

# **FLORIDA COASTAL MANAGEMENT PROGRAM GUIDE**

**A GUIDE TO THE FEDERALLY APPROVED  
FLORIDA COASTAL MANGEMENT PROGRAM**

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## **I. INTRODUCTION**

This guide is intended to provide the reader with a description of the Florida Coastal Management Program (FCMP). The goal of the FCMP is to promote the effective protection and use of the land and water resources of the coastal zone. FCMP's website can be accessed by clicking on the following URL: <http://www.dep.state.fl.us/cmp/default.htm>.

## II. The Coastal Zone Management Act

The coastal zone in our nation is rich in a variety of natural, commercial, recreational, ecological, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the United States. By the late 1960s, more than half of our nation's population had located near the coasts. User groups competed for access to coastal resources, and conflicts increased dramatically. Recreational fisherman competed with commercial fishermen. Resorts and residential developments limited the access previously enjoyed by local residents. Declining coastal water quality led to closings of shellfish beds and swimming beaches. Commercial and recreational fisheries declined. Valuable coastal resources, which are essential to the well-being of American citizens, were being irretrievably damaged or lost. The effective management, beneficial use, protection, and development of the coastal zone became a matter of national interest.

In 1972, the U.S. Congress passed the federal Coastal Zone Management Act (CZMA)<sup>1</sup> to address the increasing conflict between protection and use of our nation's coastal zone. The legislation encouraged nation's coastal states, coastal United States territories, and states bordering the Great Lakes (collectively referred to as the "coastal states" or "states") to develop and implement federally-approved coastal management programs (CMPs) with comprehensive management plans based on that state's unique coastal characteristics. The management programs were to assist states to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values, as well as the need for compatible economic development. The program was to be a comprehensive statement, in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of the CZMA. It sets forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone. The CZMA<sup>2</sup> requires the state CMPs to describe:

- The boundaries of the state's coastal zone.<sup>3</sup>
- The coastal land or water uses and natural resources that have a direct and significant impact on the coastal waters.<sup>4</sup>
- Geographic areas of particular concern.<sup>5</sup>
- The authorities and enforceable policies of the CMP.<sup>6</sup>
- Guidelines on priorities of uses.<sup>7</sup>
- The organizational structure for implementing the CMP, including the responsibilities and interrelationships of local, area wide, state, regional, and interstate agencies in the management process.<sup>8</sup>
- Shorefront access and protection planning. This includes access to other public coastal areas of environmental, recreational, historical, esthetic, ecological, or cultural value.<sup>9</sup>

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<sup>1</sup> CZMA § 302 – 319 (also referred to as 16 U.S.C. § 1451 *et seq.*)

<sup>2</sup> CZMA § 306(d)(2) and (9) (also referred to as 16 U.S.C. § 1455(d)(2) and (9))

<sup>3</sup> 15 U.S.C. § 923, Subpart D

<sup>4</sup> 15 U.S.C. § 923, Subpart B

<sup>5</sup> 15 U.S.C. § 923, Subpart C

<sup>6</sup> 15 U.S.C. § 923, Subpart E

<sup>7</sup> 15 U.S.C. § 923, Subpart C

<sup>8</sup> 15 U.S.C. § 923, Subpart F and G

<sup>9</sup> 15 U.S.C. § 923, Subpart C

- New energy facility planning.<sup>10</sup>
- Shoreline erosion/mitigation planning.<sup>11</sup>

Once a state develops a CMP approved by the U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA), that state becomes eligible for annual implementation funds. The state is also given the authority by Congress to review certain federal activities that have reasonably foreseeable effects on any land use<sup>12</sup> or water use<sup>13</sup> or natural resource in its coastal zone to make sure that the federal actions are consistent with the enforceable policies of the state's federally-approved CMP. This authority is referred to as “federal consistency.” Some examples of “coastal land or water uses” include such activities as public access, recreation, fishing, historic or cultural preservation, development, energy infrastructure and use, hazards management, marinas, floodplain management, scenic and aesthetic enjoyment, and resource creation or restoration.

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<sup>10</sup> 15 U.S.C. § 923, Subpart C

<sup>11</sup> 15 U.S.C. § 923, Subpart C

<sup>12</sup> The term “land use” means activities which are conducted in, or on the shore lands within, the coastal zone.

<sup>13</sup> The term “water use” means a use, activity, or project conducted in or on waters within the coastal zone.

### III. The Florida Coastal Management Program

In 1978, the Florida Legislature adopted the Florida Coastal Management Act, codified as Chapter 380, F.S. Part II (a copy of the statute is included in the appendix of this book and can be accessed by clicking on the following link: [Chapter 380, F.S., Part II, Coastal Planning and Management](#)). This legislation authorized the development of the Florida Coastal Management Program (FCMP) and its submittal to the federal government.

In 1981, the FCMP was approved by the Secretary of the U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA). The Department of Environmental Protection (DEP) is designated as the lead agency for the FCMP pursuant to the CZMA<sup>14</sup>. DEP's Office of Intergovernmental Programs, is charged with overseeing the state's coastal management program and handles the following FCMP activities:

- Compiles and submits the federal applications for receiving funds pursuant to the CZMA.
- Adopts rule procedures and criteria for the evaluation of Coastal Partnership Initiative (CPI) and state agency subgrant applications for funds allotted to the state under the CZMA.
- Administers the Coastal and Estuarine Land Conservation Program (CELCP), a federally-funded land acquisition program.
- Conducts the CZMA Section 309 assessment and strategies for coastal resource issues.
- Administers the Beach Access Sign Program, the Beach Warning Flag Program, and the Rip Current Awareness Program.
- Prepares routine program updates to incorporate annual statutory changes.
- Maintains informational materials and procedural guidelines.
- Provides education and outreach materials.
- Assists with coordinating the Federal Consistency review process.
- Conducts training workshops for those entities involved in the federal consistency process.
- Provides, to the extent practicable, financial, technical, research, and legal assistance to effectuate the purposes of the Florida Coastal Management Act.

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<sup>14</sup> CZMA § 306(c) (also referred to as 16 U.S.C. § 306(c))

## **PROGRAM BOUNDARIES**

The CZMA<sup>15</sup> requires a state CMP to identify the boundary of its coastal zone, which includes the area of land and water from the territorial limits seaward to the most inland extent of marine influences. Following is a description of the seaward and interstate boundaries for the state of Florida:

- **Seaward Boundaries** – The CZMA<sup>16</sup> defines the seaward extent of a state’s coastal zone as “to the outer limit of state title and ownership under the Submerged Land Act<sup>17</sup> ....” Under the Submerged Lands Act, Florida’s title and ownership extends three miles into the Atlantic Ocean and, in accordance with United States vs. Louisiana, et.al., 364 U.S. 502 (1960), three marine leagues (approximately nine miles) into the Gulf of Mexico.
- **Interstate Boundaries** - The western lateral boundary of the FCMP is defined by the adjudicated boundary between Florida and Alabama. The coastal zone boundary in Alabama is the continuous 10-foot contour in Mobile and Baldwin counties. The northern lateral boundary of the state coastal program is the adjudicated boundary between Florida and Alabama as well as between Florida and Georgia. The coastal zone boundary in Georgia is an area averaging about 20 miles inland within portions of six coastal counties. Each state, with the development of its own coastal management program, has consulted with one another to ensure compatibility between each state’s respective boundary designations.

Based upon the geography of Florida and the legal basis for the state program, the entire state of Florida is included within the coastal zone. Geographically, Florida has low land elevation, a generally high water table, and an extensive coastline with many rivers emptying into coastal waters. Few places in Florida are more than seventy miles from either the Atlantic Ocean or the Gulf of Mexico. The result is an interrelationship between the land and coastal waters, which makes it difficult to establish a boundary that would exclude inland areas. Because of this interrelationship, the state boundaries include the entire area encompassed by the state's 67 counties and its territorial seas. The only exceptions are lands the federal government owns, leases, holds in trust, or whose use is otherwise by law subject to the sole discretion of the federal government, its officers or agents. Lands held by the Seminole and Miccosukee Indian Tribes are also exempted.

**Note:** For planning and developing coordinated projects and initiatives relating to coastal resource protection and management and for completing federal consistency reviews of federally-licensed and permitted activities<sup>18</sup>, only the geographical area encompassed by the 35 Florida coastal counties and the adjoining territorial sea is utilized.

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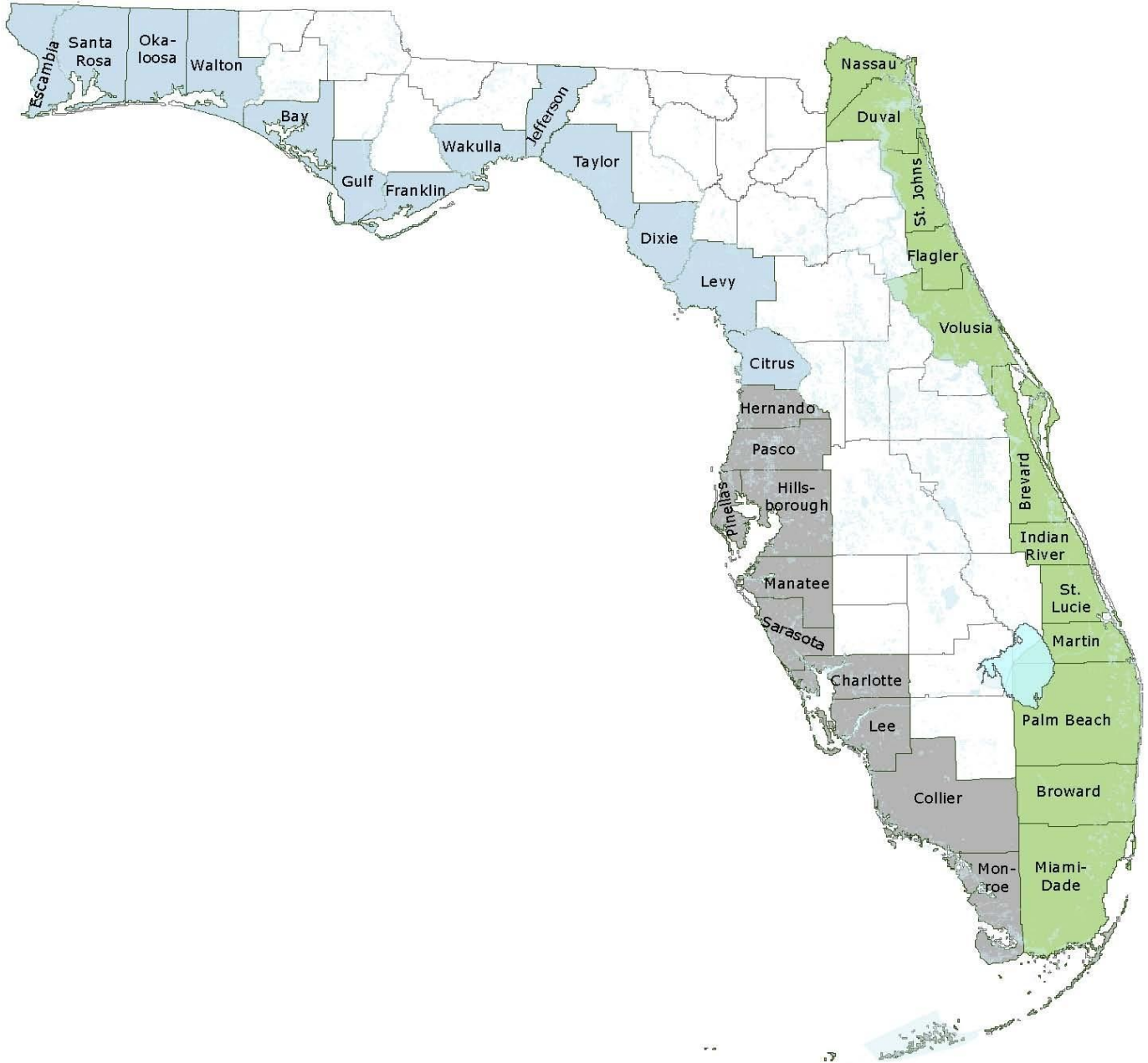
<sup>15</sup> CZMA § 306(d)(2)(A) (also referred to as 16 U.S.C. § 1455(d)(2)(A))

<sup>16</sup> CZMA § 304(1) (also referred to as 16 U.S.C. § 1453(1))

<sup>17</sup> 43 U.S.C. 1301 *et seq.*

<sup>18</sup> Section 380.23(3)(c), F.S.

Following is a map showing the 35 coastal counties:





## **FEDERAL CONSISTENCY**

“Federal Consistency” is the requirement that Federal actions that affect any land or water use or natural resource of a state’s coastal zone must be consistent with the enforceable policies<sup>19</sup> of the state. The FCMP federal consistency process consists of a network of 24 Florida Statutes (i.e., enforceable policies) administered by DEP and a group of partner agencies responsible for implementing the statutes. Federal consistency reviews are integrated into other review processes conducted by the state depending on the type of federal action being proposed. This framework allows the state to make integrated, balanced decisions that ensure the wise use and protection of the state’s water, property, cultural, historic, and biological resources; protect public health; minimize the state’s vulnerability to coastal hazards; ensure orderly, managed growth; protect the state’s transportation system; and sustain a vital economy.

Consistency is based on effects rather than geographic boundaries so that there are no categorical exclusions from the consistency requirement. This means that any federal activity or federally-funded activity that will have an effect on a state's coastal zone will be subject to a consistency review unless specifically exempted by federal law. Effects are determined by looking at reasonably foreseeable direct and indirect effects on any coastal use or resource.

The state of Florida has authority to review for federal consistency the following four types of federal actions:

- Federal agency activities – activities and development projects performed by a federal agency, or a contractor for the benefit of a federal agency.
- Federal license or permit activities – activities performed by a non-federal entity requiring federal permits, licenses, or other form of federal authorization.
- Outer Continental Shelf (OCS) activities – The Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEM) approvals for OCS plans, pursuant to the OCS Lands Act for offshore minerals exploration or development.
- Federal assistance to state and local governments.

The CZMA requires federal agency activities (i.e., “direct” agency activities) to be fully consistent with a state’s CMP, unless full consistency is prohibited by federal law. Federal license, permit, and funding decisions (i.e., “indirect” agency activities) must be fully consistent with the state’s approved coastal management program.

The federal consistency review process is one of the states' most powerful tools in protecting its coastal assets as it allows the state to review any federal action within or outside of its coastal zone that affects any land use, water use, or natural resource, in its coastal zone.

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<sup>19</sup> The term “enforceable policy” means state policies that are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions used by a state to exert control over private and public natural resources, land uses, and water uses in the coastal zone, which are incorporated in a management program approved by NOAA.

## **1) The Organization of the Management Program**

The DEP is the state's chief environmental regulatory agency for air and water quality, water resource management, waste management, beach management and springs protection. In coordination with the state's Water Management Districts (WMDs) and the Department of Agriculture and Consumer Services, DEP is the lead water policy agency. DEP manages state-owned lands, sovereignty submerged lands, trails, parks and preserves, including two million acres of coastal aquatic preserves and three national estuarine research reserves.

The following DEP programs conduct the state's federal consistency reviews:

### **a) The Office of Intergovernmental Programs, Florida State Clearinghouse**

The Florida State Clearinghouse coordinates federal consistency reviews of proposed federal activities, requests for federal funds, and applications for all federal licenses and permits that do not require an analogous state permit.

### **b) The Division of Water Resource Management, District Offices**

The District Offices coordinate federal consistency reviews of environmental resource permits (ERPs) for activities requiring an analogous federal license or permit.

### **c) The Division of Water Resource Management, Bureau of Beaches and Coastal Systems (BBCS)**

The BBCS coordinates consistency reviews of ERPs for activities requiring an analogous federal license or permit that affect existing coastal conditions or natural shore and inlet process.

### **d) The Office of Intergovernmental Programs, Offshore Projects Unit**

The Offshore Projects Unit coordinates consistency reviews of direct federal activities and federal license and permit activities that are proposed in the offshore Outer Continental Shelf (OCS) waters.

## 2) Partner Agencies

DEP and the following partner agencies are charged with implementing the statutes and rules included in the FCMP and are authorized to review and comment on the consistency of proposed federal actions with the enforceable policies contained in the FCMP. If a state agency determines that a proposed federal activity is inconsistent, the agency must explain the reason for the objection, identify the enforceable policies that the activity conflicts with, and identify any alternatives that would make the project consistent. DEP, as lead agency for the FCMP, issues the formal state response to the appropriate party.

The following agencies are charged with the implementation of the Florida Statutes that are included in the FCMP as enforceable policies:

- Florida Department of Agriculture and Consumer Affairs (DACS) manages state forests for multiple public uses through: wildfire prevention and management; water resource management; hydrologic restoration; development of best management practices for water quality and water conservation; and implementation of Total Maximum Daily Load requirements for agriculture. DACS regulates aquaculture facilities and shellfish processing plants; opens and closes shellfish harvesting waters to protect human health; restores oyster reefs to maximize productivity; issues leases of sovereignty submerged lands for aquaculture; monitors shellfish meat for red tide cells and brevetoxins; and manages an on-line real-time water quality monitoring program in shellfish harvesting areas. DACS also provides technical assistance, certification and training to approximately 300 mosquito control programs and regulates the use of pesticides to protect public health.
- Florida Department of Community Affairs (DCA) is the state land planning agency responsible for guiding Florida's growth. DCA oversees compliance with requirements for local government comprehensive planning, Developments of Regional Impact, and development in Areas of Critical State Concern. DCA assists local governments in hazard mitigation planning, post disaster redevelopment planning and other initiatives to increase emergency preparedness and to mitigate the short and long-term effects of hazard events. The special needs of coastal communities are being addressed by the Waterfronts Florida Program, marina facility siting strategies and other initiatives. DCA also implements the Florida Building Code and administers numerous community assistance and grant programs, including Front Porch Florida and the Florida Communities Trust land acquisition program under Florida Forever.
- Florida Department of Health (DOH), Division of Environmental Health regulates drinking water, on-site sewage disposal systems, monitors beach water for bacterial indicators and aquatic toxins, particularly harmful algal blooms, and administers many surveillance, investigation and preventative programs designed to reduce illness and prevent disease caused by exposure to environmental factors. In consultation with DEP and FWCC, DOH determines if environmental chemicals are present in fish from Florida waters and issues fish consumption advisories as needed.

- Florida Department of State (DOS), Division of Historical Resources, protects state historical and archaeological resources, including the regulation of treasure salvage in the oceans adjacent to Florida and the development of a system of underwater archaeological preserves. The Division of Historical Resources also created the Florida Maritime Heritage Trail, linking coastal communities, forts, lighthouses, historic ports and historic shipwrecks.
- Florida Department of Transportation (DOT) develops and maintains the state's transportation system. In consultation with state agencies and the Florida Coastal Management Program, the DOT developed an early coordination process for transportation project planning, known as Efficient Transportation Decision Making, which integrates federal consistency reviews with other project planning, development and evaluation processes.
- Florida Division of Emergency Management (DEM) ensures that Florida is prepared to respond to emergencies caused by a wide variety of threats, recover from disasters, mitigate disaster impacts, and reduce or eliminate long-term risk to human life and property. DEM Administers programs to help to rebuild lives and communities, including the Public Assistance and Individual Assistance Programs, the Hazard Mitigation Grant Program, the Flood Mitigation Assistance Program and the National Flood Insurance Program.
- Florida Fish and Wildlife Conservation Commission (FWCC) protects and manages fresh and saltwater fisheries, marine mammals, birds, and upland game and non-game animals, including endangered species. FWCC's Fish and Wildlife Research Institute (FWRI) is the state's principle biological research entity. FWRI monitors changes in water quality and levels of contaminants in Florida's fresh and marine waters, including levels of mercury in fish; monitors and tracks harmful algal bloom events; and conducts the Inshore Marine Monitoring and Assessment Program, which is an EPA-funded initiative to assess the coastal marine waters of Florida using a set of key ecological indicators as part of a larger nationwide coastal assessment.
- The Office of Tourism, Trade & Economic Development (OTTED) in the Executive Office of the Governor formulates policies and strategies designed to provide economic opportunities for all Floridians and to advocate for economic diversification and improvements in Florida's business climate and infrastructure. Economic development programs are implemented through public/private partnerships and focus on rural development; military and defense retention and expansion; international trade; emerging technology; incentive programs; and community development.

- The regional Water Management Districts (WMDs), which are organized along watershed lines, are responsible for the comprehensive planning, management and development of water resources for consumptive uses and water resource preservation. The state's WMDs, in partnership with the DEP, regulate activities in wetlands and other waters of the state. Pursuant to Sections 380.23 and 373.428, F.S., the WMDs are responsible for conducting federal consistency reviews as part of permit reviews in coastal counties under Section 373 part IV, F.S. The WMDs are:
  - a) St. Johns River Water Management District (SJRWMD)
  - b) Southwest Florida Water Management District (SWFWMD)
  - c) Suwannee River Water Management District (SRWMD)
  - d) South Florida Water Management District (SFWMD)
  - e) Northwest Florida Water Management District (NFWWMD)

### 3) Enforceable Policies

Following is a list of the enforceable policies (statutory authorities) incorporated in the federally-approved FCMP. An expanded version of the enforceable policies, which identifies by section and title the specific statute sections included in the program as enforceable policies, is included in the appendix of this book and can be accessed by clicking on the following link: [FCMP Enforceable Policies](#).

- Chapter 161 Beach and Shore Preservation
- Chapter 163, Part II Intergovernmental Programs: Growth Policy; County and Municipal Planning; Land Development Regulation  
*Enforceable policy includes only Sections 163.3164; .3177(6)(a), (10)(h&l), & (11)(a&c); .3178(1) & (2)(d-j); .3180(2)(a-c), (5)(a&c), (6), & (8); .3194(1)(a); .3202(2)(a-h); and .3220(2)&(3).*
- Chapter 186 State and Regional Planning
- Chapter 252 Emergency Management
- Chapter 253 State Lands  
*Not approved as enforceable policy: Section 253.61(1)(d).*
- Chapter 258 State Parks and Preserves
- Chapter 259 Land Acquisitions for Conservation or Recreation
- Chapter 260 Florida Greenways and Trails Act
- Chapter 267 Historical Resources
- Chapter 288 Commercial Development and Capital Improvements  
*Not approved as enforceable policy: Section 288.853.*
- Chapter 334 Transportation Administration
- Chapter 339 Transportation Finance and Planning
- Chapter 373 Water Resources
- Chapter 375 Outdoor Recreation and Conservation Lands
- Chapter 376 Pollutant Discharge Prevention and Removal
- Chapter 377 Energy Resources  
*Not approved as enforceable policy: Sections 377.06, .24(9), and .242(1)(a)5.*
- Chapter 379 Fish and Wildlife Conservation  
*Not approved as enforceable policy: Sections 379.2251 and .362.*
- Chapter 380 Land and Water Management  
*Not approved as enforceable policy: Section 380.23(3)(d).*
- Chapter 381 Public Health: General Provisions  
*Enforceable policy includes only Sections 381.001, .0011, .0012, .006, 0061, .0065, .0066, and .0067.*
- Chapter 388 Mosquito Control
- Chapter 403 Environmental Control  
*Not approved as enforceable policy: Section 403.7125(2) and (3).*
- Chapter 553 Building and Construction Standards  
*Enforceable policy includes only Sections 553.73 and .79.*
- Chapter 582 Soil and Water Conservation
- Chapter 597 Aquaculture

#### 4) Types of Federal Actions Reviewed

The state of Florida's final consistency decision is based, in part, on the partner agencies' consistency findings. DEP, with assistance from partner agencies, reviews the following federal actions to ensure that all activities having reasonably foreseeable coastal effects are consistent with the enforceable policies of the federally-approved FCMP.

##### a) Federal Agency Activities

A federal agency activity is any federal agency function performed in the exercise of its statutory responsibilities by a federal agency or by a contractor on behalf of a federal agency other than those activities which pertain to the issuance of a federal license or permit or the granting of federal assistance. A federal agency activity does not include the issuance of a federal license or permit to an applicant or person.

Review of federal agency activities is subject to the provisions of 16 U.S.C. § 1456(c)(1) & (2)<sup>20</sup> and 15 C.F.R. 930, subpart C.

Consistency reviews are conducted for the following types of federal agency activities:

- Proposals to physically alter coastal resources<sup>21</sup>.
- Plans used to direct future agency actions.
- Proposed rulemaking that alters uses of the coastal zone.
- Outer Continental Shelf (OCS) leases issued pursuant to lease sales.

##### b) Federal Assistance to State and Local Governments

Federal assistance refers to a federal grant, contract, loan, subsidy, guarantee, insurance, or other form of financial aid provided to an applicant agency. Proposed activities eligible for federal funding are those activities listed in the U.S. General Services Administration's Catalog of Federal Domestic Assistance, Appendix I. Consistency review is exempted for those listed activities that are not expected to have an effect on the state's coastal zone.

Review of federal assistance to applicant agencies (i.e, a state, city, county, special purpose district, or regional body) is subject to the provisions of 16 U.S.C. § 1456(d)<sup>22</sup> and 15 C.F.R. 930, subpart F.

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<sup>20</sup> Also referred to as CZMA § 307(c)(1) & (2)

<sup>21</sup> Examples of "coastal resources" include biological or physical resources that are found within a state's coastal zone on a regular or cyclical basis. Biological and physical resources include, but are not limited to, air, tidal and nontidal wetlands, ocean waters, estuaries, rivers, streams, lakes, aquifers, submerged aquatic vegetation, land, plants, trees, minerals, fish, shellfish, invertebrates, amphibians, birds, mammals, and reptiles, etc.

<sup>22</sup> Also referred to as CZMA § 307(d)

### c) Outer Continental Shelf (OCS) Activities

The OCS is a jurisdictional term used to describe those submerged lands (sea bed and subsoil) that lie seaward of state water boundaries (10.36 statutory miles off Florida's west coast and 3 nautical miles off the east coast). The federal government manages natural resources on the OCS, while the states manage the resources directly off their coasts.

Review of federal license or permit activities described in detail in an OCS plan is subject to the provisions of 16 U.S.C. § 1456(c)(3)(B)<sup>23</sup> and 15 C.F.R. 930, subpart E. An "OCS plan" is any plan for offshore exploration; development of oil, natural gas, and other mineral resources; or production activity that is conducted in any area leased under the Outer Continental Shelf (OCS) Lands Act<sup>24</sup>. The OCS Lands Act is the principal federal law governing mineral activities in federal waters. Other federal activities affecting the OCS include: artificial reef permitting, navigational safety; air and water pollution; fisheries management, protection of marine mammals and endangered species; research; and dredging and filling.

Consistency reviews are conducted for OCS activities that involve the following regulations:

- OCS Lands Act<sup>25</sup>
- Deepwater Port Act of 1974<sup>26</sup>
- Rivers and Harbors Act of 1899<sup>27</sup>
- Marine Protection, Research and Sanctuaries Act of 1972<sup>28</sup>
- Federal Water Pollution Control Act of 1972<sup>29</sup>
- Interstate gas pipelines and storage facilities<sup>30</sup>
- New electrical power plants<sup>31</sup>
- Federal Power Act<sup>32</sup>
- Marine Mammal Protection Act of 1972<sup>33</sup>

Leases issued pursuant to a federal agency lease sale, such as an OCS oil and gas lease sale conducted by the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEM) or an oil and gas lease sale conducted by the Bureau of Land Management, are subject to the provisions of 15 C.F.R. 930, subpart C.

