

Frequently Asked Questions about the Non-Conversion Agreement

Q1: I have a building permit Condition that requires me to submit a Non-Conversion Agreement. What does this mean?

A: The Non-Conversion Agreement is for use in the flood hazard area, including flood zones VE, AE, AH and A for either new construction, substantial improvement (including substantial damage), alteration, or repair of the following: (1) Enclosures below elevated buildings, (2) Crawl/Underfloor spaces that are more than 5 feet in height, (3) Detached accessory structures that are not elevated and are larger than 120 square feet in area (*this means it is a Flood Design Class 1 structure with flood openings*).

Q2: What code requires the Non-Conversion Agreement?

The Non-Conversion Agreement was codified as a requirement in the Floodplain Management Ordinance 2019-01, available here: <https://www.colliercountyfl.gov/home/showdocument?id=84899>

Q3: What if I don't want to sign the Non-Conversion Agreement?

A: If possible, you can: (1) change the design of your structure to no longer require an agreement, (2) remove the structure from the flood hazard area through the Letter of Map Change Process, or (3) elevate the detached accessory structure to meet the required elevation for Flood Design Class 2 per ASCE 24.

Q4: Who can sign the Non-Conversion Agreement

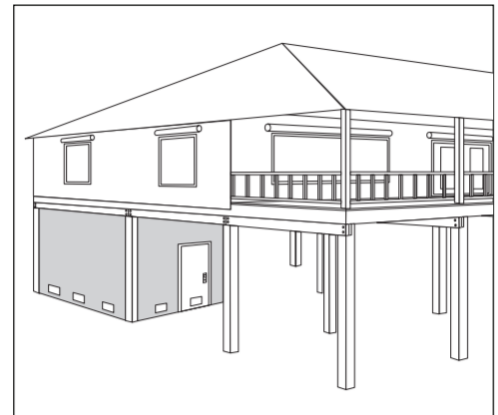
A: The property owner must sign the Non-Conversion Agreement. A trustee may sign for a trust as the "Trustee for said trust."

Q5: Why do I need to record the Non-Conversion Agreement?

A: The Non-Conversion Agreement provides public awareness about construction design requirements for current and future property owners. This reduces the potential for un-authorized construction activity with the goal to help protect life and property. The Non-Conversion Agreement is recognized as a FEMA and State of Florida best management practice.

Q6: How do I record the Non-Conversion Agreement?

A: The Non-Conversion Agreement is recorded with the Collier County Clerk of Courts. This can be done in person or online. For more information on how to e-record, visit the Clerk's website and review this SOP: [eRecording Presentation, August 22, 2013](#)



An example of an enclosure with flood openings. www.fema.gov

Q7: How do I submit the recorded Non-Conversion Agreement to the County?

A: An original recorded agreement is not required by the County; a copy of the recorded agreement is sufficient. Applicants can submit the Non-Conversion Agreement to the county as follows:

1. Delivered to the Floodplain Management Section at 2800 N. Horseshoe Dr. Naples, FL
2. Submitted through the GMD Public Portal for E-permits
3. Emailed to the Floodplain Management Section at BuildingFloodDocs@colliercountyfl.gov

Q8: What should I do when my permit for my structure was issued in the flood hazard area, but I intend apply for a Letter of Map Change for the structure or property?

A: In this situation, you can provide the LOMC case number on the under construction or finished construction elevation certificate and staff will remove the requirement for the Non-Conversion Agreement.

Q9: What if I permit my shed with flood openings but do not install them (or confirm I did not need to install them) because the finished floor is elevated above the base flood elevation?

A: The Non-Conversion Agreement will not be required if the finished construction elevation certificate confirms the finished floor elevation is above the base flood elevation, regardless of whether the flood openings were installed or not.

Q10: How do I know the County has received and processed the Non-Conversion Agreement I submitted?

A: The Condition will be "Resolved" on the CityView Portal.

Collier County Declaration of Land Restriction

Non-Conversion Agreement

This form is for use in Flood Zones VE, AE, AH and A for either new construction, substantial improvement, alteration, or repair of the following: (1) Enclosures below elevated buildings, (2) Crawl/Underfloor spaces that are more than 5 feet in height, (3) Detached accessory structures that are not elevated and are larger than 120 square feet in area (footprint).

