. Built-in cabinets (kitchen, utility, bathroom)					
11. Floor Covering					
12. Plumbing					
13. Shower / Tub / Toilet					
14. Electric (interior)					
15. Electric (exterior) i.e. riser or meter for mobile homes					
16. Built-in appliances (dishwasher, stove)					
17. Built-in furniture (bookcases)					
18. HVAC/duct work					
19. Paint					
20. Demolition & Removal of demo material					
21. Solar panels and equipment					
22. Light fixtures and ceiling fans					
23. Concrete					
24. Doors					
25. Windows					
26. Shutters					
27. Fire Suppression system					
28. Overhead & Profit					
29.					
Subtotals					
Total Estimated Cost (all three subtotals together)					

Printed name of contractor or owner (if the owner acts as the contractor): _____

Signature: _____

Initials: _____

Date: _____

**SUBSTANTIAL IMPROVEMENT
OR SUBSTANTIAL DAMAGE**

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ITEMS TO BE INCLUDED CHECKLIST – ALSO SERVING AS COMPLETE SCOPE OF WORK

Please check the line items that apply and include total count.

Additional lines are available at the end to write in any items not listed.

Applicable?	Location/Count	Component
		Structurally Attached decks
		Bathroom cabinets
		Bathroom fixtures
		Bathroom tiling
		Bearing walls
		Built-in bookcases, cabinets and furniture
		Built-in kitchen appliances (e.g. dishwasher)
		Carpentry
		Ceiling fans
		Ceilings
		Central vacuum systems
		Concrete (i.e. foundation, flooring)
		Countertops
		Demolition (Labor and other costs associated with demolishing, removing or altering building components)
		Doors (exterior)
		Doors (interior)
		Drywall
		Duct work for HVAC
		Electrical (exterior)
		Electrical (interior)
		Exterior wall finishes (e.g. brick, stucco or siding) including painting and decorative moldings
		Fire suppression system
		Flooring - - Tiling - Linoleum - Stone - Carpet over sub-flooring - Other
		Hardware (doorknobs, drawer pulls, handles, etc.)
		HVAC air handler
		HVAC condenser unit
		Insulation/weatherstrip

Initials: _____

Date: _____

**SUBSTANTIAL IMPROVEMENT
OR SUBSTANTIAL DAMAGE**

Items to be
EXCLUDED

Indoor improvements that are EXCLUDED:

- Plans and Specifications
- Cost to temporarily stabilize a building
- Survey costs
- Permit fees
- Debris removal (e.g., removal of debris from building or lot, dumpster rental, transport fees to landfill and landfill tipping fees)
- Clean-up (e.g., dirt and mud removal, building dry out, etc.)
- Plug-in appliances (such as washers, dryers and stoves)
- Items not considered real property such as:
 - Throw rugs
 - Carpeting and recarpeting installed over finished flooring such as wood or tiling
 - Furniture (that is not built-in)
 - Refrigerators
 - Appliances that are not built-in, etc. (i.e., a free-standing microwave on the counter is not considered "built-in")

Outside improvements that are EXCLUDED:

- Landscaping
- Irrigation
- Sidewalks
- Fences
- Yard Lights
- Swimming Pool/Spa
- Screened Pool Enclosures
- Sheds
- Gazebos
- Detached Structures (Including detached garages)
- Landscape Irrigation Systems
- Docks and Davits
- Seawalls
- Driveways
- Decks (not structurally attached)

Initials: _____

Date: _____