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<sup>23</sup> Also referred to as CZMA § 307(c)(3)(B)

<sup>24</sup> 43 U.S.C. 1331 *et seq.*

<sup>25</sup> 43 U.S.C. § 1331 *et seq.*

<sup>26</sup> 33 U.S.C. § 1501 *et seq.*

<sup>27</sup> 33 U.S.C. § 401 *et seq.*

<sup>28</sup> 33 U.S.C. § 1401-1445 and 16 U.S.C. § 1431-1445

<sup>29</sup> 33 U.S.C. § 1251 *et seq.*

<sup>30</sup> 15 U.S.C. § 717-717w, 3301-3432, 42 U.S.C. §. 7101-7352, and 43 U.S.C. § 1331-1356

<sup>31</sup> Section 403.503(14), F.S.

<sup>32</sup> 16 U.S.C. § 791a *et seq.*

<sup>33</sup> 16 U.S.C. § 1374



#### d) Federal License or Permit Activities

A “federal license or permit” means any federal authorization, certificate, approval, or other form of permission that an applicant is required to obtain in order to conduct the activities listed in Section 380.23(3)(c), F.S. OCS federal license or permit activities described in OCS plans, however, are subject to the provisions of 15 C.F.R. 930, subpart E.

Review of federal license or permit activities is subject to the provisions of 16 U.S.C. § 1456(c)(3)(A)<sup>34</sup> and 15 C.F.R. 930, subpart D.

Consistency reviews are conducted for federal license or permit activities that involve the following activities, uses, and projects<sup>35</sup>:

- Permits and licenses required under the Rivers and Harbors Act of 1899<sup>36</sup>
- Permits and licenses required under the Marine Protection, Research and Sanctuaries Act of 1972<sup>37</sup>
- Permits and licenses required under the Federal Water Pollution Control Act of 1972<sup>38</sup>, unless such permitting activities have been delegated to the state
- Permits and licenses relating to the transportation of hazardous substance materials or transportation and dumping which are issued pursuant to the Hazardous Materials Transportation Act<sup>39</sup>
- Permits and licenses required for construction and operation of interstate gas pipelines and storage facilities<sup>40</sup>
- Permits and licenses required for the siting and construction of any new electrical power plants<sup>41</sup>, and the licensing and relicensing of hydroelectric power plants under the Federal Power Act<sup>42</sup>
- Permits and licenses required under the Mining Law of 1872<sup>43</sup>, the Mineral Lands Leasing Act<sup>44</sup>, the Mineral Leasing Act for Acquired Lands<sup>45</sup>, the Federal Land Policy and Management Act<sup>46</sup>, the Mining in the Parks Act<sup>47</sup>, and the OCS Lands Act<sup>48</sup> for drilling, mining, pipelines, geological and geophysical activities, or rights-of-way on public lands and permits and licenses required under the Indian Mineral Development Act<sup>49</sup>

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<sup>34</sup> Also referred to as CZMA § 307(c)(3)(A)

<sup>35</sup> Chapter 380.23(3)(c), F.S.

<sup>36</sup> 33 U.S.C. ss. 401 *et seq.*

<sup>37</sup> 33 U.S.C. ss. 1401-1445 and 16 U.S.C. ss. 1431-1445

<sup>38</sup> 33 U.S.C. ss. 1251 *et seq.*

<sup>39</sup> 49 U.S.C. ss. 1501 *et seq.* and 33 U.S.C. s. 1321

<sup>40</sup> 15 U.S.C. ss. 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-1356

<sup>41</sup> Section 403.503(14), F.S.

<sup>42</sup> 16 U.S.C. ss. 791a *et seq.*

<sup>43</sup> 30 U.S.C. ss. 21 *et seq.*

<sup>44</sup> 30 U.S.C. ss. 181 *et seq.*

<sup>45</sup> 30 U.S.C. ss. 351 *et seq.*

<sup>46</sup> 43 U.S.C. ss. 1701 *et seq.*

<sup>47</sup> 16 U.S.C. ss. 1901 *et seq.*

<sup>48</sup> 43 U.S.C. ss. 1331 *et seq.*

<sup>49</sup> 25 U.S.C. ss. 2101 *et seq.*

- Permits and licenses for areas leased under the OCS Lands Act<sup>50</sup>, including leases and approvals of exploration, development, and production plans
- Permits and licenses required under the Deepwater Port Act of 1974<sup>51</sup>
- Permits required for the taking of marine mammals under the Marine Mammal Protection Act of 1972<sup>52</sup>

A proposed federal license or permit activity is not reviewed for consistency if the activity is vested, exempted, or excepted under its own regulatory authority.

In Florida, federal consistency reviews are mainly conducted in conjunction with the processing of state permits.

Federal consistency reviews of certain federal license or permit activities that do not have an analogous<sup>53</sup> state license or permit are conducted by the Florida State Clearinghouse. Examples include:

- Licenses issued by the Federal Energy Regulation Commission (FERC), or
- Licenses or permits issued for an artificial reef outside of state jurisdictional waters.

Other consistency reviews of federal license or permit activities are conducted in conjunction with the state's analogous Environmental Resource Permits (ERP) or Joint Coastal Permits (JCP), which are issued by DEP, the Water Management Districts (WMDs), or delegated local programs<sup>54</sup>. The state's consistency decisions on these permits are made through the approval or denial of the ERP or JCP.

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<sup>50</sup> 43 U.S.C. ss. 1331 *et seq.*

<sup>51</sup> 33 U.S.C. ss. 1501 *et seq.*

<sup>52</sup> 16 U.S.C. s. 1374

<sup>53</sup> An "analogous permit" refers to a state of Florida permit that corresponds to a federal license or permit listed in Section 380.23(3)(c), F.S.

<sup>54</sup> To date, only Broward County has received a delegation of part of the ERP Program from both DEP and the SFWMD. Their responsibilities include permitting, compliance, and enforcement of activities for which they have been given responsibility under a Delegation Agreement adopted in Rule 62-113, F.A.C., for a limited geographically area. Miami-Dade County has a limited delegation from DEP to confirm sovereign submerged land consents for activities that qualify for the Section 403.813(2)(b), F.S., regulatory exemption for private single-family docks.

Federal Consistency reviews are conducted with the following permit programs in the state of Florida:

## **1. The Environmental Resource Permit (ERP) Program**

The ERP regulates activities involving the management and alteration of surface water flows. This includes upland construction and activities that generate stormwater runoff, which contributes to such aspects as runoff quantity (i.e., stormwater attenuation and flooding of other properties) and water quality (i.e., stormwater treatment) in both wetlands and uplands. This includes dredging and filling in most surface waters and wetlands (whether isolated or connected to other waters). In addition, this includes the alteration of mangroves. If required, the ERP also handles the submerged lands authorization for any construction on or use of submerged lands owned by the state of Florida.

The ERP program is authorized pursuant to Chapter 373, Part IV, F.S., Management and Storage of Surface Waters and implemented by a variety of Florida Administrative rules (a list of the rules are available at the following webpage: <http://www.dep.state.fl.us/water/wetlands/erp/rules/guide.htm>).

The ERP program is implemented by the WMDs and DEP through an activity-based division of responsibilities, which are established in Operating Agreements between each of the WMDs and DEP. Permitting responsibilities are divided between the agencies by activity type; however, exceptions to the activity-based division of responsibilities are made on a case-by-case basis. Generally speaking, the WMDs handle all permits dealing with upland dredging, which is dredging that will have little or no effect on marine resources. DEP's responsibility is to handle dredging and filling that will have an effect on marine resources, including inland wetlands or rivers if they are major tributaries to a marine system. Further divisions include:

### **ERPs processed by the DEP:**

- Permits related to solid, hazardous, and industrial waste facilities.
- Mining permits.
- Power plant permits.
- Certain linear facilities (communications cables and lines; natural gas and petroleum pipelines; facilities associated with exploration, production and distribution of petroleum or natural gas).
- Docking facilities with more than nine boat slips and that are not associated with a land development project.
- Projects seaward of the coastal construction line.
- Central Florida Beltway.
- WMD projects requiring an ERP.
- Navigation projects by governmental entities.
- Seaports and adjacent seaport-related development.
- Residential developments larger than five acres.
- In-water projects.
- Mitigation banks associated with projects DEP is permitting.

### **ERPs processed by the WMDs:**

- ERPs not assigned to the DEP.
- "Stand alone" docking facilities with less than nine boat slips.
- All docking facilities which are a part of a larger land development.
- Department of Transportation projects.
- Flood control projects.
- DEP projects requiring an ERP.
- Commercial developments.
- Residential developments less than five acres.
- Mitigation banks associated with projects the WMD is permitting.

Dredge and Fill Activities - The state regulates dredge<sup>55</sup> and fill<sup>56</sup> activities to protect surface waters from degradation caused by the loss of wetlands<sup>57</sup> and from pollution caused by construction activities.

The surface waters regulated under dredge and fill activities include bays, bayous, sounds, estuaries, lagoons, rivers, streams, the Gulf of Mexico, the Atlantic Ocean, most natural lakes, and all waters and wetlands (natural or artificial) that are connected, either directly or by a series of connections, to the above waters.

Dredge and fill activities can lead to the extermination of native plants, animals and aquatic life. Changes in water conditions, soil compositions, and loss of other habitat options for wildlife can all result from unregulated dredging and filling and have adverse effects on the plant and animal life indigenous to Florida. Dredging and filling activities can increase the particulates and pollutants in waters of the state, making the water unusable for plants, animals or people. Polluted waters can also be conveyed off-site through connecting waterbodies. Alteration of wetlands and other surface waters may have a detrimental impact on the environment, and that impact could extend beyond the limits of the work site, affecting other public or private property. The unchecked movement or deposition of materials in waterways or wetlands can be detrimental to the public interest, whether that interest is in having accessible beaches, or the need for clear paths for boat traffic.

Mangroves - The alteration of mangroves (a tropical tree growing in the estuaries of middle and south Florida) is regulated in accordance with the Mangrove Trimming and Preservation Act<sup>58</sup>. The alteration of mangroves is authorized by a state ERP and is subject to federal consistency review if the alteration is being sought in conjunction with an analogous federal license or permit. However, permits strictly for the trimming or removal of mangroves can still be obtained

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<sup>55</sup> "Dredging" is the excavation of material in a surface water or wetland of the state.

<sup>56</sup> "Filling" is the deposition of any material (such as sand, dock pilings, or seawalls) in wetlands or surface waters.

<sup>57</sup> "Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils (Section 373.019(25), F.S). Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

<sup>58</sup> Sections 403.9321-9333, F.S.

from local government offices, provided the applicant has met the criteria for issuance of the permit.

The state of Florida protects mangroves from excessive trimming or removal because they are important to the state's environmental interests and have become increasingly rare as Florida has become more developed. Mangroves provide a home for many species of animals, including at least seven endangered species, and also provide food and nursery areas for many species of fish. They are an important first line of defense against hurricanes and help to secure shorelines against erosion. There also is scientific data to suggest that mangroves are responsible for the filtration of many heavy metals and nutrients from waters that will be absorbed into the state's aquifers.

Sovereign Submerged Land Approvals – For activities located on sovereign (state-owned) submerged lands, the application (known as the proprietary authorization) to use these lands is reviewed in conjunction with the regulatory ERP or JCP application. Statutory provisions for proprietary authorizations are located in Chapter 253, State Lands. Such lands generally extend waterward from the mean high water line of tidal waters or the ordinary high water line of fresh waters both inland and out to the state's territorial limit. If such lands are located within certain Aquatic Preserves, the authorization also must meet the requirement of Chapter 258, F.S., State Parks and Preserves.

Both proprietary and the regulatory authorization will be requested in the same application, and will be reviewed and granted or denied at the same time. Sovereign submerged land approvals consider issues such as riparian rights, impacts to submerged land resources, and preemption of other uses of the water by the public.

State Programmatic General Permit (SPGP) – To avoid duplication of permitting between the U.S. Army Corps of Engineers and DEP and further streamline processing of state and federal regulatory permits, the DEP is authorized to issue a SPGP for certain minor works located in waters of the U.S., including navigable waters. These activities include shoreline stabilization, boat ramps, docks and piers, and maintenance dredging, as well as activities that qualify for regulatory exemptions and general permits. Issuance of the state DEP permit constitutes issuance of the corresponding federal dredge and fill permit. At this time, permits processed by the WMDs are not included in the SPGP.

## **2. The Joint Coastal Permit (JCP) Program**

A JCP involves concurrent processing of applications for a coastal construction authorization, an ERP, and a sovereign submerged land authorization. A JCP is required for coastal construction activities on Florida's natural sandy beaches, which specifically extend onto the state's sovereignty lands seaward of the mean high-water line or associated inlets and are likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes. The JCP is authorized pursuant to Sections 161.021, 161.041 and 161.055, F.S., Rule 62B-41, F.A.C., Rules and Procedures for Application for Coastal Construction Permits, and Rule 62B-49, F.A.C., Joint Coastal Permits and Concurrent Processing of Proprietary Authorizations.

The JCP program helps make certain that reviews are conducted in a timely manner to ensure that the construction activities do not degrade water quality (such as through the loss of wetlands, the use of improper in-water construction techniques, or the discharge of inadequately treated water from dredged material disposal sites), or damage marine resources (including corals, seagrasses, mangroves or habitat for manatees or marine turtles).

JCP activities are regulated by DEP's Bureau of Beaches and Coastal Systems. This includes in-water beach projects for beach restoration, beach nourishment, or removal of beach materials; the construction of erosion control structures such as groins, jetties, moles, breakwaters, seawalls, revetments, and artificial nourishment; excavation or maintenance dredging of inlet channels; and maintenance of inlets and inlet-related structures. The Bureau also implements a permitting program for navigational dredging of deepwater ports, inlets, and channels, including disposal of dredged material onto the beach or in the nearshore area.

## AREAS OF SPECIAL MANAGEMENT

The CZMA, while recognizing that the entire coastal zone of each state is an important and vital resource, also declares that certain areas within the coastal zone may be of special significance, and their preservation and development warrant particular attention. Therefore, the CZMA requires that a state's CMP include an inventory of its special management areas, which are of particular concern because of their coastal-related values or characteristics or because they require special management attention beyond the general planning and regulatory system. 15 C.F.R. 923.20 details the following program elements, which are to be included in the state's CMP:

- Geographic Areas of Particular Concern<sup>59</sup>
- Guidelines on Priorities of Uses<sup>60</sup>
- Shorefront Access and Protection Planning, including a definition of the term "beach"<sup>61</sup>
- Shoreline Erosion/Mitigation Planning<sup>62</sup>
- Areas for Preservation and Restoration<sup>63</sup>

States must consider whether the following areas of particular concern require special management:

- Areas of unique, scarce, fragile, or vulnerable natural habitat; unique or fragile physical figuration; historical significance, cultural value, or scenic importance, including resources on or determined to be eligible for the National Register of Historic Places.
- Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and endangered species and the various trophic levels in the food web critical to their well-being.
- Areas of substantial recreational value and/or opportunity.
- Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters.
- Areas of unique hydrologic, geologic, or topographic significance for industrial or commercial development or for dredge spoil disposal.
- Areas where, if development were permitted, it might be subject to significant hazard due to storms, slides, floods, erosion, settlement, salt water intrusion, and sea level rise.
- Areas needed to protect, maintain, or replenish coastal lands or resources including coastal flood plains, aquifers and their recharge areas, estuaries, sand dunes, coral and other reefs, beaches, offshore sand deposits, and mangrove stands.

Florida has designated four existing state programs as Areas of Special Management (ASM). Each of these programs identify areas of particular state interest and implement the special management measures required to protect the unique resources found in these areas. The programs provide for designation, establishment of priority uses, and management of geographic areas of particular concern. The programs include a selection process which defines the: (1) state objectives, (2) procedures and criteria for designation, and (3)

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<sup>59</sup> CZMA § 306(d)(2)(C) [also known as 16 U.S.C. § 1455(d)(2)(C)] and 15 C.F.R. 923.21

<sup>60</sup> CZMA § 306(d)(2)(E) [also known as 16 U.S.C. § 1455(d)(2)(E)] and 15 C.F.R. 923.21(g)

<sup>61</sup> CZMA § 306(d)(2)(G) [also known as 16 U.S.C. § 1455(d)(2)(G)] and 15 C.F.R. 923.24

<sup>62</sup> CZMA § 306(d)(2)(I) [also known as 16 U.S.C. § 1455(d)(2)(I)] and 15 C.F.R. 923.25

<sup>63</sup> CZMA § 306(d)(9) [also known as 16 U.S.C. § 1455(d)(9)] and 15 C.F.R. 923.22

management regulations and guidelines for each management category. Also, the programs provide for the designation of additional Geographic Areas of Particular Concern. Following is described in detail a list of the ASMs included in the FCMP:

### **1) Areas of Critical State Concern (ACSCs)**

Florida's phenomenal growth has caused severe problems in some areas of the state. The state's growth resulted in the extensive alteration of many of the state's valuable natural resources. Concern regarding the impact of continued growth led to the passage of the "Florida Environmental Land and Water Management Act of 1972"<sup>64</sup>. The purpose of the Act is to protect the natural resources and environment; plan for and guide development in this state in order to ensure a water management system that will reverse the deterioration of water quality and provide optimum utilization of our limited water resources; facilitate orderly and well-planned development; and protect the health, welfare, safety, and quality of life of the residents of this state.

Chapter 380.05, F.S., establishes the ACSCs program and authorizes Department of Community Affairs (DCA), which is the designated state land planning agency, to recommend specific areas of concern to the Administration Commission (the Governor and Cabinet) for adoption as ACSCs. The purpose of this action is to strengthen the capability of local government planning to protect resources of statewide and regional importance.

In recommending such areas, DCA specifies boundaries of the proposed areas and states the reasons why the particular area is of critical concern to the state or region, the dangers that would result from uncontrolled development of the area, and the advantages that can be achieved from the development of the area in a coordinated manner. DCA also proposes specific principles for guiding development for the area.

Areas can only be recommended for designation as ACSCs if they meet the following criteria:

- The areas contain or have a significant impact upon environmental or natural resources of regional or statewide importance, including, but not limited to, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangers lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources.
- The areas contain or have a significant impact upon historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts.
- The areas contain or have a significant impact upon or are significantly impacted by an existing or proposed major public facility or other area of major public investment, including but not limited to highways, ports, airports, energy facilities, and water management projects.

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<sup>64</sup> Chapter 380, F.S., Part I



Before an area is recommended to the Administration Commission, the Governor, acting as chief planning officer of the state, must appoint a resource planning and management committee consisting of designated representatives of local, regional, and state governments that provide a report and recommendation to DCA. The committee is tasked with the objective of organizing a voluntary, cooperative resource planning and management program to resolve existing and prevent future problems that may endanger those resources, facilities, and certain areas within the proposed area under study.

There are currently five areas in the state designated as ACSCs:

- Apalachicola Bay Area in the City of Apalachicola<sup>65</sup>
- Big Cypress Swamp in Collier, Monroe, and Dade Counties<sup>66</sup>
- Green Swamp in Polk and Lake Counties<sup>67</sup>
- Florida Keys in Monroe County<sup>68</sup>
- The City of Key West<sup>69</sup>.

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<sup>65</sup> Section 380.0555, F.S.

<sup>66</sup> Section 380.055, F.S.

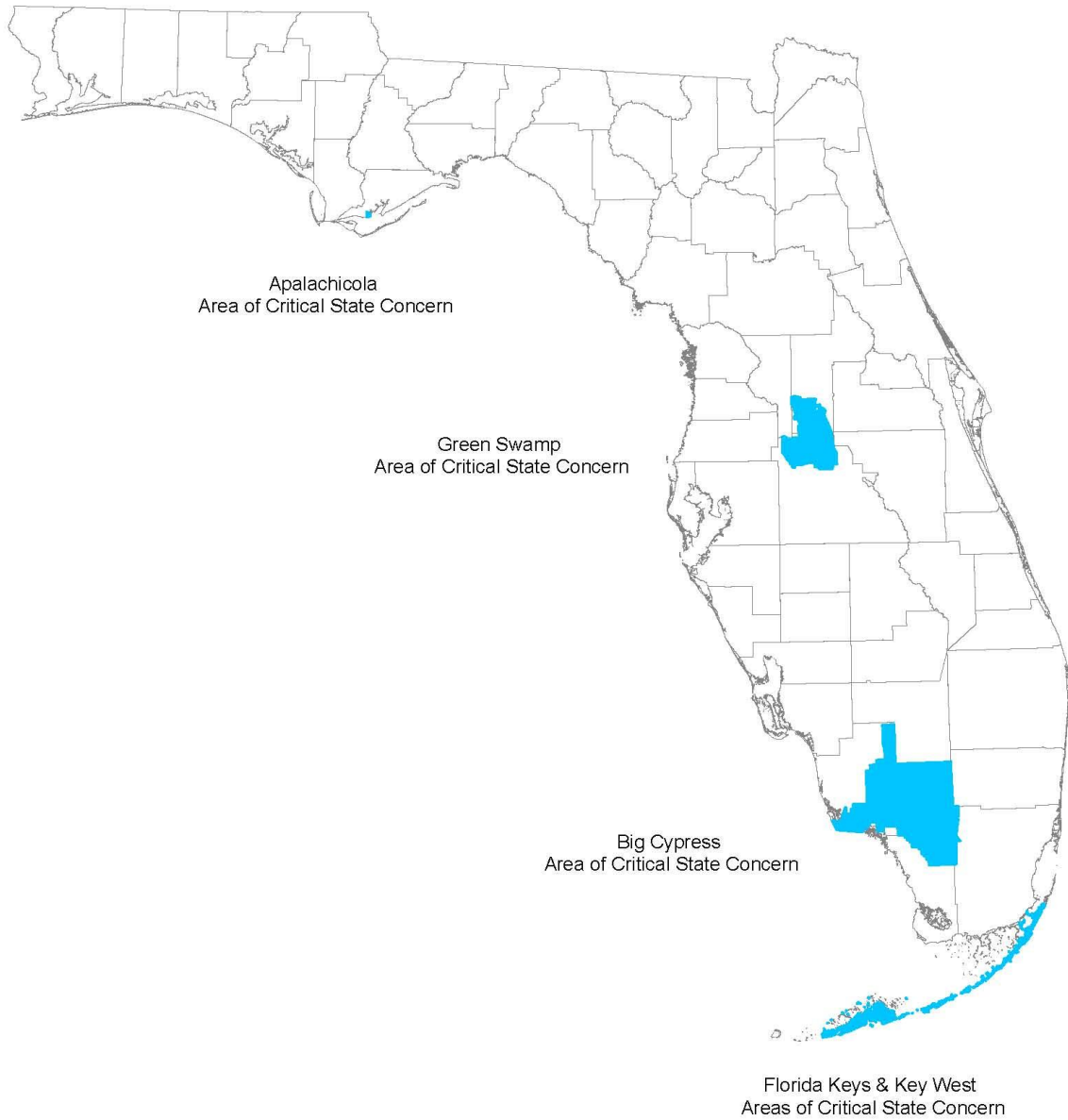
<sup>67</sup> Sections 380.0551 and .0677, F.S.

<sup>68</sup> Sections 380.051 and .0552, F.S.

<sup>69</sup> Rule 28-36, F.A.C.

Following is a map showing the locations for the state designated ACSCs.

## Areas of Critical State Concern



## 2) Aquatic Preserve Systems

The majority of Florida's aquatic preserves systems are either in or near regions of increasing urbanization. Competition for the use of these areas is great. Many wetland areas within or adjacent to the preserves were filled in the past to create usable "dry" land. Conversely, significant portions have been dredged to provide fill materials or to create navigation channels. In some cases, coastal marshes and mangrove swamps have been drained for mosquito control and to improve upland properties. Exploratory wells have been drilled, shell and sand have been mined, and structures of all sizes and shapes have been erected. In addition, some of the areas have experienced increasing amounts of pollution of various forms. Concern over these problems resulted in passage of the Florida Aquatic Preserve Act of 1975, which allows the state to manage the estuarine and marine aquatic preserves within its coastal zone.

The Florida Aquatic Preserve Act of 1975<sup>70</sup> allows the state to manage estuarine and marine aquatic preserves within the coastal zone. The Act was passed to set aside for the benefit of future generations certain state-owned submerged lands and associated coastal waters in areas that have exceptional biological, aesthetic, and scientific value as state aquatic preserves. A designated aquatic preserve may include open water areas, coastal marshes, mangrove islands, grass flats, sandy beaches, and other features of estuarine, lagoon, and near shore marine tidal water bodies.

The preserves generally are areas of high natural productivity that provide an essential natural habitat for various living resources, including fish and wildlife. Many of the preserves are extremely valuable from a scientific standpoint because of the biological resources in these areas. This is recognized by a significant number of universities, environmental organizations, and business interests that have research programs in these areas.

Many of the aquatic preserves are valued for their scenic and recreational qualities. A number of areas, such as the Rocky Bayou State Park Aquatic Preserve and the Fort Clinch State Park Aquatic Preserve, have been designated to protect the aesthetics of contiguous state parks. In addition, several of the aquatic preserves are thought to contain some of the best sport fisheries in the United States, making them extremely important recreational assets. Opportunities for other recreational uses, such as hunting, boating, and swimming, are also abundant.

DEP's Office of Coastal and Aquatic Managed Areas (CAMA) oversees the management of the state's aquatic preserves (CAMA's website is located at the following URL: <http://www.dep.state.fl.us/coastal/programs/aquatic.htm>). Florida is fortunate to have 41 aquatic preserves, encompassing almost two million acres. All but four of these aquatic preserves are located along the state's 8,400 miles of coastline in the shallow waters of marshes and estuaries.

Section 258.38, F.S., specifies that each of the aquatic preserves must be characterized as one or more of three principal types: (1) biological, where certain forms of animal or plant life, or their supporting habitat, is to be protected; (2) aesthetic, where certain scenic

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<sup>70</sup> Sections 258.35-.394 and .40-.46, F.S.

qualities or amenities are to be maintained; and (3) scientific, where other particular qualities or features that have scientific value or significance are to be maintained.

The selection process for establishing an aquatic preserve<sup>71</sup> involves:

- A proposal for an area to be established as an aquatic preserve (this may include an area already owned by a governmental agency upon written specific authorization from that agency, or an area in private ownership, specifically authorized in writing either through a lease or a dedication in perpetuity);
- A public hearing in the county or counties where the area is located;
- Adoption of a resolution by the Board of Trustees to set aside the area to be included in the aquatic preserve system;
- Confirmation by the Legislature; and
- Recording of the legal description of the area in the public records of the county or counties involved.

Except in cases where lease agreements provide for such a removal, once an area is selected and included in the Aquatic Preserve System, it cannot be removed without formal public notice and action by the State Legislature<sup>72</sup>.

The Board of Trustees of the Internal Improvement Trust Fund (Trustees) holds title to all state lands and as such has the power to adopt and enforce rules and regulations for the management of designated aquatic preserves and to carry out the provisions of the Aquatic Preserve Act. Generally, this includes the authority to regulate preserves as long as such regulation does not interfere with traditional public uses, such as sport and commercial fishing, boating, and swimming.

In addition, the Trustees may permit other uses and activities which may not have been specifically provided for but are found to be compatible with the intent of the Act. Hence, although these areas are called preserves, several uses and activities are permitted that may have some effect on the existing conditions in the areas.

Specific prohibitions in the Act include:

- The sale, lease, or transfer of state submerged lands except when it is in the public interest.
- Any further dredging or filling of submerged lands except in certain instances such as authorized public navigation projects and other authorized projects for the creation and maintenance of marinas, piers, etc.
- The drilling of gas or oil wells.
- The erection of certain structures.
- The discharging of wastes or effluents when such action substantially departs from the intent of the Act.

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<sup>71</sup> Section 258.41, F.S.

