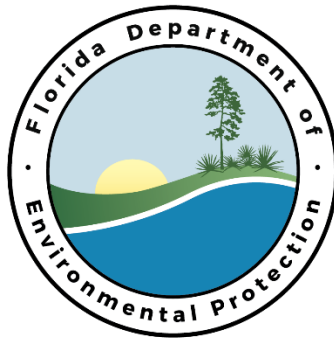


# FLORIDA COASTAL MANAGEMENT PROGRAM GUIDE

## A GUIDE TO THE FEDERALLY APPROVED FLORIDA COASTAL MANAGEMENT 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

Our nation's coastal zone is rich in a variety of natural, commercial, recreational, ecological, industrial, and aesthetic resources of immense value to the present and future well-being of the United States. By the late 1960s, more than half of our nation's population was located near the coasts. Different 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, 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 the nation's coastal regions (collectively referred to as the "coastal states" or "states") to develop and implement federally-approved coastal management programs (CMPs) 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, economic, cultural, historic, and aesthetic values. The program was to be a comprehensive statement (in words, maps, illustrations, or other media of communication) that was 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, water and natural resources that have a direct and significant impact on 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 usage priority.<sup>7</sup>
- The organizational and enforceable policies for implementing the CMP, including the responsibilities and interrelationships of local, area-wide, state, regional, and interstate agencies and management process.<sup>8</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

- Shorefront access and protection planning. This includes access to other public coastal areas of environmental, recreational, historical, aesthetic, ecological, or cultural value.<sup>9</sup>
- New energy facility planning.<sup>10</sup>
- Shoreline erosion/mitigation planning.<sup>11</sup>

Once a state develops a CMP approved by the 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>, 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>9</sup> 15 U.S.C. § 923, Subpart C

<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 or 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, 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 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 Florida Coastal Office, 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 sub-grant applications for funds allocated 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.
- Guides the coordination of the Federal Consistency review process.
- Conducts training workshops for those entities involved in the federal consistency process.
- Provides, to the practicable extent, financial, technical, research, and legal assistance to effectuate the purposes of the Florida Coastal Management Act.
- Acts as a resource for the partner agencies in the Coastal Management Program.

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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 landward 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 nautical 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 and Florida and Georgia. 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 of Florida's Coastal Zone





## **FEDERAL CONSISTENCY**

“Federal Consistency” is the requirement that Federal actions that affect any land, water, 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
- 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 the following types of federal actions for consistency purposes:

- 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. The federal consistency review for these activities are limited geographically to activities within the coastal counties.
- 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 for 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.

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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.

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. The DEP is the state's chief environmental regulatory agency for air quality, 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, sovereign 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 in the coastal counties.
- c) **The Division of Water Resource Management; Beaches, Inlets, and Ports Program**  
Beaches, Inlets, and Ports program 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) **Florida Coastal Office, Offshore Projects Unit**  
The Offshore Projects Unit coordinates consistency reviews of direct federal activities and federal license & permit activities that are proposed in the offshore Outer Continental Shelf (OCS) waters.
- e) **The Siting Coordination Office**  
The Siting Coordination office coordinates the interagency review and certification for building and operating power plants, transmission lines and natural gas pipelines.

## 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 & 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 Economic Opportunity (DEO), Division of Community Development is the state land planning agency responsible for guiding Florida's growth. DEO oversees compliance with requirements for local government comprehensive planning, developments of regional impact, and development in areas of critical state concern. DEO assists local governments in hazard mitigation planning, post disaster redevelopment planning, and other initiatives to increase emergency preparedness and mitigate the short & 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. DEO also implements and administers numerous community assistance and grant programs, including Front Porch Florida.
- Florida Department of Health (DOH), Division of Environmental Health regulates drinking water, on-site sewage disposal systems, monitors beach water for bacterial indicators & aquatic toxins, particularly harmful algal blooms, and administers many other programs designed to reduce illness and prevent disease caused by exposure to environmental factors. In consultation with DEP and FWCC, DOH determines if toxins 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, which links 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 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 (FWC) protects and manages fresh & saltwater fisheries, marine mammals, birds, and upland game & non-game animals (including endangered species). FWC’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 & marine waters, including levels of mercury in fish; and monitors & tracks harmful algal bloom events.
- The Florida Building Commission of the Florida Department of Business and Professional Regulation is a 25-member technical body responsible pursuant to Section 553.73, F.S., for the adoption of the Florida Building Code. The current code is a single statewide code based on national model codes and consensus standards, amended for Florida specific needs for the design and construction of buildings.
- 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 & 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 five WMDs are:
  - St. Johns River Water Management District (SJRWMD)
  - Southwest Florida Water Management District (SWFWMD)
  - Suwanee River Water Management District (SRWMD)
  - South Florida Water Management District (SFWMD)
  - Northwest Florida Water Management District (NFWWMD)

