



Client Alert: Florida Department of Environmental Protection Initiates Rulemaking to Update its Rules for Coastal Construction Permits

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August 20, 2025 - The Florida Department of Environmental Protection (FDEP) has begun updating several of its rules and procedures for the issuance of Coastal Construction and Excavation Permits. While the proposed changes cover several areas, we want to highlight one in particular concerning glass balcony tinting, which has been excerpted and copied below:

(13) Special conditions relative to the nature, timing, and sequence of construction shall be placed on permitted activities when necessary to protect marine turtles and their nests and nesting habitat. In marine turtle nesting areas, all forms of lighting shall be shielded, and utilize long wavelength light sources only (e.g. 560 nanometers (nm) or longer and absent wavelengths below 560 nm) with all lamps recessed within well shielded, full cut-off fixtures or otherwise designed so as not to disturb marine turtles. Tinted glass or similar light control measures shall be used for windows and doors which are visible from the nesting areas of the beach. Tinted glass shall be 45 percent or less inside to outside light transmittance on all non-opaque doors, walls, and windows. Glass balcony and deck railings shall be tinted to allow 45 percent or less light transmittance when necessary to reduce visible lighting from the sea turtle nesting habitat. The Department shall suspend any permitted construction when the permittee has not provided the required protection for marine turtles and their nests and nesting habitat.

It remains unclear what standards FDEP will apply to determine when tinting is considered “necessary,” however. We will actively monitor this rulemaking process to keep you informed about the status of the rule, opportunities for public participation, and any deadlines to challenge the final proposed rule, should that be necessary. If you have questions, please email us at info@llw-law.com, or reach out to [Robert Angus Williams](#), [Christopher A. Perrigan](#), [Katherine L. Hupp](#) or [Allan J. Charles](#).