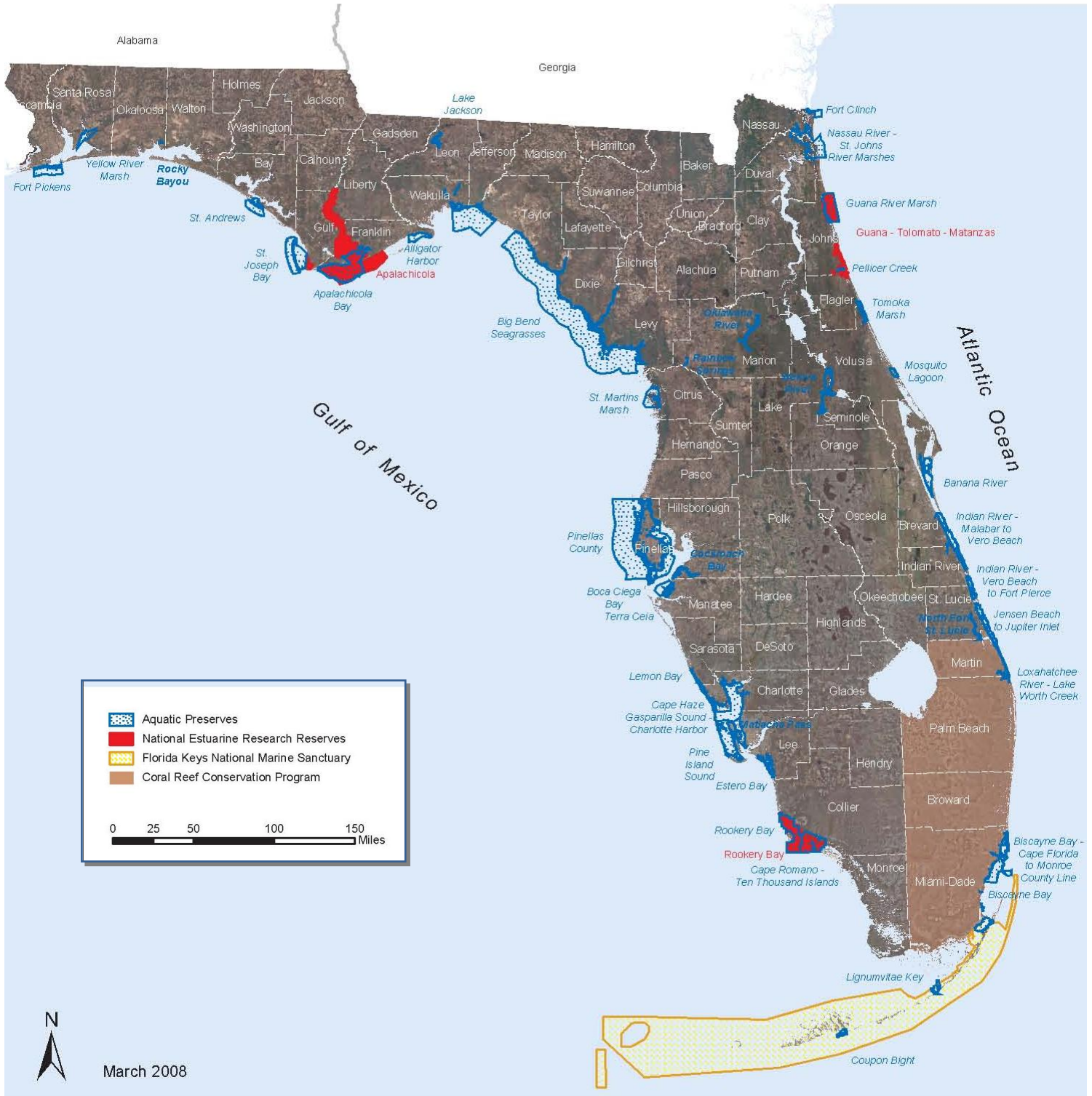
<sup>72</sup> Section 258.41(6), F.S.

Following is a list of the state's aquatic preserves.

- 1) Alligator Harbor
- 2) Apalachicola Bay
- 3) Banana River
- 4) Big Bend Seagrasses
- 5) Biscayne Bay
- 6) Biscayne Bay – Cape Florida to Monroe County Line
- 7) Boca Ciega Bay
- 8) Cape Haze
- 9) Cape Romano – Ten Thousand Islands
- 10) Cockroach Bay
- 11) Coupon Bight
- 12) Estero Bay
- 13) Fort Clinch
- 14) Fort Pickens
- 15) Gasparilla Sound – Charlotte Harbor
- 16) Guana River Marsh
- 17) Indian River – Malabar to Vero Beach
- 18) Indian River – Vero Beach to Ft. Pierce
- 19) Jensen Beach to Jupiter Inlet
- 20) Lake Jackson – not coastal
- 21) Lemon Bay
- 22) Lignumvitae Key
- 23) Loxahatchee River – Lake Worth Creek
- 24) Matlacha Pass
- 25) Mosquito Lagoon
- 26) Nassau River – St. Johns River Marshes
- 27) North Fork, St Lucie
- 28) Oklawaha River – not coastal
- 29) Pellicer Creek
- 30) Pine Island Sound
- 31) Pinellas County
- 32) Rainbow Springs – not coastal
- 33) Rocky Bayou
- 34) Rookery Bay
- 35) St. Andrews
- 36) St. Joseph Bay
- 37) St. Martins Marsh
- 38) Terra Ceia
- 39) Tomoka Marsh
- 40) Wekiva River – not coastal
- 41) Yellow River Marsh

Following is a map showing the locations of the state's aquatic preserves.

## Florida's Coastal and Aquatic Managed Areas



### 3) Surface Water Improvement and Management (SWIM)

In 1987, the Florida Legislature created the Surface Water Improvement and Management (SWIM) Act to protect, restore, and maintain Florida's highly threatened surface water bodies<sup>73</sup>. Many surface water bodies in the state of Florida have been polluted or are threatened by pollution. While "point" sources (end-of-pipe sewage and industrial wastes) were being controlled, "nonpoint" source pollutants that enter water bodies in less direct ways are still a major concern.

While the state's five water management districts (WMDs) are directly responsible for implementing the SWIM program, they work in cooperation with the federal government, state governments, local governments, and the private sector. In passing the SWIM Act, the Legislature created a unique initiative meshing permitting, planning, single purpose resource management programs, and environmental education in the restoration and protection of priority water bodies.

The SWIM Act directs the WMDs to establish and maintain a list that prioritizes water bodies of regional or statewide significance within their authority. This list is to be updated every five years and must assign priorities to the water bodies based on their need for protection and restoration<sup>74</sup>. SWIM funds are also used by the WMDs to develop plans for at-risk water bodies, direct the work needed to restore damaged ecosystems, prevent pollution from stormwater runoff and other sources, and educate the public.

Originally, the Florida Legislature funded the SWIM program annually, matched by moneys raised by the WMDs. This original dedicated annual funding ended after the 1997-98 fiscal year; however, many SWIM water bodies have benefited from significant individual legislative appropriations throughout the years. Currently, there is no new direct state funding for the SWIM program. WMDs are still using some of their previous state funding to carry out their SWIM program activities. These funds are handled by DEP's Division of Environmental Assessment and Restoration, Non Point Source Management Section.

Following is a list of the current SWIM priority water bodies located throughout the WMDs.

#### A. South West Florida Water Management District (SWFWMD):

- 1) Tampa Bay
- 2) Rainbow River
- 3) Banana Lake
- 4) Crystal River/Kings Bay
- 5) Lake Panasoffkee
- 6) Charlotte Harbor
- 7) Lake Tarpon
- 8) Lake Thonotosassa
- 9) Winter Haven Chain of Lakes
- 10) Sarasota Bay

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<sup>73</sup> Sections 373.451 - .4595, F.S.

<sup>74</sup> Section 373.453 F.S.

B. South Florida Water Management District (SFWMD):

Tier 1

- 1) Biscayne Bay
- 2) Florida Keys
- 3) Lake Istokpoga
- 4) Lake Okeechobee
- 5) Lake Trafford
- 6) Lower Charlotte Harbor (including Charlotte Harbor, Estero Bay, and Caloosahatchee River & Estuary)
- 7) Loxahatchee River
- 8) St Lucie Estuary

Tier 2

- 1) Florida Bay
- 2) Indian River Lagoon
- 3) Lake Worth Lagoon
- 4) Naples Bay/Gordon River
- 5) Rookery Bay/Marco
- 6) Charlotte Harbor
- 7) Crystal River/Kings Bay
- 8) Lake Panasoffkee
- 9) Lake Tarpon
- 10) Lake Thonotosassa
- 11) Rainbow River
- 12) Sarasota Bay
- 13) Tampa Bay
- 14) Winter Haven Chain of Lakes

Tier 3

- 1) Lake Arbuckle
- 2) Lake Butler
- 3) Lake Weohyakapka
- 4) Upper Kissimmee Chain of Lakes

C. St. Johns River Water Management District (SJRWMD):

- 1) Upper St. Johns River
- 2) Lower St. Johns River
- 3) Lake Apopka
- 4) Upper Ocklawaha
- 5) Middle St. Johns River
- 6) Northern Coastal Basin
- 7) Orange Creek



D. Suwannee River Water Management District (SRWMD)

- 1) Alligator Lake
- 2) Aucilla River
- 3) Coastal Rivers
- 4) Santa Fe River
- 5) Suwannee River
- 6) Waccasassa River

E. North West Florida Water Management District (NFWMD)

- 1) Apalachicola River and Bay Watershed
- 2) Pensacola Bay Watershed
- 3) Choctawhatchee River and Bay Watershed
- 4) St. Andrews Bay Watershed
- 5) St. Marks River and Apalachee Bay Watershed
- 6) Ochlockonee River and Bay Watershed
- 7) Perdido River and Bay Watershed

#### 4) Beach and Inlet Management Areas

Beaches are dynamic land forms at the edge of the ocean or Gulf of Mexico subject to both natural and man-induced erosion. Sand moves along the shore due to wind driven currents and tides, and storms can cause dramatic changes to the beach. The majority of man-induced erosion is due to the creation and maintenance of inlets, where the sand has historically been removed from the coastal system, and the natural drift of sand along the shore is blocked by jetties, trapped in channels, or moved into ebb and flood shoals. Development and the placement of infrastructure too near the shore has also contributed to coastal erosion by limiting the amount of sand stored in dunes and hardening the shore in order to protect upland property.

Florida has 825 miles of sandy beaches fronting the Atlantic Ocean, Gulf of Mexico, and Straights of Florida. These beaches provide enjoyment to state residents and tourists; habitat for many species, including endangered and threatened marine turtles, birds, and mammals; and storm protection for upland property and public infrastructure. In Florida, shoreline erosion threatens substantial upland development or recreation interests on many of its sandy beaches. To address these concerns, the Florida Legislature created the Beach and Shore Preservation Act<sup>75</sup>, to regulate coastal construction activities on barrier beaches and in barrier inlets and to preserve their natural resource values.

The DEP Bureau of Beaches and Coastal Systems (BBCS) is responsible for implementing the Beach and Shore Preservation Act. On May 21, 2008, DEP adopted the state of Florida's Strategic Beach Management Plan (SBMP). The SBMP documents specific strategies for constructive actions at critically eroded beaches and inlet. Projects must have a clearly identifiable beach management benefit consistent with the SBMP to be eligible for state funding assistance. Inlet management plans adopted by DEP are incorporated into the SBMP by reference along with other inlet management strategies. Also, feasibility studies conducted by local governments, federal and state studies and reports, and the study reports authorizing federal shore protection projects are incorporated by reference. The Critically Eroded Beaches in Florida report, which is updated by BBCS annually, lists those segments of shoreline designated by DEP as critically eroded and eligible for state funding assistance for beach management activities. Florida's primary beach and inlet management objective is to conserve sand within the coastal system so that it can replenish beaches. Without proper sand management, beach resource values for tourism, wildlife habitat, and protection of upland property will be lost.

All projects proposed to implement the SBMP strategies must obtain the appropriate federal and state permits and authorizations and comply with local comprehensive plans and ordinances. Applicants must demonstrate that the project will comply with Florida's water quality standards and must protect threatened and endangered species. Projects must also comply with enforceable policies incorporated in the FCMP.

As of May 2008, about 391.5 miles of sandy beaches and 8.8 miles of inlet shoreline were designated critically eroded, a condition where previous or continuing erosion threatens private or public development and infrastructure, or significant cultural or

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<sup>75</sup> Chapter 161, F.S., Parts I and II

environmental resources. Of those beaches classified as critically eroded, the Department has under active management 197.8 miles, including 21 inlets along the east coast and 40 inlets along the west coast of Florida. Active management to mitigate the erosive impacts of many of these inlets to the adjacent beaches has been implemented. Active management includes beach and dune restoration, beach nourishment, and feeder beaches or inlet sand bypassing and other actions to mitigate the erosive effects of inlets.

Following is a list of “managed miles” for the Atlantic Coast where the project shoreline has been restored with sand placement and is maintained through periodic nourishment or inlet sand bypassing:

<b>ATLANTIC COAST</b>	<b>MILES</b>
Nassau County Shore Protection Project	4.40
South Amelia Island Beach Restoration	3.1
Duval County Beach Erosion Control	10.1
Anastasia State Park Beach Restoration	0.8
St. Johns County Shore Protection Project	2.9
Brevard County Beach Restoration - North	9.4
Patrick AFB Restoration	4.0
Brevard County Beach Restoration - South	3.8
Sebastian Inlet Bypassing	0.6
Ambersand Beach Restoration	2.5
Wabasso Phase I	3.1
Indian River County Sector Seven	2.2
Ft. Pierce Shore Protection Project	2.3
Martin County 4-Mile Beach	4.2
Bathtub Beach	0.2
St. Lucie Inlet Management	1.0
Jupiter Island Beach Restoration Project	6.1
Jupiter/Carlin Beach Restoration	1.1
Juno Beach Restoration	2.4
Lake Worth Inlet Management	0.6
Mid Town Beach Restoration	2.5
Phipps Ocean Park Beach Restoration	1.4
Ocean Ridge Beach Nourishment	1.6
Delray Beach Nourishment	2.7
Boca Raton North	1.5
Boca Raton Central	1.5
Boca Raton South	1.0
Deerfield Beach/Hillsboro Beach	1.2
Broward County Beach Erosion Control Segment II	5.4
Broward County Beach Erosion Control Segment III	6.9
Miami Beach Restoration	13.4
Village of Key Biscayne Beach Restoration	2.5
Bahia Honda Key State Park	0.5
Smathers Beach	0.6
Ft. Zachary Taylor Historic State Park	<u>0.3</u>
<b>TOTAL ATLANTIC MILES</b>	<b>107.8</b>

Following is a list of “managed miles” for the Gulf Coast where the project shoreline has been restored with sand placement and is maintained through periodic nourishment or inlet sand bypassing:

<b>GULF COAST</b>	<b>MILES</b>
Pensacola Beach Restoration	8.2
Navarre Beach	4.1
Eglin Air Force Base	5.1
Eastern Destin	2.1
Western Walton County	5.0
Panama City Beach Restoration Project	17.8
St. Andrews Inlet Management	0.9
St. Joseph Peninsular Beach Restoration [Gulf County]	7.5
Ft. Island Gulf Park	0.2
Honeymoon Island State Park	0.5
Pinellas County Beach Erosion Control -Sand Key	8.6
Pinellas County Beach Erosion Control -Treasure Island	3.5
Pinellas County Beach Erosion Control-Upham Beach	0.7
Pinellas County Beach Erosion Control -Pass-A-Grille	0.9
Manatee County Shore Protection - Anna Maria Island	5.3
Sarasota County Shore Protection - Longboat Key	9.8
Lido Key Beach Restoration	1.8
South Siesta Key	2.1
Sarasota County Shore Protection - Venice	3.3
Knight Island Beach Restoration	1.8
Lee County Shore Protection Project - Gasparilla	3.2
Lee County Shore Protection Project - Captiva Island	5.0
Sanibel Island Beach Restoration	1.5
Gulf Shores/Gulf Pines Beach Restoration (Private)	0.6
Lovers Key	1.2
Bonita Beach Restoration	0.9
Collier County Beach Restoration	5.7
South Naples Erosion Control	0.2
Marco Island	<u>1.7</u>
<b>TOTAL GULF MILES</b>	<b>109.2</b>

## LAND ACQUISITION

The Coastal and Estuarine Land Conservation Program (CELCP) was established by NOAA in 2002 to help coastal states to acquire and protect threatened coastal and estuarine lands with significant ecological value, such as conservation, recreation, ecological, historical, or aesthetic values, or to acquire and protect lands that are threatened by conversion from a natural or recreational state to other uses. NOAA's Office of Ocean and Coastal Resource Management (OCRM) administers the program, which provides up to \$3 million dollars for each eligible project. CELCP funds must be matched equally by non-federal funds.

In order to participate in the program, states must submit a CELCP plan to NOAA for approval. Though participation in the CELCP is voluntary, it is restricted to states that have a coastal management program approved by NOAA or a National Estuarine Research Reserve (NERR). Florida is eligible to participate in the CELCP because it satisfies both requirements. The FCMP was approved by NOAA in 1981 while the Apalachicola NERR was designated in 1979, the Guana-Tolomato-Matanzas NERR was designated in 1999 and the Rookery Bay NERR was designated in 1978. Additionally, in November 2008, Florida became the 5th state to have its CELCP plan formally approved by OCRM.

The FCMP utilizes the existing state managed land acquisition and conservation Florida Forever Program to implement and manage CELCP within the state. The public accessibility of the Florida Forever Program along with its selection criteria for acquisitions makes it an ideal program upon which to base the Florida CELCP process.

The Florida Forever Program, created by the Florida Legislature in 1999, follows in the footsteps of earlier successful land acquisitions programs in the state of Florida (i.e., the Preservation 2000 Program and the Conservation and Recreation Lands Environmentally Endangered Lands Program) by continuing to focus land acquisition efforts in the following resource categories:

- Natural Communities
- Forest Resources
- Plants
- Fish and Wildlife
- Fresh Water Supplies
- Coastal Resources
- Geologic Features
- Historical Resources
- Outdoor Recreational Resources

Though the Florida Forever Program purposely selects acquisition projects related to its major goal areas, the Florida CELCP concentrates on conservation priorities specific to the coastal and estuarine area. Consequently, the Florida CELCP focuses on fragile coastal upland and wetland resources in need of protection.

The Florida CELCP acquisitions are guided by the following guidelines:

1. Acquire undeveloped coastal islands, spits, peninsulas, coral or limerock keys, and mainland seashores to conserve their significant natural, recreational, and aesthetic attributes, giving priority to the following projects:
  - Projects that contain representative examples of various physiographic coastal forms.
  - Projects that include entire islands, long stretches of beaches, entire widths of coastal barriers, or natural inlets.
  - Projects that are associated with sensitive estuarine systems, particularly those that are designated State Aquatic Preserves.
2. Acquire upland and wetland buffers to protect the state's significant commercial and recreational saltwater fisheries, particularly those fisheries that are designated State Aquatic Preserves, National Estuarine Research Reserves, or Marine Sanctuaries, Areas of Critical State Concern, Special Water category of Outstanding Florida Water, or DEP Class II Waters.
3. Acquire upland and wetland buffers to protect the state's most significant reef communities, particularly those areas that are within or adjacent to designated Areas of Critical State Concern, State Aquatic Preserves, State Parks, or National Estuarine Research Reserves, Marine Sanctuaries, Wildlife Refuges, Parks, or Seashores.

## **COASTAL MANAGEMENT SUBGRANT PROGRAM**

An annual cooperative award from the National Oceanic Atmospheric Administration (NOAA) sustains the Florida Coastal Management Program (FCMP) and its activities. Each year, the FCMP makes a large portion of NOAA funds available as pass-through grants for projects and activities that protect and manage natural and cultural resources and improve waterfront communities along Florida's coast.

The FCMP awards grants through two competitive programs – the Coastal Partnership Initiative (CPI) grants for local projects, and a grant program specifically for state agencies and water management districts.

### **1) Coastal Partnership Initiative (CPI) Grants**

CPI grants provide funds ranging from \$10,000 to \$60,000 for innovative local coastal management projects that inspire community action and promote the protection and management of coastal resources in the following four areas:

- **Resilient Communities**: These are projects that prepare for and respond to effects of climate change, natural hazard events and disasters.
- **Coastal Resource Stewardship**: These are projects that promote local stewardship and appreciation of fragile coastal resources.
- **Access to Coastal Resources**: These are projects that accommodate public access to coastal and marine resources while protecting fragile environments.
- **Working Waterfronts**: These are projects that revitalize, renew, and promote local interest in their waterfront districts.

Eligible applicants are local governments within the 35 coastal counties required to include a coastal element in the local comprehensive plan. Public colleges, universities, regional planning councils, non-profit groups and national estuary programs may also apply as long as an eligible local government agrees to participate as a project partner. CPI funds are available to support habitat restoration, park and waterfront improvements, public access facilities, environmental education and coastal planning.

Each year in August or September, the FCMP publishes a Notice of Availability of Funds in the *Florida Administrative Weekly* to solicit proposals from eligible local government, education, and non-profit entities. Information on submitting a grant application to the FCMP is contained in Rule 62S-4, F.A.C. (a copy of the rule is included in the appendix of this book and can be accessed by clicking on the following link: [Rule 62S-4, F.A.C., CMP Grants](#)).

### **2) Grants to State Agency and Water Management Districts (WMDs)**

The state agency and WMD grant program provides funds ranging from \$20,000 to \$150,000 for projects that contribute to the protection, management and, enhancement of Florida's ocean and coastal resources and meet the goals and priorities of the CZMA, including: natural resource protection and management; hazard mitigation; water quality protection; siting of major developments; public access; redevelopment of urban, cultural and historic features; expedited governmental decision making; effective coordination



with federal agencies; effective public and local government participation; comprehensive planning and management of living marine resources; shoreline erosion and land subsidence; and ocean resource management.

Each September, the FCMP publishes a Notice of Availability of Funds in the *Florida Administrative Weekly* to solicit proposals from state agencies and water management districts. Priority consideration is given to proposals that complement other state and federal ocean and coastal resource management programs and meet or reduce unmet needs. Information on submitting a grant application to the FCMP is contained in Rule 62S-5, F.A.C. (a copy of the rule is included in the appendix of this book and can be accessed by clicking on the following link: [Rule 62S-5, F.A.C., CMP Grants to State Agencies and WMDs](#)).

## **COMMUNICATION, OUTREACH, AND PUBLIC INVOLVEMENT**

The FCMP uses a variety of tools to educate, inform, and involve Floridians in decisions about coastal resources. Given the many different uses of coastal and marine resources and the multiple management institutions that regulate these uses, numerous public and private groups must share information and work cooperatively to achieve integrated coastal management. The FCMP works to open lines of communication between various interests, reaching out to a network of state agencies, a broad set of private and public partners, and the general citizenry. In addition to fostering better communication, the FCMP plays an important educational role in the management of Florida's valuable coastal resources.

The FCMP works directly to educate and influence people's attitudes and behaviors toward coastal resources via outreach and education materials such as reports, pamphlets/brochures, posters, videos, etc. The FCMP distributes free of charge a variety of educational materials, such as the following:

- Florida Assessment of Coastal Trends (FACT) – The FACT report is a collection of indicators documenting ecological, cultural, and economic conditions and trends of Florida coastal resources and management programs. These indicators can be used in the planning and review process to assess coastal environmental conditions and to apply knowledge gained from trends and management results in developing plans for future activities. The last FACT report (FACT 2000) presented baseline data and 1990's trends for a number of indicators in several coastal focus areas including: Biodiversity, Access, Hazards, Stewardship, Marine-Estuarine Health, and Waterfront Revitalization. The FCMP is currently working on FACT 2010, which will update and extend the reporting of over 70 indicators with data representing trends for the decade 2000 to 2010. Some focus areas were continued, for example, Coastal Access, Coastal Hazards, and Coastal Awareness and Stewardship. Other focus areas and indicators were reorganized and are reported in the FACT 2010 under headings of Coastal Habitats, Environmental Health, Living Resources and Species of Concern, Coastal Society, and Waterfront Communities. The indicators are presented in the context of Florida coastal management and the status of our coastal environment.
- Performance Measurement System - Since 2003, the FCMP has been participating in the development of the National Coastal Management Performance Measurement System, a national indicator initiative led by the National Oceanic and Atmospheric Administration to quantify the effectiveness of the Coastal Zone Management Act (CZMA). The FCMP collects and reports data for the various categories of performance measures including: government coordination and decision making, public access, coastal habitats, coastal hazards, and coastal dependent uses and community development, as well as financial measures and certain other contextual measures.
- Coastal Currents - The FCMP publishes a newsletter, *Coastal Currents*, to communicate with agency partners, coastal communities, and the general public about FCMP activities, and to highlight and update Floridians on items related to the state's coastal zone.

- Coastal Access Guide – Public access is continually changing due to coastal erosion, conversion of land to other uses, population growth and development. To ensure there is adequate access to coastal resources, it is important to inventory the supply of access points to Florida’s public lands.

FCMP is currently developing an interactive web-based statewide beach access guide that details the locations and amenities of the sandy beach access points for the state. At this time, the Panhandle (from Escambia County to Citrus County) and Gulf (from Hernando County to Monroe County) coasts have been inventoried, mapped and the necessary files have been created for the access guide.

The completion of the access guide will provide critical information to residents and tourists on the numerous locations to access public lands along the coast. The development of a comprehensive, online tool will improve the public’s ability to access and use Florida’s beaches and other public, recreational and natural lands in the coastal zone. This will not only benefit beach visitors by improving their awareness of public access opportunities but also provide management entities with a current inventory of the existing supply.

- Beach Access Sign Program - The FCMP produces and distributes uniform beach access signs to local governments across the state.
- Beach Warning Flags and Interpretive Signs Program - The FCMP provides beach warning flags and interpretive signs for use by beachfront coastal communities and governmental entities that provide public access to Florida’s coast.
- Rip Current Awareness Program - Many visitors to the beach are not experienced in swimming in the surf and are vulnerable to rip currents and other hazards. The FCMP is working with the NOAA National Weather Service to provide rip current awareness signs and other educational materials to increase the public’s awareness of the dangers of rip currents and how they can protect themselves.
- Earth Day at the Capitol – Each year, the FCMP hosts a booth at the Earth Day event held at the state capitol in Tallahassee, Florida. At the event, FCMP distributes educational materials, such as posters, brochures, bookmarks, and educational games, which promote beach safety.
- International Coastal Cleanup (ICC) Event – The ICC Event unites volunteers every year on a single day for the world’s largest ocean health volunteer cleanup. The FCMP coordinates with the Ocean Conservancy to promote the ICC Event in Florida. The FCMP produces and distributes posters with a list of cleanup captains to schools throughout Florida to encourage the students and teachers to join the coastal cleanup in their counties. Also, FCMP staff is responsible for the annual cleanup at Mashers Sands Park in Wakulla County and nearby Ochlockonee River Bridge.
- Website – The FCMP continues to improve/update its website to better communicate its message and the program to the public.

## **IV. APPENDIX**

## **CHAPTER 380, F.S., PART II, COASTAL PLANNING AND MANAGEMENT**

### **380.20 Short title.—**

Sections 380.205-380.27 may be cited as the “Florida Coastal Management Act.”

*History.*— s. 5, ch. 78-287; s. 1, ch. 92-276; s. 186, ch. 99-13; s. 1, ch. 2002-275.

### **380.205 Definitions.—**

As used in ss. 380.205-380.27:

(1) “Department” means the Department of Environmental Protection.

(2) “Coastal zone” means that area of land and water from the territorial limits seaward to the most inland extent of marine influences. However, for planning and developing coordinated projects and initiatives for coastal resource protection and management, the department shall consider the coastal zone to be the geographical area encompassed by the 35 Florida coastal counties listed in the Final Environmental Impact Statement for the Florida Coastal Management Program and the adjoining territorial sea. It is not the intent of this definition to limit the authority currently exercised under the federal law and the federally approved Florida Coastal Management Program by which projects landward and seaward of the 35 coastal counties are reviewed for consistency with the Florida Coastal Management Program.