This DECLARATION made this _____ day of _____, 20____ by _____ ("Owner") having an address at: _____

WITNESSETH:

WHEREAS, the Owner is the record owner of that real property legally described as follows:

in Collier County, designated in the Tax Records as parcel number _____, and being that same property acquired by the Owner by deed dated _____, _____, and recorded in the public records of Collier County, Florida in Book No. _____ and Page No. _____.

WHEREAS, the Owner has applied for a permit to construct a structure on that property and:

- (1) It is identified by Permit Number _____ ("Permit");
- (2) It is located in a flood hazard area identified on Flood Insurance Rate Map Panel # _____, dated _____;
- (3) It is located in Flood Zone _____ Base Flood Elevation: _____
Seaward of LIMWA or community-defined Coastal A Zone limit: Yes No
Seaward of CCCL: Yes No
- (4) It is designed to conform to the requirements of the Collier County Floodplain Management Ordinance referred herein as "Regulations," of Collier County, Florida and the *Florida Building Code*, if applicable; and
- (5) If unauthorized improvements, modifications, alterations, conversions or repairs are made to it in the future, the structure could be made noncompliant by such unauthorized actions, including such actions by future owners.

WHEREAS, the Owner agrees to record this DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) in the public records of Collier County, Florida and certifies, accepts, and declares that the following covenants, conditions, and restrictions are placed on the affected property as a condition of granting the Permit, and affects rights and obligations of the Owner and any future owners, and shall be binding on current Owner, his heirs, personal representatives, successors, and assigns.

THE PERMITTED STRUCTURE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE *FLORIDA BUILDING CODE*, OR LOCAL FLOODPLAIN MANAGEMENT REGULATIONS, AS APPLICABLE, AND IS SUBJECT TO CONDITIONS as follows:

1. The structure or part thereof to which these conditions apply is:
 - An enclosure that is below an elevated building
 - A crawl/underfloor space enclosed by perimeter walls and is more than 5 feet in height
 - A detached accessory structure that is not elevated and is larger than 120 square feet in area (footprint)
2. The structure or part thereof identified in #1 shall be used solely for parking of vehicles, storage, or access to an elevated building, as applicable.
3. If required by the *Florida Building Code* or local Regulations, as applicable, the walls of the structure or part thereof identified in #1 shall be equipped with flood openings. The flood openings shall not be blocked, covered, manually closed or modified in any way that would alter the intended performance to allow floodwaters to automatically enter and exit.
4. If required by the *Florida Building Code* or local Regulations, as applicable, the walls of the structure or part thereof identified in #1 shall be designed to break away. The breakaway walls shall not be altered in any way that prevents the walls from breaking away, as designed, under flood conditions.
5. As required by the *Florida Building Code* or local Regulations, as applicable, building materials used below the elevation required by the *Florida Building Code*, shall be flood damage-resistant materials.
6. Any conversion, alteration, modification, improvement, repair, or change in use of the structure or part thereof identified in #1:
 - a. Shall not occur without the issuance of a permit by the Collier County Building Plan Review and Inspection Division – Floodplain Management Section, or any successor division; and
 - b. Depending on the nature of work, such permit may require full compliance with the *Florida Building Code*.

7. Any repair, conversion, alteration, modification, improvement, repair, or change in use of the structure or part thereof identified in #1 or any other unpermitted variation beyond what is explicitly authorized by permit or floodplain management approval document may constitute a violation of the Permit, local Regulations, and the *Florida Building Code* and shall be subject to enforcement action to correct such violation.

8. Other conditions:

WARNINGS

Unauthorized conversion, alteration, modification, improvement, repair, or change in use of the permitted structure or part there of identified in #1 may render the structure uninsurable by the National Flood Insurance Program or increase the cost for flood insurance commensurate with the increased risk.

Unauthorized conversion of an enclosure below the lowest floor of an elevated building for uses other than permitted uses, or the unauthorized conversion of an accessory structure for uses other than permitted uses, exposes occupants to increased risk of death and injury. The local jurisdiction issuing the Permit shall not be held liable for any increase in damage or injury to occupants.

SIGN ONLY IN THE PRESENCE OF A NOTARY:

Owner's Signature / Date _____ Printed Name _____

(Additional) Owner's Signature / Date _____ Printed Name _____

State of _____ County of _____

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this _____ day of _____, 20____, by (printed name of owner or qualifier) _____

Such person(s) Notary Public must check applicable box:

- Are personally known to me
- Has produced a current drivers license _____
- Has produced _____ as identification.

Notary Signature: _____

Must Comply with Notarial Law
Notary Seal