(3) “Coastal Zone Management Act” means the Coastal Zone Management Act of 1972, as amended (16 U.S.C. ss. 1451-1464).

*History.*— s. 2, ch. 92-276; s. 58, ch. 93-206; s. 187, ch. 99-13; s. 2, ch. 2002-275; s. 1, ch. 2002-277.

### **380.21 Legislative intent.—**

(1) The Legislature finds that:

(a) The coast is rich in a variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources, including, but not limited to, “energy facilities,” as that term is defined in s. 304 of the Coastal Zone Management Act, of immediate potential value to the present and future well-being of the residents of this state.

(b) It is in the state and national interest to protect, maintain, and develop these resources through coordinated management.

(c) State land and water management policies should, to the maximum possible extent, be implemented by local governments through existing processes for the guidance of growth and development.

(2) The Legislature therefore grants authorization for the department to maintain and update a program based on existing statutes and existing rules and submit applications to the appropriate federal agency as a basis for receiving funds under the Coastal Zone Management Act. It is the further intent of the Legislature that enactment of this legislation shall not amend existing statutes or provide additional regulatory authority to any governmental body except as otherwise provided by s. 380.23. The enactment of this legislation shall not in any other way affect any existing statutory or regulatory authority.

(3)(a) The Legislature finds that the coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the residents of this state which will be irretrievably lost or damaged if not properly managed. The participation by citizens of the state is an important factor in developing, adopting, amending, and implementing a program

for management of the coastal zone, and management of the state's coastal zone requires a highly coordinated effort among state, regional, and local officials and agencies.

(b) The state coastal zone management program shall contain each of the program elements necessary to comply with the requirements of the Coastal Zone Management Act, specifically delineating the role of state, regional, and local agencies in implementing the program; and it shall provide that the appeal of any regulatory decision, other than those appeals provided for by existing law, shall be to the Governor and Cabinet.

(4) The Legislature recognizes that land acquisition has great potential to support the state's coastal management and regulatory efforts. Removing coastal properties from the pool of developable acreage reduces the adverse land use and environmental impacts the state coastal zone management program is attempting to eliminate or diminish, while at the same time minimizing public expenditures and reducing risk to life and property in storm-prone coastal areas. To this end, the acquisition of coastal lands shall be an important component of the coastal zone management program.

*History.*— s. 6, ch. 78-287; s. 5, ch. 84-257; s. 3, ch. 92-276; s. 59, ch. 93-206; s. 3, ch. 2002-275.

### **380.22 Lead agency authority and duties.—**

(1) The department shall be the lead agency pursuant to the Coastal Zone Management Act and shall compile and submit to the appropriate federal agency applications to receive funds pursuant to the Coastal Zone Management Act. The state's program shall include program policies that only reference existing statutes and existing implementing administrative rules. In the event the program submitted pursuant to this subsection is rejected by the appropriate federal agency because of failure of this act, the existing statutes, or the existing implementing administrative rules to comply with the requirements of the federal Coastal Zone Management Act of 1972, as amended, no state coastal management program shall become effective without prior legislative approval. The coastal management program may be amended from time to time to include changes in statutes and rules adopted pursuant to statutory authority other than this act.

(2) The department shall also have authority to:

(a) Establish advisory councils with sufficient geographic balance to ensure statewide representation.

(b) Coordinate central files and clearinghouse procedures for coastal resource data information and encourage the use of compatible information and standards.

(c) Provide to the extent practicable financial, technical, research, and legal assistance to effectuate the purposes of this act.

(d) Review rules of other affected agencies to determine consistency with the program and to report any inconsistencies to the Legislature.

(3) The department shall adopt by rule procedures and criteria for the evaluation of subgrant applications that seek to receive a portion of those funds allotted to the state under the federal Coastal Zone Management Act.

(4) The department shall establish a county-based process for identifying, and setting priorities for acquiring, coastal properties in coordination with the Acquisition and Restoration Council, or its successor, so these properties may be acquired as part of the state's land acquisition programs. This process shall include the establishment of criteria for prioritizing coastal acquisitions which, in addition to recognizing pristine coastal properties and coastal properties of significant or important environmental sensitivity, recognize hazard

mitigation, beach access, beach management, urban recreation, and other policies necessary for effective coastal management.

(5) In addition to other criteria established by statute or rule, the following criteria shall be considered when establishing priorities for public acquisition of coastal property:

(a) The value of acquiring coastal high-hazard parcels, consistent with hazard mitigation and postdisaster redevelopment policies, in order to minimize the risk to life and property and to reduce the need for future disaster assistance.

(b) The value of acquiring beachfront parcels, irrespective of size, to provide public access and recreational opportunities in highly developed urban areas.

(c) The value of acquiring identified parcels the development of which would adversely affect coastal resources.

(6) The department shall develop and implement a strategy to enhance citizen awareness and involvement in Florida's coastal management programs.

*History.*— s. 7, ch. 78-287; s. 4, ch. 92-276; s. 60, ch. 93-206; s. 11, ch. 98-146; s. 188, ch. 99-13; s. 42, ch. 99-247; s. 4, ch. 2002-275.

### **380.23 Federal consistency.—**

(1) When a federally licensed or permitted activity subject to federal consistency review requires a state license, the issuance or renewal of a state license shall automatically constitute the state's concurrence that the licensed activity or use, as licensed, is consistent with the federally approved program. When a federally licensed or permitted activity subject to federal consistency review requires a state license, the denial of a state license shall automatically constitute the state's finding that the proposed activity or use is not consistent with the state's federally approved program, unless the United States Secretary of Commerce determines that such activity or use is in the national interest as provided in the Coastal Zone Management Act.

(2)(a) Where federal licenses, permits, activities, and projects listed in subsection (3) are subject to federal consistency review and are seaward of the jurisdiction of the state, or there is no state agency with sole jurisdiction, the department shall be responsible for the consistency review and determination; however, the department shall not make a determination that the license, permit, activity, or project is consistent if any other state agency with significant analogous responsibility makes a determination of inconsistency. All decisions and determinations under this subsection shall be appealable to the Governor and Cabinet.

(b) However, effective October 1, 1992, if a finding or recommendation of inconsistency has been made by a state agency with regard to federal activities and projects listed under paragraphs (3)(a) and (b) and the inconsistency cannot be resolved by the department, the department shall refer such finding or recommendation to the Governor for final determination. The Governor shall review the comments, findings, or recommendations of all participating agencies and shall affirm the finding or recommendation of inconsistency unless the Governor determines that the federal activity or project is consistent with the enforceable social, economic, and environmental policies of the coastal management program. Any permitting, licensing, or proprietary authority of an agency shall not be preempted or otherwise limited by any provision of this paragraph. Consistency determinations made pursuant to this paragraph shall not be appealable to the Governor or Cabinet.

(3) Consistency review shall be limited to review of the following activities, uses, and projects to ensure that such activities, uses, and projects are conducted in accordance with the state's coastal management program:

(a) Federal development projects and activities of federal agencies which significantly affect coastal waters and the adjacent shorelands of the state.

(b) Federal assistance projects that significantly affect coastal waters and the adjacent shorelands of the state and that are reviewed as part of the review process developed pursuant to Presidential Executive Order 12372.

(c) Federally licensed or permitted activities affecting land or water uses when such activities are in or seaward of the jurisdiction of local governments required to develop a coastal zone protection element as provided in s. 380.24 and when such activities involve:

1. Permits and licenses required under the Rivers and Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

2. Permits and licenses required under the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss. 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

3. Permits and licenses required under the Federal Water Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as amended, unless such permitting activities have been delegated to the state pursuant to said act.

4. Permits and licenses relating to the transportation of hazardous substance materials or transportation and dumping which are issued pursuant to the Hazardous Materials Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or 33 U.S.C. s. 1321, as amended.

5. Permits and licenses required under 15 U.S.C. ss. 717-717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss. 1331-1356 for construction and operation of interstate gas pipelines and storage facilities.

6. Permits and licenses required for the siting and construction of any new electrical power plants as defined in s. 403.503(14), as amended, and the licensing and relicensing of hydroelectric power plants under the Federal Power Act, 16 U.S.C. ss. 791a et seq., as amended.

7. Permits and licenses required under the Mining Law of 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as amended; the Federal Land Policy and Management Act, 43 U.S.C. ss. 1701 et seq., as amended; the Mining in the Parks Act, 16 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, for drilling, mining, pipelines, geological and geophysical activities, or rights-of-way on public lands and permits and licenses required under the Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as amended.

8. Permits and licenses for areas leased under the OCS Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including leases and approvals of exploration, development, and production plans.

9. Permits and licenses required under the Deepwater Port Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

10. Permits required for the taking of marine mammals under the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. s. 1374.



(d) Federal activities within the territorial limits of neighboring states when the Governor and the department determine that significant individual or cumulative impact to the land or water resources of the state would result from the activities.

(4) The department may adopt rules establishing procedures for conducting consistency reviews of activities, uses, and projects for which consistency review is required pursuant to subsections (1), (2), and (3). Such rules shall include procedures for the expeditious handling of emergency repairs to existing facilities for which consistency review is required. The department may also adopt rules prescribing the data and information needed for the review of consistency certifications and determinations. When an environmental impact statement or environmental assessment required by the National Environmental Policy Act has been prepared for a specific activity, use, or project subject to federal consistency review under this section, the environmental impact statement or environmental assessment shall be data and information necessary for the state's consistency review of that federal activity, use, or project under this section.

(5) In any coastal management program submitted to the appropriate federal agency for its approval pursuant to this act, the department shall specifically waive its right to determine the consistency with the coastal management program of all federally licensed or permitted activities not specifically listed in subsection (3).

(6) Agencies authorized to review and comment on the consistency of federal activities subject to state review under the Florida Coastal Management Program are those agencies charged with the implementation of the statutes and rules included in the federally approved program. Each agency shall be afforded an opportunity to provide the department or the state licensing agency with its comments and determination regarding the consistency of the federal activity with the statutes and rules included in the federally approved program implemented by the agency. An agency that submits a determination of inconsistency to the department or a state licensing agency shall be an indispensable party to any administrative or judicial proceeding in which such determination is an issue, shall be responsible for defending its determination in such proceedings, and shall be liable for any damages, costs, and attorney's fees awarded in the action as a consequence of such determination.

(7) Agencies shall not review for federal consistency purposes an application for a federally licensed or permitted activity if the activity is vested, exempted, or excepted under its own regulatory authority.

(8) The department shall review the items listed in subsection (3) to determine if in certain circumstances such items would constitute minor permit activities. If the department determines that the list contains minor permit activities, it may by rule establish a program of general concurrence pursuant to federal regulation which shall allow similar minor activities, in the same geographic area, to proceed without prior department review for federal consistency.

*History.*— s. 8, ch. 78-287; s. 1, ch. 90-220; s. 53, ch. 90-331; s. 5, ch. 92-276; s. 61, ch. 93-206; s. 29, ch. 98-176; s. 5, ch. 2002-275; s. 5, ch. 2005-166; s. 74, ch. 2007-5; s. 63, ch. 2008-227.

### **380.24 Local government participation.—**

Units of local government abutting the Gulf of Mexico or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community, shall develop a coastal zone protection element pursuant to s. 163.3177. Such units of local government shall be eligible to receive technical assistance from the state in preparing coastal zone protection

elements and shall be the only units of local government eligible to apply to the department for available financial assistance. Local government participation in the coastal management program authorized by this act shall be voluntary. All permitting and enforcement of dredged-material management and other related activities subject to permit under the provisions of chapters 161 and 253 and part IV of chapter 373 for deepwater ports identified in s. 403.021(9)(b) shall be done through the department consistent with the provisions of s. 403.021(9).

*History.*— s. 9, ch. 78-287; s. 11, ch. 94-122; s. 142, ch. 96-320; s. 2, ch. 2002-277.

### **380.25 Previous coastal zone atlases rejected.—**

The legislative draft of the coastal management program submitted to the Legislature by the department dated March 1, 1978, and the previously prepared coastal zone atlases are expressly rejected as the state's coastal management program. The department shall not divide areas of the state into vital, conservation, and development areas.

*History.*— s. 10, ch. 78-287.

### **380.26 Establishment of coastal building zone for certain counties.—**

The coastal building zone for counties not subject to s. 161.053 shall be as described in s. 161.54(1), after a public hearing is held in the affected county by the state land planning agency or its designee. The state land planning agency shall furnish the clerk of the circuit court in each county affected a survey of such line with references made to permanently installed monuments at such intervals and locations as may be necessary.

*History.*— s. 37, ch. 85-55.

### **380.27 Coastal infrastructure policy.—**

(1) No state funds shall be used for the purpose of constructing bridges or causeways to coastal barrier islands, as defined in s. 161.54(2), which are not accessible by bridges or causeways on October 1, 1985.

(2) After a local government has an approved coastal management element pursuant to s. 163.3178, no state funds which are unobligated at the time the element is approved shall be expended for the purpose of planning, designing, excavating for, preparing foundations for, or constructing projects which increase the capacity of infrastructure unless such expenditure is consistent with the approved coastal management element.

*History.*— s. 38, ch. 85-55; s. 38, ch. 95-196.

### **380.276 Beaches and coastal areas; display of uniform warning and safety flags at public beaches; placement of uniform notification signs; beach safety education.—**

(1) It is the intent of the Legislature that a cooperative effort among state agencies and local governments be undertaken to plan for and assist in the display of uniform warning and safety flags, and the placement of uniform notification signs that provide the meaning of such warning and safety flags, at public beaches along the coast of the state. Because the varying natural conditions of Florida's public beaches and coastal areas pose significant risks to the safety of tourists and the general public, it is important to inform the public of the need to exercise caution.

(2) The Department of Environmental Protection, through the Florida Coastal Management Program, shall direct and coordinate the uniform warning and safety flag program. The purpose of the program shall be to encourage the display of uniform warning

and safety flags at public beaches along the coast of the state and to encourage the placement of uniform notification signs that provide the meaning of such flags. Only warning and safety flags developed by the department shall be displayed. Participation in the program shall be open to any government having jurisdiction over a public beach along the coast, whether or not the beach has lifeguards.

(3) The Department of Environmental Protection shall develop a program for the display of uniform warning and safety flags at public beaches along the coast of the state and for the placement of uniform notification signs that provide the meaning of the flags displayed. Such a program shall provide:

(a) For posted notification of the meaning of each of the warning and safety flags at all designated public access points.

(b) That uniform notification signs be posted in a conspicuous location and be clearly legible.

(c) A standard size, shape, color, and definition for each warning and safety flag.

(4) The Department of Environmental Protection is authorized, within the limits of appropriations or grants available to it for such purposes, to establish and operate a program to encourage the display of uniform warning and safety flags at public beaches along the coast of the state and to encourage the placement of uniform notification signs that provide the meaning of the flags displayed. The department shall coordinate the implementation of the uniform warning and safety flag program with local governing bodies and the Florida Beach Patrol Chiefs Association.

(5) The Department of Environmental Protection may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this section.

(6) Due to the inherent danger of constantly changing surf and other naturally occurring conditions along Florida's coast, the state, state agencies, local and regional government entities or authorities, and their individual employees and agents, shall not be held liable for any injury or loss of life caused by changing surf and other naturally occurring conditions along coastal areas, whether or not uniform warning and safety flags or notification signs developed by the department are displayed or posted.

(7) The Department of Environmental Protection, through the Florida Coastal Management Program, may also develop and make available to the public other educational information and materials related to beach safety.

*History.*— s. 9, ch. 2002-275; s. 1, ch. 2005-161.

### **380.285 Lighthouses; study; preservation; funding.—**

The Department of Community Affairs and the Division of Historical Resources of the Department of State shall undertake a study of the lighthouses in the state. The study must determine the location, ownership, condition, and historical significance of all lighthouses in the state and ensure that all historically significant lighthouses are nominated for inclusion on the National Register of Historic Places. The study must assess the condition and restoration needs of historic lighthouses and develop plans for appropriate future public access and use. The Division of Historical Resources shall take a leadership role in implementing plans to stabilize lighthouses and associated structures and to preserve and protect them from future deterioration. When possible, the lighthouses and associated buildings should be made available to the public for educational and recreational purposes. The Department of State shall request in its annual legislative budget requests funding necessary to carry out the duties and responsibilities specified in this act. Funds for the rehabilitation of lighthouses should be

allocated through matching grants-in-aid to state and local government agencies and to nonprofit organizations. The Department of Environmental Protection may assist the Division of Historical Resources in projects to accomplish the goals and activities described in this section.

**History.**— s. 6, ch. 2001-200; s. 6, ch. 2002-275; s. 3, ch. 2002-277.

<sup>1</sup>**Note.**— As amended by s. 6, ch. 2002-275. For a description of multiple acts in the same session affecting a statutory provision, see preface to the Florida Statutes, “Statutory Construction.” Section 380.285 was also amended by s. 3, ch. 2002-277, and that version reads:

## **FCMP ENFORCEABLE POLICIES**

Following is a list of the enforceable policies (statutory authorities) incorporated in the federally-approved FCMP, which identifies by section and title the specific statute sections included in the program as enforceable policies.

### **Chapter 161, F.S., Beach and Shore Preservation**

Coastal areas are among the state's most valuable natural, aesthetic, and economic resources; and they provide habitat for a variety of plant and animal life. The state is required to protect coastal areas from imprudent activities that could jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access. Coastal areas used, or likely to be used, by sea turtles are designated for nesting, and the removal of vegetative cover that binds sand is prohibited. This statute provides policy for the regulation of construction, reconstruction, and other physical activities related to the beaches and shores of the state. Additionally, this statute requires the restoration and maintenance of critically eroding beaches.

- 161.011 Short title.
- 161.021 Definitions.
- 161.031 Personnel and facilities.
- 161.041 Permits required.
- 161.0415 Citation of rule.
- 161.042 Coastal construction and excavation in barrier beach inlets.
- 161.051 Coastal construction by persons, firms, corporations, or local authorities.
- 161.052 Coastal construction and excavation; regulation.
- 161.053 Coastal construction and excavation; regulation on county basis.
- 161.05301 Beach erosion control project staffing.
- 161.0531 Development agreements.
- 161.0535 Permits; fees, costs.
- 161.054 Administrative fines; liability for damage; liens.
- 161.055 Concurrent processing of permits.
- 161.061 Coastal construction serving no public purpose, endangering human life, health, or welfare, or becoming unnecessary or undesirable.
- 161.071 Prosecuting officers to assist enforcement of this part.
- 161.081 Powers of Department of Legal Affairs.
- 161.082 Review of innovative technologies for beach nourishment.
- 161.085 Rigid coastal armoring structures.
- 161.088 Declaration of public policy respecting beach erosion control and beach restoration and nourishment projects.
- 161.091 Beach management; funding; repair and maintenance strategy.
- 161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.
- 161.111 Shore erosion emergency.
- 161.121 Penalty.

- 161.131 Construction of ss. 161.011-161.212.
- 161.141 Property rights of state and private upland owners in beach restoration project areas.
- 161.142 Declaration of public policy relating to improved navigation inlets.
- 161.143 Inlet management; planning, prioritizing, funding, approving, and implementing projects.
- 161.144 Policy guidance related to sand source management.
- 161.151 Definitions.
- 161.161 Procedure for approval of projects.
- 161.163 Coastal areas used by sea turtles; rules.
- 161.181 Recording of resolution and survey of board of trustees.
- 161.191 Vesting of title to lands.
- 161.201 Preservation of common-law rights.
- 161.211 Cancellation of resolution for nonperformance by board of trustees.
- 161.212 Judicial review relating to permits and licenses.
- 161.242 Harvesting of sea oats and sea grapes prohibited; possession prima facie evidence of violation.
- 161.25 County beach and shore preservation authority; board of county commissioners.
- 161.26 Expenses; use of county funds.
- 161.27 Personnel and facilities.
- 161.28 Comprehensive county beach and shore preservation program.
- 161.29 Benefit categories or zones.
- 161.31 Establishment of districts.
- 161.32 Existing erosion prevention district.
- 161.33 Cooperation with federal, state, and other governmental entities.
- 161.34 Coordination of county preservation activities.
- 161.35 County shoreline; supervisory and regulatory powers of board of county commissioners.
- 161.36 General powers of authority.
- 161.37 Capital, operation and maintenance costs; district benefits tax levy.
- 161.38 Issuance of bonds.
- 161.39 Cooperation between two or more counties.
- 161.40 Tax exemptions.
- 161.41 Construction of ss. 161.25-161.40.
- 161.45 Effect of repeal of chapter 158 on districts created prior to repeal.
- 161.52 Short title.
- 161.53 Legislative intent.
- 161.54 Definitions.
- 161.55 Requirements for activities or construction within the coastal building zone.
- 161.56 Establishment of local enforcement.
- 161.57 Coastal properties disclosure statement.
- 161.58 Vehicular traffic on coastal beaches.
- 161.70 Short title.
- 161.71 Definitions.
- 161.72 Findings and intent.
- 161.73 Composition.

- 161.74 Responsibilities.
- 161.75 Rulemaking authority.
- 161.76 Preservation of authority.

**Chapter 163, Part II, F.S., Intergovernmental Programs: Growth Policy, County and Municipal Planning: Land Development Regulation**

The purpose of this statute is to provide for the implementation of comprehensive planning programs to guide and control future development in the state. The comprehensive planning process encourages units of local government to preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of public facilities and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

- 163.3164 Definitions.
- 163.3177 Required and optional elements of comprehensive plan; studies and surveys.  
(6)(a), (10)(h), (10)(l), (11)(a), & (11)(c)
- 163.3178 Coastal management.  
(1) & (2)(d-j)
- 163.3180 Concurrency.  
(2)(a-c), (5)(a), (5)(c), (6), & (8)
- 163.3194 Legal status of comprehensive plan.  
(1)(a)
- 163.3202 Land development regulations.  
(2)(a-h)
- 163.3220 Short title; legislative intent.  
(2) & (3)

**Chapter 186, F.S., State and Regional Planning**

The state comprehensive plan provides basic policy direction to all levels of government regarding the orderly social, economic, and physical growth of the state. The goals, objectives, and policies of the state comprehensive plan are statewide in scope and are consistent and compatible with each other. The statute provides direction for the delivery of governmental services, a means for defining and achieving the specific goals of the state, and a method for evaluating the accomplishment of those goals.

- 186.001 Short title.
- 186.002 Findings and intent.
- 186.003 Definitions;.ss. 186.001-186.031, 186.801 - 186.901.
- 186.004 Governor; chief planning officer of the state.
- 186.005 Designation of departmental planning officer.
- 186.006 Powers and responsibilities of Executive Office of the Governor.
- 187.007 State comprehensive plan; preparation; revision.
- 186.008 State comprehensive plan; revision; implementation.

- 186.009 Growth management portion of the state comprehensive plan.
- 186.0201 Electric substation planning.
- 186.021 Long-range program plans.
- 186.022 Information technology strategic plans.
- 186.031 Annual report.
- 186.501 Short title.
- 186.502 Legislative findings; public purpose.
- 186.503 Definitions.
- 186.504 Regional planning councils; creation; membership.
- 186.505 Regional planning councils; powers and duties.
- 186.506 Executive Office of the Governor; powers and duties.
- 186.507 Strategic regional policy plans.
- 186.508 Strategic regional policy plan adoption; consistency with state comprehensive plan.
- 186.509 Dispute resolution process.
- 186.511 Evaluation of strategic regional policy plan; changes in plan.
- 186.513 Reports.
- 186.515 Creation of regional planning councils under chapter 163.
- 186.801 Ten-year site plans.
- 186.803 Use of geographic information by governmental entities.
- 186.805 Data Bank on Older Floridians.
- 186.901 Population census determination.

## **Chapter 252, F.S., Emergency Management**

The state of Florida is vulnerable to a wide range of emergencies, including natural, technological, and manmade disasters and this vulnerability is exacerbated by the tremendous growth in the state's population, especially the growth in the number of persons residing in coastal areas, in the elderly population, in the number of seasonal vacationers, and in the number of persons with special needs. This statute directs the state to reduce the vulnerability of its people and property to natural and manmade disasters; prepare for, respond to and reduce the impacts of disasters; and decrease the time and resources needed to recover from disasters. Disaster mitigation is necessary to ensure the common defense of Floridians' lives and to protect the public peace, health, and safety. The policies provide the means to assist in the prevention or mitigation of emergencies that may be caused or aggravated by the inadequate planning or regulation of facilities and land uses. State agencies are directed to keep land uses and facility construction under continuing study and identify areas that are particularly susceptible to natural or manmade catastrophic occurrences.

- 252.31 Short title.
- 252.311 Legislative Intent.
- 252.32 Policy and purpose.
- 252.33 Limitations.
- 252.34 Definitions.
- 252.35 Emergency management powers; Division of Emergency Management.
- 252.355 Registry of persons with special needs; notice.



- 252.356 Emergency and disaster planning provisions to assist persons with disabilities or limitations.
- 252.3568 Emergency sheltering of persons with pets.
- 252.357 Monitoring of nursing homes and assisted living facilities during disaster.
- 252.358 Emergency-preparedness prescription medication refills.
- 252.36 Emergency management powers of the Governor.
- 252.365 Emergency coordination officers; disaster-preparedness plans.
- 252.37 Financing.
- 252.371 Emergency Management, Preparedness, and Assistance Trust Fund.
- 252.372 Imposition of collection of surcharge.
- 252.373 Allocation of funds; rules.
- 252.38 Emergency management powers of political subdivisions.
- 252.385 Public shelter space.
- 252.39 Local services.
- 252.40 Mutual Aid arrangements.
- 252.41 Emergency management support forces.
- 252.42 Government equipment, services, and facilities.
- 252.43 Compensation.
- 252.44 Emergency mitigation.
- 252.45 Lease or loan of state property; transfer of state personnel.
- 252.46 Orders and rules.
- 252.47 Enforcement.
- 252.50 Penalties.
- 252.51 Liability.
- 252.52 Liberality of construction.
- 252.55 Civil Air Patrol, Florida Wing.
- 252.60 Radiological emergency preparedness.
- 252.61 List of persons for contact relating to release of toxic substances into atmosphere.
- 252.62 Director of Office of Financial Regulation; powers in a state of emergency.
- 252.63 Commissioner of Insurance Regulation; powers in a state of emergency.
- 252.81 Short title.
- 252.82 Definitions.
- 252.83 Powers and duties of the department.
- 252.84 Funding.
- 252.85 Fees.
- 252.86 Penalties and remedies.
- 252.87 Supplemental state reporting requirements.
- 252.88 Public records.
- 252.89 Tort Liability.
- 252.90 Commission and committee duties.
- 252.921 Short title.
- 252.922 Purpose and authorities.
- 252.923 General implementation.
- 252.924 Party state responsibilities.
- 252.925 Limitation.
- 252.926 License and permits.

- 252.927 Liability.
- 252.928 Compensation.
- 252.929 Reimbursement.
- 252.931 Evacuation.
- 252.932 Implementation.
- 252.933 Validity.
- 252.934 Short title.
- 252.935 Purpose.
- 252.936 Definitions.
- 252.937 Department powers and duties.
- 252.938 Funding.
- 252.939 Fees.
- 252.940 Enforcement; procedure; remedies.
- 252.941 Prohibitions, violations, penalties, intent.
- 252.942 Inspections and audits.
- 252.943 Public records.
- 252.944 Tort liability.
- 252.945 Start-up loan.
- 252.946 Public records.

### **Chapter 253, F.S., State Lands**

The Board of Trustees of the Internal Improvement Trust Fund (Trustees) is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state. Lands acquired for preservation, conservation and recreation serve the public interest by contributing to the public health, welfare and economy. In carrying out the requirements of this statute, the Trustees are directed to take necessary action to fully: conserve and protect state lands; maintain natural conditions; protect and enhance natural areas and ecosystems; prevent damage and depredation; and preserve archaeological and historical resources. All submerged lands are considered single-use lands to be maintained in natural condition for the propagation of fish and wildlife and public recreation. Where multiple-uses are permitted, ecosystem integrity, recreational benefits and wildlife values are conserved and protected.

- 253.001 Board of Trustees of the Internal Improvement Trust Fund; duty to hold lands in trust.
- 253.002 Department of Environmental Protection, water management districts, and Department of Agriculture and Consumer Services; duties with respect to state lands.
- 253.01 Internal Improvement Trust Fund established.
- 253.02 Board of Trustees; powers and duties.
- 253.025 Acquisition of state lands for purposes other than preservation, conservation and recreation.
- 253.027 Emergency archaeological property acquisition.
- 253.03 Board of trustees to administer state lands; lands enumerated.
- 253.031 Land office; custody of documents concerning land; moneys; plats.
- 253.0325 Modernization of state lands records.

- 253.033 Inter-American Center property; transfer to board; continued use for government purposes.
- 253.034 State-owned lands; uses.
- 253.0341 Surplus of state-owned lands to counties or local governments.
- 253.0345 Special events; submerged land leases.
- 253.035 Coastal anchorage areas.
- 253.036 Forest management.
- 253.037 Use of state-owned land for correctional facilities.
- 253.04 Duty of board to protect, etc., state lands; state may join in any action brought.
- 253.05 Prosecuting officers to assist in protecting state lands.
- 253.111 Notice to board of county commissioners before sale.
- 253.115 Public notice and hearings.
- 253.12 Title to tidal lands vested in state.
- 253.121 Conveyances of such lands heretofore made, ratified, confirmed, and validated.
- 253.1221 Bulkhead lines; reestablishment.
- 253.1241 Studies.
- 253.1252 Citation of rule.
- 253.126 Legislative intent.
- 253.127 Enforcement.
- 253.128 Enforcement; board or agency under special law.
- 253.1281 Review by board.
- 253.129 Confirmation of title in upland owners.
- 253.135 Construction of ss. 253.12, 253.126, 253.127, 253.128, and 253.129.
- 253.14 Rights of riparian owners; board of trustees to defend suit.
- 253.141 Riparian rights defined; certain submerged bottoms subject to private ownership.
- 253.21 Board of trustees may surrender certain lands to the United States and receive indemnity.
- 253.29 Board of trustees to refund money paid where title to land fails.
- 253.34 Transfer of notes owned by board.
- 253.36 Title to reclaimed marshlands, wetlands, or lowlands in board of trustees.
- 253.37 Survey to be made; sale of lands; preference to buyers.
- 253.38 Riparian rights not affected.
- 253.381 Unsurveyed marshlands; sale to upland owners.
- 253.382 Oyster beds, minerals, and oils reserved to state.
- 253.39 Surveys approved by chief cadastral surveyor validated.
- 253.40 To what lands applicable.
- 253.41 Plats and field notes filed in office of Board of Trustees of Internal Improvement Trust Fund.
- 253.42 Board of trustees may exchange lands.
- 253.43 Convey by deed.
- 253.431 Agents may act on behalf of board of trustees.
- 253.44 Disposal of lands received.
- 253.45 Sale or lease of phosphate, clay, minerals, etc., in or under state lands.
- 253.451 Construction of term "land the title to which is vested in the state."
- 253.47 Board of trustees may lease, sell, etc., bottoms of bays, lagoons, straits, etc., owned by state, for petroleum purposes.

- 253.51 Oil and gas leases on state lands by the board of trustees.
- 253.511 Reports by lessees of oil and mineral rights, state lands.
- 253.512 Applicants for lease of gas, oil, or mineral rights; report as to lease holdings.
- 253.52 Placing oil and gas leases on market by board.
- 253.53 Sealed bids required.
- 253.54 Competitive bidding.
- 253.55 Limitation on term of lease.
- 253.56 Responsibility of bidder.
- 253.57 Royalties.
- 253.571 Proof of financial responsibility required of lessee prior to commencement of drilling.
- 253.60 Conflicting laws.
- 253.61 Lands not subject to lease.  
(Paragraph (1)(d) is not included in the approved FCMP.)
- 253.62 Board of trustees authorized to convey certain lands without reservation.
- 253.66 Change in bulkhead lines, Pinellas County.
- 253.665 Grant of easements, licenses, and leases.
- 253.67 Definitions.
- 253.68 Authority to lease or use submerged land and water column for aquaculture activities.
- 253.69 Application to lease submerged land and water column.
- 253.70 Public notice.
- 253.71 The lease contract.
- 253.72 Marking of leased areas; restrictions on public use.
- 253.73 Rules; ss. 253.67-253.75.
- 253.74 Penalties.
- 253.75 Studies and recommendations by the department and the Fish and Wildlife Conservation Commission; designation of recommended traditional and other use zones; supervision of aquaculture operations.
- 253.763 Judicial review relating to permits and licenses.
- 253.77 State lands; state agency authorization for use prohibited without consent of agency in which title vested; concurrent processing requirements.
- 253.781 Retention of state-owned lands along former Cross Florida Barge Canal route; creation of Cross Florida Greenways State Recreation and Conservation Area; authorizing transfer to the Federal Government for inclusion in Ocala National Forest.
- 253.782 Retention of state-owned lands in and around Lake Rousseau and the Cross Florida Barge Canal right-of-way from Lake Rousseau west to the Withlacoochee River.
- 253.7821 Cross Florida Greenways State Recreation and Conservation Area assigned to the Office of the Executive Director.
- 253.7822 Boundaries of the Cross Florida Greenways State Recreation and Conservation Area; coordination of management activities.
- 253.7823 Disposition of surplus lands; compensation of counties located within the Cross Florida Canal Navigation District.
- 253.7824 Sale of products; proceeds.

- 253.7825 Recreational uses.
- 253.7826 Canal structures.
- 253.7827 Transportation and utility crossings of greenways lands.
- 253.7828 Impairment of use or conservation by agencies prohibited.
- 253.7829 Management plan for retention or disposition of former Cross Florida Barge Canal lands; authority to manage lands until disposition.
- 253.783 Additional powers and duties of the department; disposition of surplus lands; payments to counties.
- 253.784 Contracts.
- 253.785 Liberal construction of act.
- 253.80 Murphy Act lands; costs and attorney fees for quieting title.
- 253.81 Murphy Act; tax certificates barred.
- 253.82 Title of state or private owners to Murphy Act lands.
- 253.83 Construction of recodification.
- 253.86 Management and use of state-owned or other uplands; rulemaking authority.

### **Chapter 258, F.S., State Parks and Preserves**

The statute addresses the state's administration of state parks, aquatic preserves, and recreation areas, which are acquired to emblemize the state's natural values and to ensure that these values are conserved for all time. Parks and preserves are managed for the non-depleting use, enjoyment, and benefit of Floridians and visitors and to contribute to the state's tourist appeal. Aquatic Preserves are recognized as having exceptional biological, aesthetic, and scientific value and are set aside for the benefit of future generations. Disruptive physical activities and polluting discharges are highly restricted in aquatic preserves. State managed wild and scenic rivers possess exceptionally remarkable and unique ecological, fish and wildlife, and recreational values and are designated for permanent preservation and enhancement for both the present and future.

- 258.001 Park regions.
- 258.004 Duties of division.
- 258.007 Powers of division.
- 258.008 Prohibited activities; penalties.
- 258.014 Fees for use of state parks.
- 258.015 Citizen support organizations; use of property; audit.
- 258.016 Senior/disabled citizen camping permit.
- 258.0165 Defibrillators in state parks.
- 258.017 Dedication of state park lands for public use.
- 258.021 Power of eminent domain; procedure.
- 258.027 Division to take over certain functions.
- 258.034 State Park Trust Fund created.
- 258.037 Policy of division.
- 258.041 Cooperation of division with counties, etc.
- 258.08 Guide meridian and base parallel park located.
- 258.081 Stephen Foster State Folk Culture Center.
- 258.083 John Pennekamp Coral Reef State Park; taking or damaging of coral prohibited.
- 258.09 Rauscher Park designated.

- 258.10 Division of Recreation and Parks to supervise and maintain Rauscher Park.
- 258.11 Land ceded for Royal Palm State Park; proviso.
- 258.12 Additional lands ceded for Royal Palm State Park.
- 258.14 Royal Palm State Park and endowment lands exempt from taxation.
- 258.15 St. Michael's Cemetery designated a state park.
- 258.155 Judah P. Benjamin Memorial at Gamble Plantation Historical Site Advisory Council.
- 258.156 Savannas State Reserve.
- 258.157 Prohibited acts in Savannas State Reserve.
- 258.35 Short title; ss.258.35-258.394 and 258.40-258.465.
- 258.36 Legislative intent.
- 258.37 Definitions.
- 258.38 Types of aquatic preserves.
- 258.39 Boundaries of preserves.
- 258.391 Cockroach Bay Aquatic Preserve.
- 258.392 Gasparilla Sound-Charlotte Harbor Aquatic Preserve.
- 258.3925 Lemon Bay Aquatic Preserve.
- 258.393 Terra Ceia Aquatic Preserve wastewater or effluent discharge activities.
- 258.394 Guana River Marsh Aquatic Preserve.
- 258.395 Big Bend Seagrasses Aquatic Preserve.
- 258.396 Boca Ciega Bay Aquatic Preserve.
- 258.397 Biscayne Bay Aquatic Preserve.
- 258.399 Oklawaha River Aquatic Preserve.
- 258.40 Scope of preserves.
- 258.41 Establishment of aquatic preserves.
- 258.42 Maintenance of preserves.
- 258.43 Rules.
- 258.44 Effect of preserves.
- 258.45 Provisions not superseded.
- 258.46 Enforcement; violations; penalty.
- 258.501 Myakka River; wild and scenic segment.

### **Chapters 259, F.S., Land Acquisition for Conservation or Recreation**

The statute addresses public ownership of natural areas for purposes of maintaining the state's unique natural resources; protecting air, land, and water quality; promoting water resource development to meet the needs of natural systems and citizens of this state; promoting restoration activities on public lands; and providing lands for natural resource based recreation. Lands are managed to protect or restore their natural resource values, and provide the greatest benefit, including public access, to the citizens of this state.

- 259.01 Short title.
- 259.02 Authority; full faith and credit bonds.
- 259.03 Definitions.
- 259.032 Conservation and Recreation Lands Trust Fund; purpose.
- 258.0322 Reinstitution of payments in lieu of taxes: duration.
- 259.035 Advisory council; powers and duties.

- 259.036 Management review teams.
- 259.037 Land Management Uniform Accounting Council
- 259.04 Board; powers and duties.
- 259.041 Acquisition of state-owned lands for preservation, conservation, and recreation purposes.
- 259.042 Tax increment financing for conservation lands.
- 259.045 Purchase of lands in areas of critical state concern; recommendations by department and land authorities.
- 259.047 Acquisition of land on which an agricultural lease exists.
- 259.05 Issuance of bonds.
- 259.06 Construction.
- 259.07 Public meetings.
- 259.101 Florida Preservation 2000 Act.
- 259.105 The Florida Forever Act.
- 259.1051 Florida Forever Trust Fund.
- 259.1052 Babcock Crescent B Ranch Florida Forever acquisition; conditions for purchase.
- 259.10521 Citizen support organization; use of property.
- 259.1053 Babcock Ranch Preserve; Babcock Ranch, Inc.; creation; membership; organization; meetings.

### **Chapters 260, F.S., Florida Greenways and Trails Act**

A statewide system of greenways and trails is established in order to conserve, develop, and use the natural resources of Florida for healthful and recreational purposes. These greenways and trails provide open space benefiting environmentally sensitive lands and wildlife and provide people with access to healthful outdoor activities. The greenways and trails serve to implement the concepts of ecosystem management while providing, where appropriate, recreational opportunities such as horseback riding, hiking, bicycling, canoeing, jogging, and historical and archaeological interpretation.

- 260.011 Popular name.
- 260.012 Declaration of policy and legislative intent.
- 260.0125 Limitation on liability of private landowners whose property is designated as part of the statewide system of greenways and trails.
- 260.013 Definitions.
- 260.014 Florida Greenways and Trails System.
- 260.0141 Greenways and Trails Program.
- 260.0142 Florida Greenways and Trails Council; composition; powers and duties.
- 260.015 Acquisition of land.
- 260.016 General powers of the department.
- 260.0161 Coordination with Department of Transportation.
- 260.017 Restrictions; rules.
- 260.018 Agency recognition.
- 260.019 Florida Circumnavigation Saltwater Paddling Trail.
- 260.021 Recreational opportunities on mined lands.

## Chapter 267, F.S., Historical Resources

The management and preservation of the state's archaeological and historical resources are addressed by this statute. This statute recognizes the state's rich and unique heritage of historic resources and directs the state to locate, acquire, protect, preserve, operate and interpret historic and archeological resources for the benefit of current and future generations of Floridians. Objects or artifacts with intrinsic historic or archeological value located on, or abandoned on, state-owned lands or state-owned submerged lands belong to the citizens of the state. The state historic preservation program operates in conjunction with the National Historic Preservation Act of 1966 to require state and federal agencies to consider the effect of their direct or indirect actions on historic and archeological resources. These resources cannot be destroyed or altered unless no prudent alternative exists. Unavoidable impacts must be mitigated.

- 267.011 Short title.
- 267.021 Definitions.
- 267.031 Division of Historical Resources; powers and duties.
- 267.061 Historic properties; state policy, responsibilities.
- 267.0612 Florida Historical Commission; creation; membership; powers and duties.
- 267.0617 Historic Preservation Trust Fund.
- 267.062 Naming of state buildings and other facilities.
- 267.0625 Abrogation of offensive and derogatory geographic place names.
- 267.071 Historical museums.
- 267.0731 Great Floridians Program.
- 267.074 State Historical Marker Program.
- 267.0743 State Historical Marker Council.
- 267.075 The Grove Advisory Council; creation; membership; purposes.
- 267.076 Confidentiality of certain donor information related to publicly owned house museums designated as National Historic Landmarks.
- 267.081 Publications.
- 267.11 Designation of archaeological sites.
- 267.115 Objects of historical or archaeological value.
- 267.12 Research permits; procedure.
- 267.13 Prohibited practices; penalties.
- 267.135 Location of archaeological sites.
- 267.14 Legislative intent.
- 267.145 Florida network of public archaeology centers.
- 267.16 Florida Folklife Programs.
- 267.161 Florida Folklife Council.
- 267.17 Citizen support organizations; use of state administrative services and property; audit.
- 267.171 St. Augustine; contract for preservation of historic properties.
- 267.172 Tallahassee; Florida Keys; contracts for historic preservation.
- 267.173 Historic preservation in West Florida; goals; contracts for historic preservation; powers and duties.
- 267.1732 Direct-support organizations.



- 267.1735 Historic preservation in St. Augustine; goals; contracts for historic preservation; powers and duties.
- 267.1736 Direct-support organization.

### **Chapter 288, F.S., Commercial Development and Capital Improvements**

The framework to promote and develop general business, trade, and tourism components of the state economy are established in this statute. The statute includes requirements to protect and promote the natural, coastal, historical, and cultural tourism assets of the state; foster the development of nature-based tourism and recreation; and upgrade the image of Florida as a quality destination. Natural resource-based tourism and recreational activities are critical sectors of Florida's economy. The needs of the environment must be balanced with the need for growth and economic development.

- 288.001 The Florida Small Business Development Center Network; purpose.
- 288.012 State of Florida foreign offices.
- 288.017 Cooperative advertising matching grants program.
- 288.018 Regional Rural Development Grants Program.
- 288.019 Rural considerations in grant review and evaluation processes.
- 288.021 Economic development liaison.
- 228.0251 International development outreach activities in Latin America and Caribbean Basin.
- 288.035 Economic development activities.
- 288.037 Department of State; agreement with county tax collector.
- 288.038 Department of Labor and Employment Security; agreement with county tax collector.
- 288.041 Solar energy industry; legislative findings and policy; promotional activities.
- 288.0415 Solar energy; advancement; economic development strategy.
- 288.046 Quick-response training; legislative intent.
- 288.047 Quick-response training for economic development
- 288.061 Economic development incentive application process.
- 288.063 Contracts for transportation projects.
- 288.065 Rural Community Development Revolving Loan Fund.
- 288.0655 Rural Infrastructure Fund.
- 288.0656 Rural Economic Development Initiative.
- 288.06561 Reduction or waiver of financial match requirements.
- 288.0657 Florida rural economic development strategy grants.
- 288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.
- 288.075 Confidentiality of records.
- 288.095 Economic Development Trust Fund.
- 288.1045 Qualified defense contractor tax refund program.
- 288.106 Tax refund program for qualified target industry businesses.
- 288.107 Brownfield redevelopment bonus refunds.
- 288.108 High-impact business.
- 288.1081 Economic Gardening Business Loan Pilot Program.
- 288.1082 Economic Gardening Technical Assistance Pilot Program.

- 288.1088 Quick Action Closing Fund.
- 288.1089 Innovation Incentive Program.
- 288.109 One-Stop Permitting System.
- 288.1092 One-Stop Permitting System Grant Program.
- 288.1093 Quick Permitting County Designation Program.
- 288.1095 Information concerning the One-Stop Permitting System.
- 288.1097 Qualified job training organizations; certification; duties.
- 288.1162 Professional sports franchises; spring training franchises; duties.
- 288.1166 Professional sports facility; designation as shelter site for the homeless; establishment of local programs.
- 288.1167 Sports franchise contract provisions for food and beverage concession and contract awards to minority business enterprises.
- 288.1168 Professional golf hall of fame facility; duties.
- 288.1169 International Game Fish Association World Center facility.
- 288.1171 Motorsports entertainment complex; definitions; certification; duties.
- 288.1175 Agriculture education and promotion facility.
- 288.1185 Recycling Markets Advisory Committee.
- 288.122 Tourism Promotional Trust Fund.
- 288.1221 Legislative intent.
- 288.1222 Definitions.
- 288.1223 Florida Commission on Tourism; creation; purpose; membership.
- 288.1224 Powers and duties.
- 288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.
- 288.12265 Welcome centers.
- 288.1227 Annual report of the Florida Commission on Tourism; audits.
- 288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization; powers and duties.
- 288.12295 Promotion and development of sports-related industries; direct-support organization; confidentiality of donor identities.
- 288.124 Convention grants program.
- 288.125 Definitions of “entertainment industry”.
- 288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.
- 288.1252 Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties.
- 288.1253 Travel and entertainment expenses.
- 288.1254 Entertainment industry financial incentive program; creation; purpose; definitions; application procedure; approval process; reimbursement eligibility; submission of required documentation; recommendations for payment; policies and procedures; fraudulent claims.
- 288.1258 Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports.
- 288.13 Cooperation with other units, boards, agencies, and individuals.
- 288.14 Board of Trustees of the Internal Improvement Trust Fund may cooperate.
- 288.15 Powers of Division of Bond Finance.

- 288.17 Revenue certificates.
- 288.18 Planning, promoting, and supervising state building projects.
- 288.23 Division authorized to acquire roads and bridges.
- 288.24 Division authorized to acquire ferries and toll ferries.
- 288.27 Lease or sale by division.
- 288.28 Department of Transportation authorized to lease or purchase certain roads and bridges.
- 288.281 Financing construction or acquisition of roads and bridges; additional method.
- 288.29 Ratifying prior transactions.
- 288.30 Cumulative provisions.
- 288.31 Armories; financing construction authorized.
- 288.33 School buildings; financing construction authorized.
- 288.35 Definitions.
- 288.36 Foreign trade zones; authority to establish, operate, and maintain.
- 288.37 Foreign trade zones; authority to select and describe locations and make rules.
- 288.38 Applicability of state laws and rules concerning citrus fruit products.
- 288.386 Florida-Caribbean Basin Trade Initiative.
- 288.7001 Small Business Regulatory Advisory Council.
- 288.7002 Small business advocate.
- 288.7011 Assistance to certified development corporation.
- 288.7015 Appointment of rules ombudsman; duties.
- 288.702 Short title.
- 288.703 Definitions.
- 288.7031 Application of certain definitions.
- 288.705 Statewide contracts register.
- 288.706 Florida Minority Business Loan Mobilization Program.
- 288.7065 Short title.
- 288.707 Florida Black Business Investment Board, Inc.
- 288.708 President; employees.
- 288.709 Powers of the Florida Black Business Investment Board, Inc.
- 288.7091 Duties of the Florida Black Business Investment Board, Inc.
- 288.7094 Black business investment corporations.
- 288.7102 Black Business Loan Program.
- 288.71025 Prohibited acts; penalties.
- 288.7103 Eligibility for loan, loan guarantee, or investment.
- 288.712 Florida guarantor funds.
- 288.714 Annual report.
- 288.770 Short title.
- 288.771 Legislative findings and intent.
- 288.772 Definitions.
- 288.773 Florida Export Finance Corporation.
- 288.774 Powers and limitations.
- 288.775 Florida Export Finance Corporation Guarantee Account.
- 288.776 Board of directors; powers and duties.
- 288.777 President of the corporation.
- 288.7771 Annual report of Florida Export Finance Corporation.

- 288.778 Office of Financial Institutions and Securities Regulation.
- 288.809 Florida Intergovernmental Relations Foundations; use of property; board of directors; audit.
- 288.816 Intergovernmental relations.
- 288.8175 Linkage institutes between postsecondary institutions in this state and foreign countries.
- 288.826 Florida International Trade and Promotion Trust Fund.
- 288.851 Short title.
- 288.852 Legislative purpose.
- 288.853 Intergovernmental sanctions against Castro government.
- 288.854 Support for a free and independent Cuba.
- 288.855 Export or sale for export to foreign countries in violation of federal law prohibited.
- 288.901 Enterprise Florida, Inc.; creation; membership; organization; meetings; disclosure.
- 288.9015 Enterprise Florida, Inc.; purpose; duties.
- 288.90151 Return on investment from activities of Enterprise Florida, Inc.
- 288.903 Board of directors of Enterprise Florida, Inc.; president; employees.
- 288.904 Powers of the board of directors of Enterprise Florida, Inc.
- 288.905 Duties of the board of directors of Enterprise Florida, Inc.
- 288.906 Annual report of Enterprise Florida, Inc.; audits; confidentiality.
- 288.911 Creation and implementation of a marketing and image campaign.
- 288.9415 International Trade Grants.
- 288.95155 Florida Small Business Technology Growth Program.
- 288.9519 Not-for-profit corporation.
- 288.9520 Public records exemption.
- 288.955 Scripps Florida Funding Corporation.
- 288.9551 Exemptions from public records and meetings requirements; Scripps Florida Funding Corporation, The Scripps Research Institute or grantee, and the Office of Tourism, Trade, and Economic Development.
- 288.9602 Findings and declarations of necessity.
- 288.9603 Definitions.
- 288.9604 Creation of the authority.
- 288.9605 Exercise of powers by the corporation.
- 288.9606 Issue of revenue bonds.
- 288.9607 Guaranty of bond issues.
- 288.9608 Creation and funding of the guaranty account.
- 288.9609 Bonds as legal investments.
- 288.9610 Annual reports of Florida Development Finance Corporation.
- 288.9614 Authorized programs.
- 288.9618 Microenterprises.
- 288.972 Legislative intent.
- 288.9621 Short title.
- 288.9622 Findings and intent.
- 288.9623 Definitions.
- 288.9624 Florida Opportunity Fund; creation; duties.
- 288.9625 Institute for the Commercialization of Public Research.

- 288.9626 Exemptions from public records and public meetings requirements; Florida Opportunity Fund and the Institute for the Commercialization of Public Research.
- 288.975 Military base reuse plans.
- 288.976 Military base closure and reuse.
- 288.977 Military base disposition.
- 288.980 Military base retention; legislative intent; grants program.
- 288.982 Exemptions from public records and meeting requirements; Governor’s Advisory Council on Base Realignment and Closure, Enterprise Florida, Inc., and The Office of Tourism, Trade, and Economic Development; United States Department of Defense Base Realign Realignment and Closure 2005 process.
- 288.984 Florida Council on Military Base and Mission Support.
- 288.985 Exemptions from public records and public meeting requirements.
- 288.99 Certified Capital Company Act.
- 288.991 Short title.
- 288.9912 New Markets Development Program; purpose.
- 288.9913 Definitions.
- 288.9914 Certification of qualified investments; investment issuance reporting.
- 288.9915 Use of proceeds from qualified investment; recordkeeping.
- 288.9916 New markets tax credit.
- 288.9917 Community development entity reporting after a credit allowance date; certification of tax credit amount.
- 288.9918 Annual reporting by a community development entity.
- 288.9919 Audits and examinations: penalties.
- 288.9920 Recapture and penalties.
- 288.9921 Rulemaking.
- 288.9922 Expiration of the New Markets Development Program Act.

**Chapter 334, F.S., Transportation Administration**

The statute addresses the state’s policy concerning transportation administration. It establishes the responsibilities of the state, the counties, and the municipalities in the planning and development of the transportation systems serving the people of the state and to assure the development of an integrated, balanced statewide transportation system. This is necessary for the protection of public safety and general welfare and for the preservation of all transportation facilities in the state.

- 334.01 Florida Transportation Code; short title.
- 334.03 Definitions.
- 334.035 Purpose of transportation code.
- 334.044 Department; powers and duties.
- 334.045 Transportation performance and productivity standards; development; measurement; application.
- 334.046 Department mission, goals, and objectives.
- 334.047 Prohibition.
- 334.048 Legislative intent with respect to department management accountability and monitoring systems.

- 334.049 Patents, copyrights, trademarks; notice to Department of State; confidentiality of trade secrets.
- 334.05 Department headquarters; acquisition of office space.
- 334.063 Statistical studies relating to traffic count and accidents.
- 334.065 Center for Urban Transportation Research.
- 334.071 Legislative designation of transportation facilities.
- 334.131 Department employees' benefit fund.
- 334.14 Employees of department who are required to be engineers.
- 334.17 Consulting services; provision by department to other governmental units.
- 334.175 Certification of project design plans and surveys.
- 334.185 Financial responsibility for construction, material, or design failures; review of contracts; financial assurances.
- 334.187 Guarantee of obligations to the department.
- 334.193 Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties.
- 334.195 Officers or employees of the department; conflicts of interest; exception; penalties.
- 334.196 Authority of department to photograph or microphotograph records and to destroy original records; admissibility of photographs or microphotographs in evidence.
- 334.24 Compilation, maintenance, and provision of information relating to roads and road building and repair.
- 334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.
- 334.30 Private-private transportation facilities.
- 334.351 Youth work experience program; findings and intent; authority to contract; limitation.
- 334.60 511 traveler information system.

### **Chapter 339, F.S., Transportation Finance and Planning**

The statute addresses the finance and planning needs of the state's transportation system.

- 339.035 Expenditures.
- 339.04 Disposition of proceeds of sale or lease of realty by the department.
- 339.05 Assent to federal aid given.
- 339.06 Authority of department to amortize advancements from United States.
- 339.07 National aid expended under supervision of the department.
- 339.08 Use of moneys in State Transportation Trust Fund.
- 339.0805 Funds to be expended with certified disadvantaged business enterprises; specified percentage to be expended; construction management development program; bond guarantee program.
- 339.081 Department trust funds.
- 339.0815 Transportation Revenue Bond Trust Fund.
- 339.082 Federal Law Enforcement Trust Fund.
- 339.09 Use of transportation tax revenues; restrictions.
- 339.12 Aid and contributions by governmental entities for department projects; federal aid.

- 339.125 Covenants to complete on revenue-producing projects.
- 339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.
- 339.1371 Mobility 2000; funding.
- 339.155 Transportation planning.
- 339.175 Metropolitan planning organization.
- 339.176 Voting membership for M.P.O. with boundaries including certain counties.
- 339.177 Transportation management programs.
- 339.24 Beautification of state transportation facilities.
- 339.2405 Florida Highway Beautification Council.
- 339.241 Florida Junkyard Control Law.
- 339.28 Willful and malicious damage to boundary marks, guideposts, lampposts, etc. on transportation facility.
- 339.281 Damage to transportation facility by vessel; marine accident report; investigative authorities; penalties.
- 339.2815 Purchase orders.
- 339.2816 Small County Road Assistance Program; definitions; program funding; funding eligibility; project contract administration.
- 339.2817 County Incentive Grant Program.
- 339.2818 Small County Outreach Program.
- 339.2819 Transportation Regional Incentive Program.
- 339.282 Transportation concurrency incentives.
- 339.285 Enhanced Bridge Program for Sustainable Transportation
- 339.401 Short title.
- 339.402 Definitions.
- 339.403 Legislative findings and purpose.
- 339.404 Authorization of corporations.
- 339.405 Type and structure of corporations.
- 339.406 Contract between the department and the corporation.
- 339.407 Articles of incorporation.
- 339.408 Board of directors; advisory directors.
- 339.409 Bylaws.
- 339.410 Notice of meetings; open records.
- 339.411 Amendment of articles.
- 339.412 Powers of corporation.
- 339.414 Use of state property.
- 339.415 Exemption from taxation.
- 339.416 Authority to alter or dissolve corporation.
- 339.417 Dissolution upon completion of purposes.
- 339.418 Transfer of funds and property upon dissolution.
- 339.419 Department rules.
- 339.420 Construction.
- 339.421 Issuance of debt.
- 339.55 State-funded infrastructure bank.
- 339.61 Florida Strategic Intermodal System; legislative findings, declaration, and intent.
- 339.62 System components.

- 339.63 System facilities designated; additions and deletions.
- 339.64 Strategic Intermodal System Plan.

### **Chapter 373, F.S., Water Resources**

The waters in the state of Florida are managed and protected to conserve and preserve water resources, water quality, and environmental quality. This statute addresses sustainable water management; the conservation of surface and ground waters for full beneficial use; the preservation of natural resources, fish, and wildlife; protecting public land; and promoting the health and general welfare of Floridians. The state manages and conserves water and related natural resources by determining whether activities will unreasonably consume water; degrade water quality; or adversely affect environmental values such as protected species habitat, recreational pursuits, and marine productivity.

Specifically, under Part IV of Chapter 373, the Department of Environmental Protection, water management districts, and delegated local governments review and take agency action on wetland resource, environmental resource, and stormwater permit applications, which address the construction, alteration, operation, maintenance, abandonment, and removal of any stormwater management system, dam, impoundment, reservoir, or appurtenant work or works, including dredging, filling and construction activities in, on, and over wetlands and other surface waters.

- 373.012 Topographic mapping.
- 373.013 Short title.
- 373.016 Declaration of policy.
- 373.019 Definitions.
- 373.023 Scope and application.
- 373.026 General powers and duties of the department.
- 373.033 Saltwater barrier line.
- 373.036 State water use plan Florida water plan; district water management plans.
- 373.0361 Regional water supply planning.
- 373.0363 Southern Water Use Caution Area Recovery Strategy.
- 373.0391 Technical assistance to local governments.
- 373.0397 Floridian and Biscayne aquifers; designation of prime groundwater recharge areas.
- 373.042 Minimum flows and levels.
- 373.0421 Establishment and implementation of minimum flows and levels.
- 373.043 Adoption and enforcement of rules by the department.
- 373.044 Rules; enforcement; availability of personnel rules.
- 373.046 Interagency agreements.
- 373.047 Cooperation between districts.
- 373.056 State agencies, counties, drainage districts, municipalities, or governmental agencies or public corporations authorized to convey or receive land from water management districts.
- 373.069 Creation of water management districts.
- 373.0691 Transfer of areas.
- 373.0693 Basins; basin boards.



- 373.0695 Duties of basin boards; authorized expenditures.
- 373.0697 Basin taxes.
- 373.0698 Creation and operation of basin boards; other laws superseded.
- 373.073 Governing board.
- 373.076 Vacancies in the governing board; removal from office.
- 373.079 Members of governing board; oath of office; staff.
- 373.0795 Severance pay for water management district employees.
- 373.083 General powers and duties of the governing board.
- 373.0831 Water resource development; water supply development.
- 373.084 District works, operation by other governmental agencies.
- 373.085 Use of works or land by other districts or private persons.
- 373.086 Providing for district works.
- 373.087 District works using aquifer for storage and supply.
- 373.088 Application fees for certain real estate transactions.
- 373.089 Sale or exchange of lands, or interests or rights in lands.
- 373.093 Lease of lands or interest in land and personal property.
- 373.096 Releases.
- 373.099 Execution of instruments.
- 373.103 Powers which may be vested in the governing board at the department's discretion.
- 373.106 Permit required for construction involving underground formation.
- 373.107 Citation of rule.
- 373.109 Permit application fees.
- 373.113 Adoption of rules by the governing board.
- 373.1131 Consolidated action on permits.
- 373.1135 Small business program.
- 373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.
- 373.116 Procedure for water use and impoundment construction permit applications.
- 373.117 Certification by professional engineer.
- 373.1175 Signing and sealing by professional geologists.
- 373.118 General permits; delegation.
- 373.119 Administrative enforcement procedures; orders.
- 373.123 Penalty.
- 373.129 Maintenance of actions.
- 373.136 Enforcement of regulations and orders.
- 373.139 Acquisition of real property.
- 373.1391 Management of real property.
- 373.1395 Limitation on liability of water management district with respect to areas made available to the public for recreational purposes without charge.
- 373.1401 Management of lands of water management districts.
- 373.145 Information program regarding hydrologic conditioning and consumption of major surface and groundwater sources.
- 373.146 Publication notices, process, and papers.
- 373.149 Existing districts preserved.
- 373.1501 South Florida Water Management District as local sponsor.

- 373.1502 Regulation of comprehensive plan project components.
- 373.171 Rules.
- 373.1725 Notice of intent by publication.
- 373.175 Declaration of water shortage; emergency orders.
- 373.185 Local xeriscape ordinances.
- 373.187 Water management district implementation of Florida-friendly landscaping.
- 373.196 Alternative water supply development.
- 373.1961 Water production; general powers and duties; identification of needs; funding criteria; economic incentives; reuse funding.
- 373.1962 Regional water supply authorities.
- 373.1963 Assistance to West Coast Regional Water Supply Authority.
- 373.199 Florida Forever Water Management District Work Plan.
- 373.200 Seminole Tribe Water Rights Compact.
- 373.203 Definitions.
- 373.206 Artesian wells; flow regulated.
- 373.207 Abandoned artesian wells.
- 373.209 Artesian wells; penalties for violation.
- 373.213 Certain artesian wells exempt.
- 373.216 Implementation of program for regulating the consumptive use of water.
- 373.217 Superseded laws and regulations.
- 373.219 Permits required.
- 373.223 Conditions for a permit.
- 373.2234 Preferred water supply sources.
- 373.2235 Effect of prior land acquisition on consumptive use permitting.
- 373.224 Existing permits.
- 373.226 Existing uses.
- 373.227 Water conservation; legislative findings; legislative intent; objectives; comprehensive statewide water conservation program requirements.
- 373.228 Landscape irrigation design.
- 373.229 Application for permit.
- 373.2295 Interdistrict transfers of groundwater.
- 373.22951 Validation of prior agreements between water management districts.
- 373.232 Citation of rule.
- 373.233 Competing applications.
- 373.236 Duration of permits; compliance reports.
- 373.239 Modification and renewal of permit terms.
- 373.243 Revocation of permits.
- 373.244 Temporary permits.
- 373.245 Violations of permit conditions.
- 373.246 Declaration of water shortage or emergency.
- 373.249 Existing regulatory districts preserved.
- 373.250 Reuse of reclaimed water.
- 373.302 Legislative findings.
- 373.303 Definitions.
- 373.306 Scope.
- 373.308 Implementation of programs for regulating water wells.

- 373.309 Authority to adopt rules and procedures.
- 373.313 Prior permission and notification.
- 373.314 Citation of rule.
- 373.316 Existing installations.
- 373.319 Inspections.
- 373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.
- 373.324 License renewal.
- 373.325 Inactive status.
- 373.326 Exemptions.
- 373.329 Fees for licensure.
- 373.333 Disciplinary guidelines; adoption and enforcement; license suspension or revocation.
- 373.335 Clearinghouse.
- 373.336 Unlawful acts; penalties.
- 373.337 Rules.
- 373.342 Permits.
- 373.403 Definitions.
- 373.406 Exemptions.
- 373.407 Memorandum of agreement for an agricultural-related exemption.
- 373.409 Headgates, valves, and measuring devices.
- 373.413 Permits for construction or alteration.
- 373.4132 Dry storage facility permitting.
- 373.4135 Mitigation banks and offsite regional mitigation.
- 373.4136 Establishment and operation of mitigation banks.
- 373.4137 Mitigation requirements for specified transportation projects.
- 373.4138 High Speed Rail Project; determination of mitigation requirements and costs.
- 373.4139 Local government transportation infrastructure mitigation requirements.
- 373.414 Additional criteria for activities in surface waters and wetlands.
- 373.4141 Permits; processing.
- 373.4142 Water quality within stormwater treatment systems.
- 373.4143 Declaration of policy.
- 373.4144 Federal environmental permitting.
- 373.4145 Part IV permitting program within the geographical jurisdiction of the Northwest Florida Water Management District.
- 373.4149 Miami-Dade County Lake Belt Plan.
- 373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.
- 373.41495 Lake Belt Mitigation Trust Fund; bonds.
- 373.415 Protection zones; duties of the St. Johns River Water Management District.
- 373.416 Permits for maintenance or operation.
- 373.417 Citation of rule.
- 373.418 Rulemaking; preservation of existing authority.
- 373.4185 List of flocculants permitted.
- 373.419 Completion report.
- 373.421 Delineation methods; formal determinations.

- 373.4211 Ratification of chapter 17-340, Florida Administrative Code, on the delineation of the landward extent of wetlands and surface waters.
- 373.422 Applications for activities on state sovereignty lands or other state lands.
- 373.423 Inspection.
- 373.426 Abandonment.
- 373.427 Concurrent permit review.
- 373.4275 Review of consolidated orders.
- 373.428 Federal consistency.
- 373.429 Revocation and modification of permits.
- 373.430 Prohibitions, violation, penalty, intent.
- 373.433 Abatement.
- 373.436 Remedial measures.
- 373.439 Emergency measures.
- 373.441 Role of counties, municipalities, and local pollution control programs in permit processing.
- 373.4415 Role of Miami-Dade County in processing permits for limerock mining in Miami-Dade County Lake Belt.
- 373.443 Immunity from liability.
- 373.451 Short title; legislative findings and intent.
- 373.453 Surface water improvement and management plans and programs.
- 373.459 Funds for surface water improvement and management.
- 373.4592 Everglades improvement and management.
- 373.45922 South Florida Water Management District; permit for completion of Everglades Construction Project; report.
- 373.45924 South Florida Water Management District; Everglades truth in borrowing.
- 373.45926 Everglades Trust Fund; allocation of revenues and expenditure of funds for conservation and protection of natural resources and abatement of water pollution.
- 373.4593 Florida Bay Restoration.
- 373.45931 Alligator Alley tolls; Everglades and Florida Bay restoration.
- 373.4595 Northern Everglades and Estuaries Protection Program.
- 373.4596 State compliance with stormwater management programs.
- 373.4597 The Geneva Freshwater Lens Protection Act.
- 373.461 Lake Apopka improvement and management.
- 373.467 The Harris Chain of Lakes Restoration Council.
- 373.468 The Harris Chain of Lakes restoration program.
- 373.470 Everglades restoration.
- 373.472 Save Our Everglades Trust Fund.
- 373.501 Appropriation of funds to water management districts.
- 373.503 Manner of taxation.
- 373.506 Costs of district.
- 373.5071 Audit report; furnishing to governing board and clerks of circuit courts.
- 373.536 District budget and hearing thereon.
- 373.539 Imposition of taxes.
- 373.543 Land held by Board of Trustees of the Internal Improvement Trust Fund; areas not taxed.
- 373.546 Unit areas.

- 373.553 Treasurer of the board; payment of funds; depositories.
- 373.559 May borrow money temporarily.
- 373.563 Bonds.
- 373.566 Refunding bonds.
- 373.569 Bond election.
- 373.573 Bonds to be validated
- 373.576 Sale of Bonds.
- 373.579 Proceeds from taxes for bond purposes.
- 373.583 Registration of bonds.
- 373.584 Revenue bonds.
- 373.586 Unpaid warrants to draw interest.
- 373.59 Water Management Lands Trust Fund.
- 373.5905 Reinstitution of payments in lieu of taxes; duration.
- 373.591 Management review teams.
- 373.603 Power to enforce.
- 373.604 Awards to employees for meritorious service.
- 373.605 Group insurance for water management districts.
- 373.6055 Criminal history checks for certain water management district employees and others.
- 373.607 Minority business enterprise procurement goals; implementation of recommendations.
- 373.608 Patents, copyrights, and trademarks.
- 373.609 Enforcement; city and county officers to assist.
- 373.610 Defaulting -contractors.
- 373.611 Modification or limitation of remedy.
- 373.613 Penalties.
- 373.614 Unlawful damage to district property or works; penalty.
- 373.616 Liberal construction.
- 373.6161 Chapter to be liberally construed.
- 373.617 Judicial review relating to permits and licenses.
- 373.619 Recognition of water and sewer-saving devices.
- 373.62 Water conservation; automatic sprinkler systems.
- 373.621 Water conservation.
- 373.63 Preference to State University System in award of projects or studies.
- 373.71 Apalachicola-Chattahoochee-Flint River Basin Compact.

### **Chapter 375, F.S., Outdoor Recreation and Conservation Lands**

The statute addresses the development of a comprehensive multipurpose outdoor recreation plan. The purpose of the plan is to document recreational supply and demand, describe current recreational opportunities, estimate the need for additional recreational opportunities, and propose the means to meet the identified needs.

- 375.011 Short title.
- 375.021 Comprehensive multipurpose outdoor recreation plan.
- 375.031 Acquisition of land; procedures.
- 375.032 Recreation; required purpose for purchase.

- 375.041 Land Acquisition Trust Fund.
- 375.044 Land Acquisition Trust Fund budget request.
- 375.045 Florida Preservation 2000 Trust Fund.
- 375.051 Issuance of revenue bonds subject to constitutional authorization.
- 375.061 Construction.
- 375.065 Public beaches; financial and other assistance by Department of Environmental Protection to local governments.
- 375.075 Outdoor recreation; financial assistance to local governments.
- 375.251 Limitation on liability of persons making available to public certain areas for recreational purposes without charge.
- 375.311 Legislative intent.
- 375.312 Definitions.
- 375.313 Commission powers and duties.
- 375.314 Damage to public lands.

### **Chapter 376, F.S., Pollutant Discharge Prevention and Removal**

Regulating the transfer, storage, and transportation of pollutants, and the cleanup of pollutant discharges is essential for maintaining the coastal waters, estuaries, tidal flats, beaches, and public lands adjoining the seacoast in as close to a pristine condition as possible. The preservation of the seacoast as a source of public and private recreation and the preservation of water and certain lands are matters of the highest urgency and priority. This statute provides a framework for the protection of the state's coastline from spills, discharges, and releases of pollutants as a result of the transfer, storage, and transportation of such products. The discharge of pollutants into or upon any coastal waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state is prohibited. The statute provides for hazards and threats of danger and damages resulting from any pollutant discharge to be evaluated; requires the prompt containment and removal of pollution; provides penalties for violations; and ensures the prompt payment of reasonable damages from a discharge. Portions of Chapter 376, F.S., serve as a complement to the national contingency plan portions of the federal Water Pollution Control Act.

- 376.011 Pollutant Discharge Prevention and Control Act; short title.
- 376.021 Legislative intent with respect to pollution of coastal waters and lands.
- 376.031 Definitions.
- 376.041 Pollution of waters and lands of the state prohibited.
- 376.051 Powers and duties of the Department of Environmental Protection.
- 376.065 Operation of terminal facility without discharge prevention and response certificate prohibited; penalty.
- 376.07 Regulatory powers of department; penalties for inadequate booming by terminal facilities.
- 376.0705 Development of training programs and educational materials.
- 376.071 Discharge contingency plan for vessels.
- 376.09 Removal of prohibited discharges.
- 376.10 Personnel and equipment.
- 376.11 Florida Coastal Protection Trust Fund.
- 376.12 Liabilities and defenses of responsible parties; liabilities of third parties; financial

- security requirements for vessels; liability of cargo owners; notification requirements.
- 376.121 Liability for damage to natural resources.
- 376.123 Claims against the Florida Coastal Protection Trust Fund.
- 376.13 Emergency proclamation; Governor's powers.
- 376.14 Vessels; financial responsibility; claims against providers of financial responsibility; service of process against responsible parties.
- 376.15 Derelict vessels; removal from public waters.
- 376.16 Enforcement and penalties.
- 376.165 "Hold-harmless" agreements prohibited.
- 376.17 Reports to the Legislature.
- 376.19 County and municipal ordinances; powers limited.
- 376.20 Limitation on application.
- 376.205 Individual cause of action for damages under ss. 376.011-376.21.
- 376.207 Traps impregnated with pollutants prohibited.
- 376.21 Construction of ss. 376.011-376.21.
- 376.30 Legislative intent with respect to pollution of surface and ground waters.
- 376.301 Definitions of terms used in ss. 376.30-376.319, 376.70, and 376.75.
- 376.302 Prohibited acts; penalties.
- 376.303 Powers and duties of the Department of Environmental Protection.
- 376.304 Review and analysis of disposal materials or byproducts; disposal at designated local government solid waste disposal facilities.
- 376.305 Removal of prohibited discharges.
- 376.306 Cattle-dipping vats; legislative findings; liability.
- 376.307 Water Quality Assurance Trust Fund.
- 376.30701 Application of risk-based corrective action principles to contaminated sites; applicability; legislative intent; rulemaking authority; contamination cleanup criteria; limitations; reopeners.
- 376.30702 Contamination notification.
- 376.3071 Inland Protection Trust Fund; creation; purposes; funding.
- 376.30711 Preapproved site rehabilitation, effective March 29, 1995.
- 376.30713 Preapproved advanced cleanup.
- 376.30714 Site rehabilitation agreements.
- 376.30715 Innocent victim petroleum storage system restoration.
- 376.30716 Cleanup of certain sites.
- 376.3072 Florida Petroleum Liability and Restoration Insurance Program.
- 376.3073 Local programs and state agency programs for control of contamination.
- 376.3075 Inland Protection Financing Corporation.
- 376.3077 Unlawful to deposit motor fuel in tank required to be registered, without proof of registration display.
- 376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.
- 376.30781 Partial tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.
- 376.3079 Third-party liability insurance.
- 376.308 Liabilities and defenses of facilities.

- 376.309 Facilities, financial responsibility.
- 376.311 Penalties for a discharge.
- 376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.319.
- 376.315 Construction of ss. 376.30-376.319.
- 376.317 Superseded laws; state preemption.
- 376.320 Applicability.
- 376.321 Definitions.
- 376.322 Powers and duties of the department.
- 376.323 Registration.
- 376.324 Containment and integrity plan.
- 376.325 Alternative to containment and integrity plan requirements.
- 376.326 Application of s. 376.317.
- 376.40 Petroleum exploration and production; purposes; funding.
- 376.60 Asbestos removal program inspection and notification fee.
- 376.70 Tax on gross receipts of drycleaning facilities.
- 376.71 Registration fee and gross receipts tax; exemptions.
- 376.75 Tax on production or importation of perchloroethylene.
- 376.77 Short title.
- 376.78 Legislative intent.
- 376.79 Definitions relating to Brownfields Redevelopment Act.
- 376.80 Brownfield program administration process.
- 376.81 Brownfield site and brownfield areas contamination cleanup criteria.
- 376.82 Eligibility criteria and liability protection.
- 376.83 Violation; penalties.
- 376.84 Brownfield redevelopment economic incentives.
- 376.85 Annual report.
- 376.86 Brownfield Areas Loan Guarantee Program.
- 376.87 Brownfield Property Ownership Clearance Assistance.
- 376.875 Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund.

## **Chapter 377, F.S., Energy Resources**

The statute addresses the regulation, planning, and development of the energy resources of the state. The statute provides policy to conserve and control the oil and gas resources in the state, including products made therefrom and to safeguard the health, property and welfare of Floridians. The Department of Environmental Protection (DEP) is authorized to regulate all phases of exploration, drilling, and production of oil, gas, and other petroleum products in the state. The statute describes the permitting requirements and criteria necessary to drill and develop for oil and gas. DEP rules ensure that all precautions are taken to prevent the spillage of oil or any other pollutant in all phases of extraction and transportation. The state explicitly prohibits pollution resulting from drilling and production activities. No person drilling for or producing oil, gas, or other petroleum products may pollute land or water; damage aquatic or marine life, wildlife, birds, or public or private property; or allow any



extraneous matter to enter or damage any mineral or freshwater-bearing formation. Penalties for violations of any provisions of this chapter are detailed.

- 377.01 Governor to enter into interstate compact to conserve oil and gas.
- 377.03 Extension of compact.
- 377.04 Official report of state.
- 377.07 Division of Resource Management; powers, duties, and authority.
- 377.075 Division of Technical Services; geological functions.
- 377.10 Certain persons not to be employed by division.
- 377.18 Common sources of oil and gas.
- 377.19 Definitions.
- 377.20 Waste prohibited.
- 377.21 Jurisdiction of division.
- 377.22 Rules, regulations, and orders.
- 377.23 Monthly reports to division.
- 377.24 Notice of intention to drill well; permits; abandoned wells and dry holes.  
(Paragraph .24(9) is not included in the federally approved FCMP.)
- 377.2408 Application to conduct geophysical operations.
- 377.2409 Geophysical activities; confidential information; penalties.
- 377.241 Criteria for issuance of permits.
- 377.2411 Lawful right to drill, develop, or explore.
- 377.242 Permits for drilling or exploring and extracting through well holes or by other means.  
(Sub-paragraph .242(1)(a)5 is not included in the federally approved FCMP.)
- 377.2421 Division to review federal applications.
- 377.2424 Conditions for granting permits for geophysical operations.
- 377.2425 Manner of providing security for geophysical exploration, drilling, and production.
- 377.2426 Abandonment of geophysical holes.
- 377.243 Conditions for granting permits for extraction through well holes.
- 377.244 Conditions for granting permits for surface exploratory and extraction operations.
- 377.245 Provision for distribution of earnings to lessees or owners of the fractional undivided mineral rights not owned by applicant for permit under ss. 377.243 and 377.244.
- 377.247 Designation and distribution of earnings owed to owners of mineral rights who are unknown or unlocated.
- 377.25 Production pools; drilling units.
- 377.26 Location of wells.
- 377.27 Drilling units.
- 377.28 Cycling, pooling, and unitization of oil and gas.
- 377.29 Agreements in interest of conservation.
- 377.30 Limitation on amount of oil or gas taken.
- 377.31 Evidence of rules and orders.
- 377.32 Issuance of subpoenas; service, etc.
- 377.33 Injunctions against division.
- 377.34 Actions and injunctions by division.
- 377.35 Suits, proceedings, appeals, etc.

- 377.36 False entries and statements; incomplete entries; penalties.
- 377.37 Penalties.
- 377.371 Pollution prohibited; reporting, liability.
- 377.38 Illegal oil, gas, and other products; sale, purchase, acquisition, transportation, refining, processing, or handling prohibited.
- 377.39 Seizure and sale of illegal oil, gas, or product.
- 377.40 Negligently permitting gas and oil to go wild or out of control.
- 377.41 Disposition of fines.
- 377.42 Big Cypress Swamp Advisory Committee.
- 377.601 Legislative intent.
- 377.6015 Florida Energy and Climate Commission.
- 377.602 Definitions.
- 377.603 Energy data collection; powers and duties of the Department of Environmental Protection.
- 377.604 Required reports.
- 377.605 Use of existing information.
- 377.606 Records of the department; limits of confidentiality.
- 377.607 Violations; penalties.
- 377.608 Prosecution of cases by state attorney.
- 377.701 Petroleum allocation.
- 377.703 Additional functions of the Department of Environmental Protection; energy emergency contingency plan; federal and state conservation programs.
- 377.704 Appropriation of funds from settlement of petroleum overcharge litigation.
- 377.705 Solar Energy Center; development of solar energy standards.
- 377.709 Funding by electric utilities of local governmental solid waste facilities that generate electricity.
- 377.71 Definitions; Southern Interstate Nuclear Compact.
- 377.711 Florida party to Southern Interstate Nuclear Compact.
- 377.712 Florida participation.
- 377.801 Short title.
- 377.802 Purpose.
- 377.803 Definitions.
- 377.804 Renewable Energy Technologies Grants Program.
- 377.806 Solar Energy System Incentives Program.
- 377.807 Energy-efficient appliance rebate.
- 377.808 Florida Green Government Grants Act.
- 377.809 Energy Economic Zone Pilot Program.

### **Chapter 379, F.S., Fish and Wildlife Conservation**

The framework for the management and protection of the state of Florida's wide diversity of fish and wildlife resources are established in this statute. It is the policy of the state to conserve and wisely manage these resources. Particular attention is given to those species defined as being endangered or threatened. This includes the acquisition or management of lands important to the conservation of fish and wildlife. This statute contains specific provisions for the conservation and management of marine fisheries resources. These

conservation and management measures permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance, as well as ensure the proper quality control of marine resources that enter commerce.

Additionally, this statute supports and promotes hunting, fishing and the taking of game opportunities in the State. Hunting, fishing, and the taking of game are considered an important part in the state's economy and in the conservation, preservation, and management of the state's natural areas and resources.

- 379.101 Definitions.
- 379.102 Fish and Wildlife Conservation Commission.
- 379.1025 Powers, duties, and authority of commission; rules, regulations, and orders.
- 379.10255 Headquarters of commission.
- 379.103 Duties of executive director.
- 379.104 Right to hunt and fish.
- 379.105 Harassment of hunters, trappers, or fishers.
- 379.106 Administration of commission grant programs.
- 379.201 Administrative Trust Fund.
- 379.202 Conservation and Recreation Lands Program Trust Fund of the Fish and Wildlife Conservation Commission.
- 379.203 Dedicated License Trust Fund.
- 379.204 Federal Grants Trust Fund.
- 379.205 Florida Panther Research and Management Trust Fund.
- 379.206 Grants and Donations Trust Fund.
- 379.207 Lifetime Fish and Wildlife Trust Fund.
- 379.208 Marine Resources Conservation Trust Fund; purposes.
- 379.209 Nongame Wildlife Trust Fund.
- 379.211 State Game Trust Fund.
- 379.212 Fish and Wildlife Habitat Program.
- 379.2201 Deposit of license fees; allocation of federal funds.
- 379.2202 Expenditure of funds.
- 379.2203 Disposition of fines, penalties, and forfeitures.
- 379.2211 Florida waterfowl permit revenues.
- 379.2212 Florida wild turkey permit revenues.
- 379.2213 Management area permit revenues.
- 379.2222 Acquisition of state game lands.
- 379.2223 Control and management of state game lands.
- 379.2224 Preserves, refuges, etc., not tax-exempt.
- 379.2225 Everglades recreational sites; definitions.
- 379.223 Citizen support organizations; use of state property; audit.
- 379.224 Memorandum of agreement relating to Fish and Wildlife Research Institute.
- 379.2252 Compacts and agreements; generally.
- 379.2253 Atlantic States Marine Fisheries Compact; implementing legislation.
- 379.2254 Gulf States Marine Fisheries Compact; implementing legislation.
- 379.2255 Wildlife Violator Compact Act.
- 379.2256 Compact licensing and enforcement authority; administrative review.
- 379.2257 Cooperative agreements with U. S. Forest Service; penalty.
- 379.2258 Assent to provisions of Act of Congress of September 2, 1937.

- 379.2259 Assent to federal acts.
- 379.226 Florida Territorial Waters Act; alien-owned commercial fishing vessels; prohibited acts; enforcement.
- 379.2271 Harmful-Algal-Bloom Task Force.
- 379.2272 Harmful-algal-bloom program; implementation; goals; funding.
- 379.2281 Jim Woodruff Dam; reciprocity agreements.
- 379.2282 St. Marys River; reciprocity agreements.
- 379.229 Endangered and Threatened Species Act.
- 379.2292 Endangered and Threatened Species Reward Program.
- 379.2293 Airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment.
- 379.23 Federal conservation of fish and wildlife; limited jurisdiction.
- 379.231 Regulation of foreign animals.
- 379.232 Water bottoms.
- 379.233 Release of balloons.
- 379.2341 Publications by the commission.
- 379.2342 Private publication agreements; advertising; costs of production.
- 379.2351 Land-based commercial and recreational fishing activities; legislative findings and purpose; definitions; legal protection; local ordinances; prohibited activity.
- 379.2352 State employment; priority consideration for qualified displaced employees of the saltwater fishing industry.
- 379.2353 Enterprise zone designation; communities adversely impacted by net limitations.
- 379.236 Retention, destruction, and reproduction of commission records.
- 379.237 Courts of equity may enjoin.
- 379.2401 Marine fisheries; policy and standards.
- 379.2402 Marine information system.
- 379.2411 Saltwater fish; regulations.
- 379.2412 State preemption of power to regulate.
- 379.2413 Catching food fish for the purposes of making oil.
- 379.2421 Fishers and equipment; regulation.
- 379.2422 Illegal use of nets.
- 379.2423 Carriage of proscribed nets across Florida waters.
- 379.2424 Retrieval of spiny lobster, stone crab, blue crab, and black sea bass traps during closed season; commission authority.
- 379.2425 Spearfishing; definition; limitations; penalty.
- 379.2431 Marine animals; regulation.
- 379.2432 Manatee protection; intent; conduct of studies; initiatives and plans.
- 379.2433 Enhanced manatee protection study.
- 379.244 Crustacea, marine animals, fish; regulations; general provisions.
- 379.245 Spiny lobster reports by dealers during closed season required.
- 379.246 Tortugas shrimp beds; gifted and loan property.
- 379.247 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.
- 379.248 Sponges; regulation.
- 379.249 Artificial reef program; grants and financial and technical assistance to local

- governments.
- 379.2495 Florida Ships-2-Reefs Program; matching grant requirements.
  - 379.25 Sale of unlawfully landed product; jurisdiction.
  - 379.2511 Lease of state-owned water bottoms for growing oysters and clams.
  - 379.2512 Oyster bottom land grants made pursuant to ch. 3293.
  - 379.2521 Rulemaking authority with respect to marine life.
  - 379.2522 Oysters produced in and outside state; labeling; tracing; rules.
  - 379.2523 Aquaculture definitions; marine aquaculture products, producers, and facilities.
  - 379.2524 Commercial production of sturgeon.
  - 379.2525 Noncultured shellfish harvesting.
  - 379.26 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.
  - 379.28 Imported fish.
  - 379.29 Contaminating fresh waters.
  - 379.295 Use of explosives and other substances prohibited.
  - 379.3001 No net loss of hunting lands.
  - 379.3002 J. W. Corbett and Cecil M. Webb Wildlife Management Areas.
  - 379.3003 Required clothing for persons hunting deer.
  - 379.3004 Voluntary Authorized Hunter Identification Program.
  - 379.3011 Alligator trapping program; definitions.
  - 379.301 Alligator management and trapping program implementation; commission authority.
  - 379.3013 Alligator study requirements.
  - 379.301 Unlawful sale, possession, or transporting of alligators or alligator skins.
  - 379.3015 Prima facie evidence of intent to violate laws protecting alligators.
  - 379.3016 Unlawful to sell alligator products; penalty.
  - 379.301 Word “alligator” or “gator” not to be used in certain sales.
  - 379.302 Private game preserves and farms; regulations; penalties.
  - 379.303 Classification of wildlife; seizure of captive wildlife.
  - 379.304 Exhibition or sale of wildlife.
  - 379.305 Rules and regulations; penalties.
  - 379.33 Enforcement of commission rules; penalties for violation of rule.
  - 379.3311 Police powers of commission and its agents.
  - 379.3312 Powers of arrest by agents of Department of Environmental Protection or Fish and Wildlife Conservation Commission.
  - 379.3313 Powers of commission law enforcement officers.
  - 379.332 Prosecutions; state attorney to represent state.
  - 379.333 Arrest by officers of the Fish and Wildlife Conservation Commission; recognizance; cash bond; citation.
  - 379.334 Search and seizure authorized and limited.
  - 379.335 Issuance of warrant for search of private dwelling.
  - 379.336 Venue for proceedings against citizens and residents charged with violations outside state boundaries.
  - 379.337 Confiscation, seizure, and forfeiture of property and products.
  - 379.338 Confiscation and disposition of illegally taken game.
  - 379.3381 Photographic evidence of illegally taken wildlife, freshwater fish, and saltwater.

- 379.339 Seizure of illegal hunting devices; disposition; notice; forfeiture.
- 379.3395 Seizure of illegal transportation devices; disposition; appraisal; forfeiture.
- 379.341 Disposition of illegal fishing devices; exercise of police power.
- 379.342 Applicability of ss. 379.339, 379.3395, 379.404, and 379.406.
- 379.343 Rewards.
- 379.35 Review of fees for licenses and permits; review of exemptions.
- 379.3501 Expiration of licenses and permits.
- 379.3502 License and permit not transferable.
- 379.3503 False statement in application for license or permit.
- 379.3504 Entering false information on licenses or permits.
- 379.3511 Appointment of subagents for the sale of hunting, fishing, and trapping licenses and permits.
- 379.3512 Competitive bidding for certain sale of licenses and permits and the issuance of authorization numbers.
- 379.352 Recreational licenses, permits, and authorization numbers to take wild animal life, freshwater aquatic life, and marine life; issuance; costs; reporting.
- 379.353 Recreational licenses and permits; exemptions from fees and requirements.
- 379.354 Recreational licenses, permits, and authorization numbers; fees established.
- 379.355 Special recreational spiny lobster license.
- 379.356 Fish pond license.
- 379.357 Fish and Wildlife Conservation Commission license program for tarpon; fees; penalties.
- 379.3581 Hunter safety course; requirements; penalty.
- 379.3582 Hunter safety course for juveniles.
- 379.359 License application provision for voluntary contribution to Southeastern Guide Dogs, Inc.
- 379.361 Licenses.
- 379.363 Freshwater fish dealer's license.
- 379.3635 Haul seine and trawl permits; Lake Okeechobee; fees.
- 379.364 License required for fur and hide dealers.
- 379.365 Stone crab; regulation.
- 379.366 Blue crab; regulation.
- 379.367 Spiny lobster; regulation.
- 379.3671 Spiny lobster trap certificate program.
- 379.368 Fees for the retrieval of spiny lobster, stone crab, blue crab, and black sea bass traps during closed season.
- 379.369 Fees for shrimp fishing in Tampa Bay.
- 379.3711 License fee for private game preserves and farms.
- 379.3712 Private hunting preserve license fees; exception.
- 379.372 Capturing, keeping, possessing, transporting, or exhibiting venomous reptiles or reptiles of concern; license required.
- 379.373 License fee; renewal, revocation.
- 379.374 Bond required, amount.
- 379.3751 Taking and possession of alligators; trapping licenses; fees.
- 379.3752 Required tagging of alligators and hides; fees; revenues.
- 379.3761 Exhibition or sale of wildlife; fees; classifications.

- 379.3762 Personal possession of wildlife.
- 379.377 Tag fees for sale of Lake Okeechobee game fish.
- 379.401 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.
- 379.4015 Captive wildlife penalties.
- 379.402 Definition; possession of certain licensed traps prohibited; penalties; exceptions; consent.
- 379.403 Illegal killing, taking, possessing, or selling wildlife or game; fines; disposition of fines.
- 379.404 Illegal taking and possession of deer and wild turkey; evidence; penalty.
- 379.405 Illegal molestation of or theft from freshwater fishing gear.
- 379.406 Illegal possession or transportation of freshwater game fish in commercial quantities; penalty.
- 379.407 Administration; rules, publications, records; penalties; injunctions.
- 379.408 Forfeiture or denial of licenses and permits.
- 379.409 Illegal killing, possessing, or capturing of alligators or other crocodilia or eggs; confiscation of equipment.
- 379.411 Killing or wounding of any species designated as endangered, threatened, or of special concern; criminal penalties.
- 379.4115 Florida or wild panther; killing prohibited; penalty.
- 379.413 Bonefish; penalties.
- 379.414 Additional penalties for saltwater products dealers violating records requirements.
- 379.501 Aquatic weeds and plants; prohibitions; violations; penalties; intent.
- 379.502 Enforcement; procedures; remedies.
- 379.503 Civil action.
- 379.504 Civil liability; joint and several liability.

## **Chapter 380, F.S., Land and Water Management**

Land and water management policies are established to protect natural resources and the environment; and to guide and coordinate local decisions relating to growth and development. The statute provides that state land and water management policies, to the maximum possible extent, be implemented by local governments through existing processes for the guidance of growth and development and that all the existing rights of private property be preserved in accord with constitutions of this state and of the United States. The chapter establishes the Areas of Critical State Concern designation, the Florida Communities Trust as well as the Florida Coastal Management Act. The Florida Coastal Management Act provides the basis for the Florida Coastal Management Program which seeks to protect the natural, commercial, recreational, ecological, industrial, and aesthetic resources of Florida's coast.

- 380.012 Short title.
- 380.021 Purpose.
- 380.031 Definitions.
- 380.032 State land planning agency; powers and duties.
- 380.04 Definition of development.
- 380.045 Resource planning and management committees; objectives; procedures.

- 380.05 Areas of critical state concern.
- 380.051 Coordinated agency review; Florida Keys area.
- 380.055 Big Cypress Area.
- 380.0551 Green Swamp Area; designation as area of critical state concern.
- 380.0552 Florida Keys Area; protection and designation as area of critical state concern.
- 380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.
- 380.06 Developments of regional impact.
- 380.061 The Florida Quality Developments program.
- 380.065 Certification of local government review of development.
- 380.0651 Statewide guidelines and standards.
- 380.0655 Expedited permitting process for marina projects reserving 10 percent or more boat slips for public use.
- 380.0657 Expedited permitting process for economic development projects.
- 380.0661 Legislative intent.
- 380.0662 Definitions.
- 380.0663 Land authority; creation, membership, expenses.
- 380.0664 Quorum; voting; meetings.
- 380.0665 Executive director; agents and employees.
- 380.0666 Powers of land authority.
- 380.0667 Advisory committee; acquisitions.
- 380.0668 Bonds; purpose, terms, approval, limitations.
- 380.0669 State and local government liability on bonds.
- 380.0671 Annual report.
- 380.0672 Conflicts of interest.
- 380.0673 Exemption from taxes and eligibility as investment.
- 380.0674 Corporate existence.
- 380.0675 Inconsistent provisions of other laws superseded.
- 380.0677 Green Swamp Land Authority.
- 380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.
- 380.07 Florida Land and Water Adjudicatory Commission.
- 380.08 Protection of landowners' rights.
- 380.085 Judicial review relating to permits and licenses.
- 380.11 Enforcement; procedures; remedies.
- 380.115 Vested rights and duties; effect of size reduction, changes in guidelines and standards.
- 380.12 Rights unaffected by ch. 75-22.
- 380.20 Short title.
- 380.205 Definitions.
- 380.21 Legislative intent.
- 380.22 Lead agency authority and duties.
- 380.23\* Federal consistency.  
(OCRM's approval has not been sought for the inclusion of section 380.23(3)(d), F.S., in the federally approved FCMP.)
- 380.24 Local government participation.



- 380.25 Previous coastal zone atlases rejected.
- 380.26 Establishment of coastal building zone for certain counties.
- 380.27 Coastal infrastructure policy.
- 380.276 Beaches and coastal areas; display of uniform warning and safety flags on public beaches; placement of uniform notification signs; beach safety education.
- 380.285 Lighthouses; study; preservation; funding.
- 380.501 Short title.
- 380.502 Legislative findings and intent.
- 380.503 Definitions.
- 380.504 Florida Communities Trust; creation; membership; expenses.
- 380.505 Meetings; quorum; voting.
- 380.506 Support services.
- 380.507 Powers of the trust.
- 380.508 Projects; development, review, and approval.
- 380.510 Conditions of grants and loans.
- 380.5105 The Stan Mayfield Working Waterfronts; Florida Forever program.
- 380.511 Florida Communities Trust Fund.
- 380.5115 Florida Forever Program Trust Fund of the Department of Community Affairs.
- 380.512 Annual report.
- 380.513 Corporate existence.
- 380.514 Inconsistent provisions of other laws superseded.
- 380.515 Construction.

### **Chapter 381, F.S., Public Health: General Provisions**

The statute establishes public policy concerning the state’s public health system, which is designated to promote, protect, and improve the health of all people in the state.

- 381.001 Legislative intent; public health system.
- 381.0011 Duties and powers of the Department of Health.
- 381.0012 Enforcement authority.
- 381.006 Environmental health.
- 381.0061 Administrative fees.
- 381.0065 Onsite sewage treatment and disposal systems; regulation.
- 381.0066 Onsite sewage treatment and disposal systems; fees
- 381.0067 Corrective orders; private and certain public water systems and onsite sewage treatment and disposal systems.

### **Chapter 388, F.S., Mosquito Control**

Mosquito control efforts of the state are to achieve and maintain such levels of arthropod control as will protect human health and safety and foster the quality of life of the people, promote the economic development of the state, and facilitate the enjoyment of its natural attractions by reducing the number of pestiferous and disease-carrying arthropods. It is the policy of the state to conduct arthropod control in a manner consistent with protection of the environmental and ecological integrity of all lands and waters throughout the state.

- 388.0101 Declaration of legislative intent.
- 388.011 Definitions.
- 388.021 Creation of mosquito control districts.
- 388.101 District boards of commissioners; term of office.
- 388.111 District boards of commissioners; vacancies.
- 388.121 District boards of commissioners; organization.
- 388.131 Commissioners; bond.
- 388.141 Commissioners; compensation.
- 388.151 District boards of commissioners; meetings.
- 388.161 District boards of commissioners; powers and duties.
- 388.162 Direction of the program.
- 388.171 Power to perform work.
- 388.181 Power to do all things necessary.
- 388.191 Power of eminent domain.
- 388.201 District budgets; hearing.
- 388.211 Change in district boundaries.
- 388.221 Tax levy.
- 388.231 Restrictions on use, loan, or rental of equipment; charges.
- 388.241 Board of county commissioners vested with powers and duties of board of commissioners in certain counties.
- 388.251 Delegation of authority to county health department.
- 388.261 State aid to counties and districts for arthropod control; distribution priorities and limitations.
- 388.271 Prerequisites to participation.
- 388.281 Use of state matching funds.
- 388.291 Source reduction measures; supervision by department.
- 388.301 Payment of state funds; supplies and services.
- 388.311 Carry over of state funds and local funds.
- 388.321 Equipment to become property of the county or district.
- 388.322 Record and inventory of certain property.
- 388.323 Disposal of surplus property.
- 388.341 Reports of expenditures and accomplishments.
- 388.351 Transfer of equipment, personnel, and supplies during an emergency.
- 388.361 Department authority and rules; administration.
- 388.3711 Enforcement.
- 388.381 Cooperation by counties and district.
- 388.391 Control measures in municipalities and portions of counties located outside boundaries of districts.
- 388.401 Penalty for damage to property or operations.
- 388.4111 Public lands; arthropod control.
- 388.42 John A. Mulrennan, Sr., Arthropod Research Laboratory.
- 388.43 Florida Medical Entomology Laboratory.
- 388.45 Threat to public or animal health; emergency declarations.
- 388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.

## Chapter 403, F.S., Environmental Control

Environmental control policies conserve state waters; protect and improve water quality for consumption and for the propagation of fish and wildlife; and maintain air quality to protect human health and plant and animal life. This statute provides wide-ranging authority to address various environmental control concerns, including air and water pollution; electrical power plant and transmission line siting; the Interstate Environmental Control Compact; resource recovery and management; solid and hazardous waste management; drinking water protection; pollution prevention; ecosystem management; and natural gas transmission pipeline siting.

- 403.011 Short title.
- 403.021 Legislative declaration; public policy.
- 403.031 Definitions.
- 403.051 Meetings; hearings and procedures.
- 403.061 Department; powers and duties.
- 403.0611 Alternative methods of regulatory permitting; department duties.
- 403.0615 Water resources restoration and preservation.
- 403.062 Pollution control; underground, surface, and coastal waters.
- 403.0623 Environmental data; quality assurance.
- 403.0625 Environmental laboratory certification; water quality tests conducted by a certified laboratory.
- 403.063 Groundwater quality monitoring.
- 403.064 Reuse of reclaimed water.
- 403.0645 Reclaimed water use at state facilities.
- 403.067 Establishment and implementation of total maximum daily loads.
- 403.072 Pollution Prevention Act.
- 403.073 Pollution prevention; state goal; agency programs; public education.
- 403.074 Technical assistance by the department.
- 403.075 Legislative findings.
- 403.0752 Ecosystem management agreements.
- 403.081 Performance by other state agencies.
- 403.085 Sanitary sewage disposal units; advanced and secondary waste treatment; industrial waste, ocean outfall, inland outfall, or disposal well waste treatment.
- 403.086 Sewage disposal facilities; advanced and secondary waste treatment.
- 403.08601 Leah Schad Memorial Ocean Outfall Program.
- 403.0861 Scallop processing; discharge standards.
- 403.0862 Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.
- 403.087 Permits; general issuance; denial; revocation; prohibition; penalty.
- 403.0871 Florida Permit Fee Trust Fund.
- 403.0872 Operation permits for major sources of air pollution; annual operation license fee.
- 403.0873 Florida Air-Operation License Fee Account.
- 403.08735 Air emissions trading.
- 403.0875 Citation of rule.
- 403.0876 Permits; processing.
- 403.0877 Certification by professionals regulated by the Department of Business and

- Professional Regulation.
- 403.088 Water pollution operation permits; conditions.
- 403.0881 Wastewater or reuse or disposal systems or water treatment works; construction permits.
- 403.0882 Discharge of demineralization concentrate.
- 403.0885 Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) Program.
- 403.08852 Clarification of requirements under rule 62-302.520(2), F.A.C.
- 403.0891 State, regional, and local stormwater management plans and programs.
- 403.0893 Stormwater funding; dedicated funds for stormwater management.
- 403.0896 Training and assistance for stormwater management system personnel.
- 403.091 Inspections.
- 403.092 Package sewage treatment facilities; inspection.
- 403.111 Confidential records.
- 403.121 Enforcement; procedures; remedies.
- 403.131 Injunctive relief, remedies.
- 403.135 Persons who accept wastewater for spray irrigation; civil liability.
- 403.141 Civil liability; joint and several liability.
- 403.151 Compliance with rules or orders of department.
- 403.161 Prohibitions, violation, penalty, intent.
- 403.1651 Ecosystem management and Restoration Trust Fund.
- 403.1655 Environmental short-term emergency response program.
- 403.1815 Construction of water distribution mains and sewage collection and transmission systems; local regulation.
- 403.182 Local pollution control programs.
- 403.1832 Department to accept federal aid; Grants and Donations Trust Fund.
- 403.1834 State bonds to finance or refinance facilities; exemption from taxation.
- 403.1835 Water pollution control financial assistance.
- 403.1837 Florida Water Pollution Control Financing Corporation.
- 403.1838 Small Community Sewer Construction Assistance Act.
- 403.191 Construction in relation to other law.
- 403.201 Variances.
- 403.231 Department of Legal Affairs to represent the state.
- 403.251 Safety clause.
- 403.281 Definitions; weather modification law.
- 403.291 Purpose of weather modification law.
- 403.301 Artificial weather modification operation; license required.
- 403.311 Application for weather modification licensing; fee.
- 403.321 Proof of financial responsibility.
- 403.331 Issuance of license; suspension or revocation; renewal.
- 403.341 Filing and publication of notice of intention to operate; limitation on area and time.
- 403.351 Contents of notice of intention.
- 403.361 Publication of notice of intention.
- 403.371 Proof of publication.
- 403.381 Record and reports of operations.

- 403.391 Emergency licenses.
- 403.401 Suspension or revocation of license.
- 403.411 Penalty.
- 403.412 Environmental Protection Act.
- 403.413 Florida Litter Law.
- 403.4131 “Keep Florida Beautiful, Incorporated”; placement of signs.
- 403.41315 Comprehensive illegal dumping, litter, and marine debris control and prevention.
- 403.4132 Litter pickup and removal.
- 403.4133 Adopt-a-Shore Program.
- 403.4135 Litter receptacles.
- 403.414 Environmental award program.
- 403.415 Motor vehicle noise.
- 403.4151 Exempt motor vehicles.
- 403.4153 Federal preemption.
- 403.4154 Phosphogypsum management program.
- 403.4155 Phosphogypsum management; rulemaking authority.
- 403.42 Florida Clean Fuel Act.
- 403.44 Florida Climate Protection Act.
- 403.501 Short title.
- 403.502 Legislative intent.
- 403.503 Definitions.
- 403.504 Department of Environmental Protection; powers and duties enumerated.
- 403.5055 Application for permits pursuant to s. 403.0885.
- 403.506 Applicability and certification.
- 403.5063 Notice of intent to file application.
- 403.5064 Distribution of application; schedules.
- 403.5065 Appointment of administrative law judge.
- 403.5066 Determination of completeness.
- 403.50663 Informational public meetings.
- 403.50665 Land use consistency.
- 403.507 Preliminary statements of issues, reports, and studies.
- 403.508 Land use and certification proceedings, parties, participants.
- 403.509 Final disposition of application.
- 403.5095 Alteration of time limits.
- 403.510 Superseded laws, regulations, and certification power.
- 403.511 Effect of certification.
- 403.5112 Filing of notice of certified corridor route.
- 403.5113 Postcertification amendments.
- 403.5115 Notice; costs of proceeding.
- 403.5116 County and municipal authority unaffected by ch.75-22.
- 403.512 Revocation of suspension of certification.
- 403.513 Review.
- 403.514 Enforcement of compliance.
- 403.515 Availability of information.
- 403.516 Modification of certification.
- 403.517 Supplemental applications for sites certified for ultimate site capacity.

- 403.5175 Existing electrical power plant site certification.
- 403.518 Fee; disposition.
- 403.5185 Law applicable to applications processed under ss. 403.501 - 403.518.
- 403.519 Exclusive forum for determination of need.
- 403.52 Short title.
- 403.521 Legislative intent.
- 403.522 Definitions.
- 403.523 Department of Environmental Protection; powers and duties.
- 403.524 Applicability and certification.
- 403.525 Appointment of administrative law judge.
- 403.5251 Distribution of application; schedules.
- 403.5252 Determination of completeness.
- 403.526 Preliminary statements of issues, reports, and studies.
- 403.527 Notice, proceedings, parties, participants.
- 403.5271 Alternate corridors.
- 403.5272 Local governments; informational public meetings.
- 403.5275 Amendment to the application.
- 403.528 Alteration of time limits.
- 403.529 Final disposition of application.
- 403.531 Effect of certification.
- 403.5312 Recording of notice of certified corridor route.
- 403.5315 Modification of certification.
- 403.5317 Postcertification activities.
- 403.532 Revocation or suspension of certification.
- 403.533 Enforcement of compliance.
- 403.536 Superseded laws, regulations, and certification power.
- 403.5363 Public notices; requirements.
- 403.5365 Fees; disposition.
- 403.537 Determination of need for transmission line; powers and duties.
- 403.539 Certification admissible in eminent domain proceedings; attorney's fees and costs.
- 403.60 Environmental Control Compact; execution authorized.
- 403.702 Legislative findings; public purpose.
- 403.703 Definitions.
- 403.7031 Limitations on definitions adopted by local ordinance.
- 403.7032 Recycling.
- 403.7033 Departmental analysis of particular recyclable materials.
- 403.7055 Methane capture.
- 403.704 Powers and duties of the department.
- 403.7043 Compost standards and applications.
- 403.7045 Application of act and integration with other acts.
- 403.7046 Regulation of recovered materials.
- 403.7049 Determination of full cost for solid waste management; local solid waste management fees.
- 403.705 State solid waste management program.
- 403.706 Local government solid waste responsibilities.
- 403.70605 Solid waste collection services in competition with private companies.

- 403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.
- 403.70611 Requirements relating to solid waste disposal facility permitting.
- 403.7063 Use of private services in solid waste management.
- 403.7065 Procurement of products or materials with recycled content.
- 403.707 Permits.
- 403.7071 Management of storm-generated debris.
- 403.70715 Research, development, and demonstration permits.
- 403.7072 Citation of rule.
- 403.708 Prohibition; penalty.
- 403.709 Solid Waste Management Trust Fund; use of waste tire fees.
- 403.7095 Solid waste management grant program.
- 403.712 Revenue bonds.
- 403.7125 Landfill management escrow account.  
(Paragraphs (2) and (3) are not approved as enforceable policy.)
- 403.713 Ownership and control of solid waste and recovered materials.
- 403.714 Duties of state agencies.
- 403.7145 Recycling.
- 403.715 Certification of resource recovery or recycling equipment.
- 403.716 Training of operators of solid waste management and other facilities.
- 403.717 Waste tire and lead-acid battery requirements.
- 403.718 Waste tire fees.
- 403.7185 Lead-acid battery fees.
- 403.71851 Electronic recycling grants.
- 403.71852 Collection of lead-containing products.
- 403.7186 Environmentally sound management of mercury-containing devices and lamps.
- 403.7191 Toxics in packaging.
- 403.7192 Batteries; requirements for consumer, manufacturers, and sellers; penalties.
- 403.7193 Environmental representations.
- 403.72 Identification, listing, and notification.
- 403.721 Standards, requirements, and procedures for generators and transporters of hazardous waste and owners and operators of hazardous waste facilities.
- 403.7211 Hazardous waste facilities managing hazardous wastes generated offsite; federal facilities managing hazardous waste.
- 403.7215 Tax on gross receipts of commercial hazardous waste facilities.
- 403.722 Permits; hazardous waste disposal, storage, and treatment facilities.
- 403.7222 Prohibition of hazardous waste landfills.
- 403.7223 Waste elimination and reduction assistance program.
- 403.7225 Local hazardous waste management assessments.
- 403.7226 Technical assistance by the department.
- 403.723 Siting of hazardous waste facilities.
- 403.7234 Small quantity generator notification and verification program.
- 403.7236 Local government information to be sent to the department.
- 403.7238 Expanded local hazardous waste management programs.
- 403.724 Financial responsibility.
- 403.7255 Department to adopt rules.

- 403.726 Abatement of imminent hazard caused by hazardous substance.
- 403.7264 Amnesty days for purging small quantities of hazardous wastes.
- 403.7265 Local hazardous waste collection program.
- 403.727 Violations; defenses, penalties, and remedies.
- 403.728 Qualifications of operation personnel of hazardous waste facilities.
- 403.73 Trade secrets; confidentiality.
- 403.74 Management of hazardous materials by governmental agencies.
- 403.75 Definitions relating to used oil.
- 403.751 Prohibited actions; used oil.
- 403.753 Public educational program about collection and recycling of used oil.
- 403.7531 Notice by retail dealer.
- 403.754 Registration of persons transporting, processing, burning or marketing used oil; fees; reports and records.
- 403.7545 Regulation of used oil as hazardous waste.
- 403.757 Coordination with other state agencies.
- 403.758 Enforcement and penalty.
- 403.759 Disposition of fees, fines, and penalties.
- 403.760 Public used oil collection centers.
- 403.761 Incentives program.
- 403.763 Grants to local governments.
- 403.767 Certification of used oil transporters.
- 403.769 Permits for used oil processing and rerefining facilities.
- 403.7721 Rule of construction; chs. 85-269 and 85-277.
- 403.801 Short title.
- 403.802 Declaration of policy.
- 403.803 Definitions.
- 403.804 Environmental Regulation Commission; powers and duties.
- 403.805 Secretary; powers and duties.
- 403.8051 Small Business Air Pollution Compliance Advisory Council; members; duties.
- 403.8052 Small Business Stationary Air Pollution Source Technical and Environmental Compliance Assistance Program.
- 403.8055 Department adoption of federal standards.
- 403.809 Environmental districts; establishment; managers; functions.
- 403.811 Dredge and fill permits issued pursuant to this chapter and s.373.414.
- 403.812 Dredge and fill permitting in stormwater management systems.
- 403.813 Permits issued at district centers; exceptions.
- 403.8135 Citation of rule.
- 403.814 General permits; delegation.
- 403.815 Public notice; waiver of hearings.
- 403.816 Permits for maintenance dredging of deepwater ports and beach restoration projects.
- 403.8163 Sites for disposal of spoil from maintenance dredge operations; selection.
- 403.850 Short Title.
- 403.851 Declaration of policy; intent.
- 403.852 Definitions.
- 403.853 Drinking water standards.



- 403.8532 Drinking water state revolving loan fund; use; rules.
- 403.8533 Drinking Water Revolving Loan Trust Fund.
- 403.8535 Citation of rule.
- 403.854 Variances, exemptions, and waivers.
- 403.855 Imminent hazards.
- 403.856 Plan for emergency provision of water.
- 403.857 Notification of users and regulatory agencies.
- 403.858 Inspections.
- 403.859 Prohibited acts.
- 403.860 Penalties and remedies.
- 403.861 Department; powers and duties.
- 403.8615 Determination of capability and capacity development.
- 403.862 Department of Health; public water supply duties and responsibilities; coordinated budget requests with department.
- 403.863 State public water supply laboratory certification program.
- 403.8635 State drinking water sample laboratory certification program.
- 403.864 Public water supply accounting program.
- 403.8645 Intended Use Plan.
- 403.865 Water and wastewater facility personnel; legislative purpose.
- 403.866 Definitions; ss. 403.865-403.876.
- 403.867 License required.
- 403.868 Requirements by a utility.
- 403.869 Authority to adopt rules.
- 403.87 Technical advisory council for water and domestic wastewater operator certification.
- 403.871 Fees.
- 403.872 Requirements for licensure.
- 403.873 Renewal of license.
- 403.874 Inactive status.
- 403.875 Prohibitions; penalties.
- 403.876 Grounds for disciplinary action.
- 403.88 Classification of water and wastewater treatment facilities and facility operators.
- 403.885 Stormwater management; wastewater management; and Water Restoration Grant Program.
- 403.890 Water Protection and Sustainability Program; intent; goals; purposes.
- 403.891 Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection.
- 403.8911 Annual appropriation from the Water Protection and Sustainability Trust Fund.
- 403.90 Judicial review relating to permits and licenses.
- 403.905 Removal of fill on sovereignty lands.
- 403.927 Use of water in farming and forestry activities.
- 403.9321 Short title.
- 403.9322 Legislative findings.
- 403.9323 Legislative intent.
- 403.9324 Mangrove protection rule; delegation of mangrove protection to local governments.

- 403.9325 Definitions.
- 403.9326 Exemptions.
- 403.9327 General permits.
- 403.93271 Applicability to multifamily residential units.
- 403.9328 Alteration and trimming of mangroves; permit requirement.
- 403.9329 Professional mangrove trimmers.
- 403.9331 Applicability; rules and policies.
- 403.9332 Mitigation and enforcement.
- 403.9333 Variance relief.
- 403.9334 Effect of ch. 96-206.
- 403.93345 Coral reef protection.
- 403.9335 Short title.
- 403.9336 Legislative findings.
- 403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.
- 403.9338 Training.
- 403.9401 Short title.
- 403.9402 Legislative intent.
- 403.9403 Definitions.
- 403.9404 Department of Environmental Protection; powers and duties.
- 403.9405 Applicability; certification; exemption; notice of intent.
- 403.94055 Application contents; corridor requirements.
- 403.9406 Appointment of an administrative law judge.
- 403.9407 Distribution of application; schedules.
- 403.9408 Determination of completeness.
- 403.9409 Determination of sufficiency.
- 403.941 Preliminary statements of issues, reports, and studies.
- 403.9411 Notice; proceedings; parties and participants.
- 403.9412 Alternate corridors.
- 403.9413 Amendment to the application.
- 403.9414 Alteration of time limits.
- 403.9415 Final disposition of application.
- 403.9416 Effect of certification.
- 403.9417 Recording of notice of certified corridor route.
- 403.9418 Modification of certification.
- 403.9419 Enforcement of compliance.
- 403.942 Superseded laws, regulations, and certification power.
- 403.9421 Fees; disposition.
- 403.9422 Determination of need for natural gas transmission pipeline; powers and duties.
- 403.9423 Certification admissible in eminent domain proceedings; attorney's fees and costs.
- 403.9424 Local governments; informational public meetings.
- 403.9425 Revocation or suspension of certification.
- 403.973 Expedited permitting; comprehensive plan amendments.

## **Chapter 553, F.S., Building and Construction Standards**

The statute addresses building construction standards and provides for a unified Florida Building Code.

553.73 Florida Building Code.

553.79 Permits; applications; issuance; inspections.

## **Chapter 582, F.S., Soil and Water Conservation**

It is the state's policy to preserve natural resources; control and prevent soil erosion, prevent floodwater and sediment damages and to further the conservation, development and use of soil and water resources, and the disposal of water. Farm, forest, and grazing lands are among the basic assets of the state; and the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people. These measures help to preserve state and private lands, control floods, maintain water quality, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife and protect wildlife habitat, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.

582.01 Definitions.

582.02 Lands a basic asset of state.

582.03 Consequence of soil erosion.

582.04 Appropriate corrective methods.

582.05 Legislative policy for conservation.

582.055 Powers and duties of the Department of Agriculture and Consumer Services; rules.

582.06 Soil and Water Conservation Council; powers and duties.

582.08 Additional powers of department.

582.09 Administrative officer of soil and water conservation.

582.10 Creation of soil and water conservation districts.

582.11 Hearing upon question of creation; notice, etc.

582.12 Referendum for creation.

582.13 Expenses of referendum.

582.14 Results of referendum; publication, etc.

582.15 Organization of district, etc.

582.16 Addition of territory to district or removal of territory therefrom.

582.17 Presumption as to establishment.

582.18 Election of supervisors of each district.

582.19 Qualifications and tenure of supervisors.

582.20 Powers of districts and supervisors.

582.21 Adoption of land use regulations.

582.22 Regulations; contents.

582.23 Performance of work under the regulations by the supervisors.

582.24 Board of adjustment.

582.25 Rules of procedure of board.

582.26 Petition to board to vary from regulations.

582.28 Cooperation between districts.

- 582.29 State agencies to cooperate.
- 582.30 Discontinuance of districts; referendum; commissioner's authority.
- 582.31 Certification of results of referendum; dissolution.
- 582.32 Continuance of existing contracts, etc.
- 582.331 Establishment of watershed improvement districts within soil and water conservation districts authorized.
- 582.34 Petition for establishment; provisions.
- 582.35 Notice and hearing on petition; determination of need for district; boundaries.
- 582.36 Determination of feasibility of proposed district; referendum.
- 582.37 Consideration of results of referendum; declaration of organization of district.
- 582.38 Organization of district; certification to clerks of circuit courts; limitation on tax rate.
- 582.39 Establishment of watershed improvement district situated in more than one soil and water conservation district.
- 582.40 Change of district boundaries; additions, detachments, transfers of land from one district to another; change of district name.
- 582.41 Board of directors of district.
- 582.42 Officers, agents, and employees; surety bonds; annual audit.
- 582.43 Status and general powers of districts; power to levy tax; power to construct, operate, improve and maintain works of improvement; power to obtain necessary lands or interests therein.
- 582.44 Levy of taxes; procedure, etc.
- 582.45 Fiscal powers of governing body; bonds, etc.
- 582.46 Additional powers and authority.
- 582.47 Watershed improvement district to coordinate work with flood control districts.
- 582.48 Discontinuance of watershed improvement district.
- 582.49 Discontinuance of soil and water conservation district.

## **Chapter 597, F.S., Aquaculture**

The statute establishes public policy concerning the cultivation of aquatic organisms in the state. The intent is to enhance the growth of aquaculture, while protecting Florida's environment. This includes a requirement for a state aquaculture plan which provides for the coordination and prioritization of state aquaculture efforts, the conservation and enhancement of aquatic resources and which provides mechanisms for increasing aquaculture production for the creation of new industries, job opportunities, income for aquaculturists, and other benefits to the state.

- 597.001 Florida Aquaculture Policy Act; short title.
- 597.0015 Definitions.
- 597.002 Legislative declaration of public policy respecting aquaculture.
- 597.0021 Legislative intent.
- 597.003 Powers and duties of Department of Agriculture and Consumer Services.
- 597.004 Aquaculture certificate of registration.
- 597.0041 Prohibited acts; penalties.
- 597.0045 Cultured shellfish theft reward program.
- 597.005 Aquaculture Review Council.

- 597.006 Aquaculture Interagency Coordinating Council.
- 597.010 Shellfish regulation; leases.
- 597.020 Shellfish processors; regulation.

## **RULE 62S-4, F.A.C., CMP GRANTS**

### **62S-4.001 Definitions.**

As used in this rule, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) “Act” means the Coastal Zone Management Act of 1972, 16 U.S.C. Sections 1451 et seq.

(2) “Applicant” means local governments of the 35 coastal counties and all municipalities within their boundaries that are required to include a coastal element in the local comprehensive plan. The term also means Florida colleges, community colleges and state universities as listed in Chapter 1000.21, F.S., regional planning councils, national estuary programs and non-profit groups, as long as an eligible local government agrees to participate as a partner.

(3) “Application” means a formal request for Coastal Partnership Initiative funds by an applicant consisting of a complete, original grant application form, including required copies and documentation.

(4) “CPI” means Coastal Partnership Initiative, which is a competitive grant program to disperse funds pursuant to Sections 306 and 306A of the Act.

(5) “Department” means the Florida Department of Environmental Protection.

(6) “FCMP” means Florida Coastal Management Program as described in Sections 380.20-380.24, F.S.

(7) “Invasive Exotic Plants” for the purpose of this rule, means non-native plants that adversely affect the habitats and bioregions they invade.

(8) “Matching Funds” means non-federal funds expended and/or in-kind services provided by the recipient in conjunction with funds received through this program.

(9) “NOAA” means the National Oceanic and Atmospheric Administration in the U.S. Department of Commerce.

(10) “Non-profit” means any corporation, trust, association, cooperative, or other organization which:

(a) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(b) Is not organized primarily for profit; and

(c) Uses its net proceeds to maintain, improve, and/or expand its operations. For this purpose, the term “non-profit organization” excludes (i) colleges and universities; (ii) hospitals; and (iii) State, local, and federally-recognized Indian tribal governments.

(11) “Recipient” means an applicant who receives an award through the criteria and procedures established in this rule chapter.

*Rulemaking Authority 380.22(3) FS. Law Implemented 380.22 FS. History—New 10-15-81, Formerly 17-24.03, Amended 12-2-87, Formerly 17-24.030, Amended 11-22-93, 4-30-96, 6-10-01, Formerly 9M-1.003, Amended 8-11-03, 9-11-05, 1-29-09, 9-2-10.*

### **62S-4.004 Application Procedures for Coastal Partnership Initiative Grants.**

(1) CPI Program Purpose. Eligible applicants may request financial assistance to implement projects to protect, enhance, and improve the management of natural, cultural, and historical coastal resources and to increase the sustainability, resiliency and preparedness of

coastal communities. Grant applications must benefit the management of coastal resources, and meet the purpose of at least one of the following CPI priority areas:

(a) Resilient Communities. The purpose of this priority area is to help coastal communities prepare for and respond to the effects of climate change and natural hazard events and disasters. Project examples include: conducting vulnerability analyses and risk assessments; developing post-disaster redevelopment plans and business continuity plans; developing climate change adaptation strategies for incorporation in local comprehensive plans or ordinances; developing policies, guidance and best management practices; restoring and preserving coastal wetlands and shorelines; and developing energy efficiency and alternative energy strategies.

(b) Coastal Resource Stewardship. The purpose of this priority area is to promote stewardship and appreciation of fragile coastal resources through local involvement. Stewardship project examples include dune and wetland restoration; invasive exotic plant removal; coastal clean-ups; cultural resource protection; environmental awareness initiatives; coastal learning centers; and environmental education events and field trips.

(c) Access to Coastal Resources. The purpose of this priority area is to help communities identify and improve public access to cultural, historical and natural areas while protecting resources from overuse and damage. Project examples include: planning for, and construction of small-scale projects such as fishing piers, dune crossovers, boardwalks, observation decks, and canoe and sailboat launches; natural shoreline restoration; invasive exotic plant removal; waterfront park improvements; and development of recreational surface water use plans or policies pursuant to Section 163.3177(6)(g), F.S.

(d) Working Waterfronts. The working waterfronts priority area is designed to assist communities with waterfront revitalization. The working waterfronts initiative aims to support projects that enhance and sustain traditional waterfront communities while addressing public access, resource protection, and hazard mitigation issues. Project examples in this category include constructing boat ramps, waterside boardwalks, kiosks and fish cleaning stations; and restoring shorelines and wetlands or implementing other measures that mitigate the effects of natural hazards.

(2) Assistance.

(a) Financial awards are limited to:

1. No more than \$30,000 and no less than \$10,000, for planning, design and coordination activities; and

2. No more than \$60,000 and no less than \$10,000 for construction projects, habitat restoration, invasive exotic plant removal or land acquisition. These projects cannot involve planning and coordination activities as stated in subparagraph 62S-4.004(2)(a)1., F.A.C.

(b) Projects funded under the CPI must be located on publicly-owned or leased land, or land held in perpetuity under a conservation easement. Projects located on federally-owned lands are not eligible for FCMP funds.

(c) Non-profit organizations are not eligible to receive funds for construction projects, habitat restoration, invasive exotic plant removal or land acquisition. Applications submitted by non-profit organizations that propose these activities will be disqualified.

(d) A recipient will be required to provide 100% (1:1) matching funds, cash or in-kind. No more than one-half (50%) of match can be provided by a third party.

(e) Eligible applicants may submit no more than one application per funding cycle.

(f) Funds awarded by the procedures described in this chapter shall not be used to supplant or replace any state or local funds, used as matching funds to apply for or receive other federal funds, or used as match for funds awarded as a result of the application processes described in this chapter.

(3) Period of Assistance. Funding is available only for project work initiated and completed during a 12-month period beginning July 1 and ending June 30, unless the FCMP grants a written extension for good cause.

(4) Notice.

(a) If funds are available, the FCMP shall initiate the funding cycle by publishing a notice of the availability of funds on the Florida Administrative Weekly (FAW) website at <https://www.flrules.org/> no later than October 31. Applications for a funding cycle will not be accepted prior to the publication of the notice of availability of funds.

(b) In addition, the FCMP shall send a copy of the notice of availability of funds to the chair of the Board of County Commissioners in each of the 35 coastal counties and to the chair of the governing body of each eligible municipality as defined in paragraph 62S-4.001(2), F.A.C.

(5) Application Form. All Coastal Partnership Initiative (CPI) grant applications must be submitted on the CPI Application Form. The CPI Application Form 62S-4.004(5), effective date 9-2-10 is hereby incorporated by reference and is available from the FCMP grants website at <http://www.dep.state.fl.us/cmp/grants/index.htm>. To request an application form, contact FCMP staff at the Department of Environmental Protection, Florida Coastal Management Program, MS 47, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000.

(a) Applications shall be received by the FCMP on or before 4:00 p.m., Eastern Time Zone, on the date identified in the notice of availability of funds, which shall be a minimum of 60 days from the publication of the notice.

(b) One originally-signed application, four copies of the application and one CD/DVD version shall be submitted to: FCMP, M.S. 47, ATTN: CPI Applications, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000.

(c) It is the applicant's responsibility to ensure that one original application, four copies, and one CD/DVD version are delivered at the proper time and place. Applications submitted by fax or other electronic media are not acceptable. Applications received after the exact time and date specified above will be disqualified.

*Rulemaking Authority 380.22(3) FS. Law Implemented 380.22 FS. History—New 10-15-81, Formerly 17-24.04, Amended 12-2-87, Formerly 17-24.040, Amended 11-22-93, 4-30-96, 6-10-01, Formerly 9M-1.004, Amended 8-11-03, 9-11-05, 1-29-09, 9-2-10.*

#### **62S-4.0045 Application Procedures for Coastal Management Grants to State Agencies and Water Management Districts. (REPEALED)**

*Specific Authority 380.22(3) FS. Law Implemented 380.22 FS. History – New 8-11-03, Amended 9-11-05, Repealed 1-29-09.*



**62S-4.005 Eligibility for Funding of Coastal Partnership Initiative Grants. (REPEALED)**

Specific Authority 120.569, 120.57, 380.22(3) FS. Law Implemented 120.569, 380.22 FS. *History – New 10-15-81, Formerly 17-24.05, Amended 12-2-87, Formerly 17-24.050, Amended 11-22-93, 4-30-96, 6-10-01, Formerly 9M-1.005, Amended 8-11-03, 9-11-05, Repealed 1-29-09.*

**62S-4.0055 Eligibility for Funding of Coastal Management Grants to State Agencies and Water Management Districts. (REPEALED)**

*Specific Authority 120.569, 120.57, 380.22(3) FS. Law Implemented 120.569, 380.22 FS. History - New 8-11-03, Amended 9-11-05, Repealed 1-29-09.*

**62S-4.007 Review Procedures and Criteria.**

(1) Minimum Requirements. Applications must include the following in order to be reviewed by the evaluation committee:

- (a) A signed and complete Title Page;
- (b) A Location Map;
- (c) A Work Plan; and
- (d) A Budget.

(2) Applications that meet the minimum requirements listed in paragraphs 62S-4.007(1)(a)-(d), F.A.C., will be reviewed by an interagency technical evaluation committee of at least three members who are appointed by the FCMP Administrator and have knowledge of current coastal resource management issues and state and federal resource management programs and activities. Each application will be evaluated using the evaluation criteria below. The final score of each application shall be the average of the evaluators’ scores.

(3) Evaluation Criteria.

	Maximum Points
(a) The project location is clearly depicted on a map.	10
(b) Project description is clearly presented.	15
(c) Project objectives, tasks, deliverables and timelines clearly relate to the project description.	20
(d) There is a demonstrated need which for the project addresses.	25
(e) Project meets purpose of at least one CPI priority.	10
(f) Applicant demonstrates how the project will benefit coastal resource management.	25
(g) Project is feasible and can be completed within one year.	10
(h) Budget and budget narrative clearly show how FCMP funds and match funds will be expended in accordance with paragraph 62S-4.004(2)(d), F.A.C., and demonstrate a cost relationship to project activities.	15
(i) Project costs are reasonable.	10
<b>Total Maximum Points Possible</b>	<b>140</b>

(4) Applications will be funded in rank order by score, depending on the availability of funds. If more than one application receives the same score, those applications will receive equal treatment in making funding decisions.

(5) If the project is funded by NOAA, the subgrant agreement shall be executed within 90 days from approval unless mutually waived by the FCMP and recipient. Failing timely execution, funds will be allocated to other FCMP needs.

*Rulemaking Authority 380.22(3) FS. Law Implemented 380.22, 380.27 FS. History—New 10-15-81, Formerly 17-24.07, Amended 12-2-87, Formerly 17-24.070, Amended 11-22-93, 4-30-96, 6-10-01, Formerly 9M-1.007, Amended 8-11-03, 9-11-05, 1-29-09, 9-2-10.*

#### **62S-4.008 Funding Coastal Partnership Initiative Grants.**

(1) The FCMP shall use the criteria and procedures established in this rule chapter to evaluate project applications and determine their eligibility to be included as part of Florida's official cooperative agreement application for federal assistance under the Act. The final decision whether or not to fund a project is made by the Department and NOAA.

(2) Funding of any application submitted in response to the FCMP's notice of availability of funds and in accordance with this rule chapter is subject to the amount of federal coastal zone management funds awarded to the FCMP and the amount allocated to the CPI by the FCMP.

(3) Notice of funding decisions shall be published on the FAW website at <https://www.flrules.org/>. Any person whose substantial interests are affected may request a hearing pursuant to Section 120.569, F.S., within 21 days of publication of the notice. Failure to request a hearing within the applicable time period shall constitute a waiver of the right to a hearing.

(4) A timely filed petition for an administrative hearing shall not cause the suspension of further action on other applications. If, as a result of a Chapter 120, F.S., administrative or judicial proceeding, the Department's determination of ranking for an application is reversed, and as a result an applicant obtains a rank high enough that it would qualify for inclusion in the Department's application to NOAA, the Department shall include the application in the following year's application to NOAA for coastal zone management funds.

(5) Any recipient of a previous grant awarded by the Department that did not complete the tasks specified in the grant agreement or substantially failed to abide by the terms of the grant agreement, without good cause, shall be ineligible to be considered for funding under the CPI program for two consecutive funding cycles. The FCMP shall determine within 30 days of the grant end date whether the grant recipient is ineligible pursuant to this paragraph and shall notify the ineligible grant recipient in writing. Any person whose substantial interests are affected may request a hearing pursuant to Section 120.569, F.S., within 21 days of receipt of notice. Failure to request a hearing within the applicable time period shall constitute a waiver of the right to a hearing.

*Rulemaking Authority 120.569, 120.57, 380.22(3) FS. Law Implemented 120.569, 380.22 FS. History—New 1-29-09, Amended 9-2-10.*

## **RULE 62S-5, F.A.C., CMP GRANTS TO STATE AGENCIES AND WMDs**

### **62S-5.001 Definitions.**

As used in this rule, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) "Act" means the Coastal Zone Management Act of 1972, 16 U.S.C. Sections 1451 et seq.

(2) "Applicant" means state agencies, as identified in Sections 20.10 through 20.43, F.S., and water management districts.

(3) "Department" means the Florida Department of Environmental Protection.

(4) "FCMP" means Florida Coastal Management Program as described in Sections 380.20 through 380.24, F.S.

(5) "Match Funds" means non-federal funds expended and/or in-kind services provided by the recipient in conjunction with funds received through this program.

(6) "NOAA" means the National Oceanic and Atmospheric Administration in the U.S. Department of Commerce.

(7) "Recipient" means an applicant who receives an award through the criteria and procedures established in this chapter.

*Rulemaking Authority 380.22(3) FS. Law Implemented 380.22 FS. History—New 1-29-09, Amended 8-11-10.*

### **62S-5.002 Application Procedures.**

(1) Period of Assistance. Funding is available only for project work initiated and completed during a 12-month period beginning July 1 and ending June 30, unless the FCMP grants a written extension for good cause.

(2) Project Objectives. The FCMP shall use coastal management funds for activities and tasks that are consistent with the intent and purpose of the Act and contribute to the protection, management and enhancement of Florida's coastal resources. The notice of availability of funds shall identify FCMP priorities within the objectives, but applications that meet any of the objectives may be submitted.

(3) Notice. To initiate a funding cycle, the FCMP shall publish a notice of the availability of funds on the Florida Administrative Weekly (FAW) website at <https://www.flrules.org/> no later than October 31. The period for submitting applications shall be a minimum of 60 days from publication of the notice of availability of funds.

(4) Application Process. There is no specific application form supplied by FCMP; however, the application format and content shall be as follows:

(a) All applications shall be submitted on 8 1/2" by 11" white paper. One original signed application, four paper copies of the application, and one CD-DVD copy of the application must be submitted.

(b) Title Page. Each copy of the application shall include a Title Page that contains the following information:

1. Title of the project.

2. Name of applicant entity and name of applicant partner entity, if applicable, that has agreed to participate.

3. Name, title, phone and fax numbers, e-mail address, and postal address of official contact during application and award procedures.
4. Name of proposed project manager.
5. Signature and date. Include typewritten name and full title of signatory.

(c) Work Plan. This section describes the project and cannot exceed 10 single-sided pages or 5 double-sided pages. The title page, location map, budget page and 306A checklist are not counted as part of the 10 pages. The Work Plan shall include the following sections and information:

1. Project Description. Describe the proposed project or activity, explaining how it enhances or protects coastal resources and meets the priorities identified in the Notice of Availability of Funds. Describe how the work can be completed within one year and implemented upon completion.

2. Project Location. Include a location map no larger than 8 1/2" x 11". For proposed construction projects, include the location map and an 8 1/2" x 11" site plan in the 306A checklist.

3. Objective. Describe the specific tasks and deliverables and related timelines for each.

4. Budget. The application must include a budget that:

- a. Shows how funds will be expended and describes the source and amount of match funds, if any.

- b. Indicates whether additional funds from other sources will be used to complete the proposed project. If total project costs exceed the amount of proposed FCMP funds and match funds, indicate the total project cost.

- c. Reflects a maximum of 5% in indirect costs, if the applicant elects to include indirect costs in the project budget.

5. If construction is proposed, a statement confirming that:

- a. The applicant has conducted preliminary consultation with appropriate federal, state, regional and local regulatory agencies and the agencies did not identify any apparent conflicts with applicable permit requirements.

- b. The property on which construction activities will take place is owned or leased by the applicant or the applicant holds a sufficient easement. Projects located on federally-owned lands are not eligible for FCMP funds.

- c. Permits can be obtained and project construction completed within the grant year.

*Rulemaking Authority 380.22(3) FS. Law Implemented 380.22 FS. History—New 1-29-09, Amended 8-11-10.*

### **62S-5.003 Review and Funding of Grants.**

(1) The FCMP shall review applications in consultation with agencies having the appropriate expertise to evaluate the merits of the projects and provide technical comments and recommendations to the FCMP. The FCMP shall determine which projects will be included in the state's cooperative agreement application to NOAA based on the consultation and the following criteria: the project's feasibility; the cost-effectiveness of the project; and the degree to which the project meets the priorities stated in the notice of availability of funds, complements other state and federal resource management programs and initiatives, and meets or reduces an unmet need.

(2) The FCMP shall use the criteria and procedures established in this rule chapter to evaluate project applications and determine their eligibility to be included as part of Florida's

official cooperative agreement application for federal assistance under the Act. The final decision whether or not to fund a project is made by the Department and NOAA.

(3) Funds awarded by the procedures described in this chapter shall not be used to supplant or replace any state or local funds, used as matching funds to apply for or receive other federal funds, or used as match for funds awarded as a result of the application processes described in this chapter.

(4) Funding of any application submitted in response to the FCMP's notice of availability of funds and in accordance with this rule chapter is subject to the amount of federal coastal zone management funds awarded to the FCMP and the amount allocated to the CPI by the FCMP.

(5) Notice of funding decisions shall be published on the FAW website at <https://www.flrules.org/>. Any person whose substantial interests are affected may request a hearing pursuant to Section 120.569, F.S., within 21 days of publication of the notice. Failure to request a hearing within the applicable time period shall constitute a waiver of the right to a hearing.

(6) A timely filed petition for an administrative hearing shall not cause the suspension of further action on other applications. If, as a result of a Chapter 120, F.S., administrative or judicial proceeding, the Department's decision not to fund an application is reversed, the Department shall include the application among any state agency or water management district projects included in the following year's application for coastal zone management funds pursuant to the Act.

*Rulemaking Authority 380.22(3) FS. Law Implemented 380.22, 380.27 FS. History—New 1-29-09, Amended 8-11-10.*