## **Federal Consistency 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  
*Not approved as enforceable policy: Sections 161.011; .031; .0415; .05301; .071; .091; .111; .121; .144; .163; .181; .25; .26; .27; .28; .29; .31; .32; .33; .34; .35; .37; .38; .39; .40; .45; .52; .53; .57; .70; .72; .73; .74; and .76.*
- Chapter 163, Part II Intergovernmental Programs: Growth Policy; County and Municipal Planning; Land Development Regulation  
*Enforceable policy includes only Sections 163.3161; 3164; .3177; .3178; .3180(2); .3184; .3187; .3194(1)(a); .3202(2)(a-h); and .3220(2)&(3).*
- Chapter 186 State and Regional Planning  
*Not approved as enforceable policy: Sections 186.005; .0201; .505; .512;; .513; and .901.*
- Chapter 252 Emergency Management  
*Not approved as enforceable policy: Sections 252.359; 515; .62; .63; .905; .921; and .9335.*
- Chapter 253 State Lands  
*Not approved as enforceable policy: Sections 253.01; .0251; .027; .031; .034; 61(1)(d); .7824; .7828; .87.*
- Chapter 258 State Parks and Preserves  
*Not approved as enforceable policy: Sections 258.001; .004; .014; .0145; .015; .016; .0165; .017; .021; .027; .034; .041; .081; .09; .11; .12; .14; .15; .158; .35; .36; .38; .43; .435; .46; and .601.*
- Chapter 259 Land Acquisitions for Conservation or Recreation  
*Not approved as enforceable policy: Sections 259.01; .03; .032; .0322; .035; .036; .037; .042; .045; .047; .05; .07; .101; .1051; .1052; .10521; and .1053.*
- Chapter 260 Florida Greenways and Trails Act  
*Not approved as enforceable policy: Section 260.011; .012; .0125; .013; .014; .0141; .0142; 0144; .015; .016; .0161; .017; .019; and .021.*
- Chapter 267 Historical Resources  
*Not approved as enforceable policy: Sections 267.011; .0612; .0617; .062; .0625; .071; .0731; .074; .0743; .075; .076; .081; .145; .16; .161; .17; .172; .173; .1732; .1735; and .1736.*
- Chapter 288 Commercial Development and Capital Improvements  
*Enforceable policy includes only sections 288.972 and .975.*
- Chapter 334 Transportation Administration  
*Not approved as enforceable policy: Sections .01; .03; .035; .044; .045; .046; .047; .048; .049; .05; .063; .065; .071; .131; .17; .175; .185; .187; .193; .195; .196; .24; .27; .30; .351; and .60.*

- Chapter 339 Transportation Finance and Planning  
*Enforceable policy only includes: Sections 339.175 and .241.*
- Chapter 373 Water Resources  
*Not approved as enforceable policy: Sections 373.037; .044; .0465; .103; .1135; .171; .246; .308; .4143; .4144; .459; .472; .535; .536; .584; .59; .5905; .701; .703; and .813.*
- Chapter 375 Outdoor Recreation and Conservation Lands  
*Not approved as enforceable policy: Section 375.031; 041; .044; .075.*
- Chapter 376 Pollutant Discharge Prevention and Removal  
*Not approved as enforceable policy: Sections 376.011; .3073; .3075; .317; and .41.*
- Chapter 377 Energy Resources  
*Not approved as enforceable policy: Sections 377.06; .21; .22; .24(9); 24075; .242(1)(a)5; .2434; .2435; .43; .6015; .801-.810; and .815.*
- Chapter 379 Fish and Wildlife Conservation  
*Not approved as enforceable policy: Sections 379.206; .207; .212; .213; .214; .2202; .223; .2251; .2255; .2256; .2293; .2433; .359; and .362.*
- Chapter 380 Land and Water Management  
*Not approved as enforceable policy: Sections 380.06(24)(t); .0666; .23(3)(d); and .507.*
- Chapter 381 Public Health; General Provisions  
*Enforceable policy includes only Sections 381.001, .0011, .0012, .006, .0061, .0065, .00651; .0066, and .0067.*
- Chapter 388 Mosquito Control  
*Not approved as enforceable policy: Sections 388.261 and .271.*
- Chapter 403 Environmental Control  
*Not approved as enforceable policy: Sections 403.061(40); .0617; .0675; .08601; .0874; .1832; .414; .50663; .70611; .709; .7095; .7125(2)&(3); .7264; .763; .805; .8055; .871; .873; .874; .885; .928; and .941.*
- Chapter 553 Building and Construction Standards  
*Enforceable policy includes only Section 553.79.*
- Chapter 582 Soil and Water Conservation  
*Not approved as enforceable policy: Sections 582.055; .06; and .32.*
- Chapter 597 Aquaculture  
*Not approved as enforceable policy: Sections 597.001; 597.0021; .0045; and .005.*

## **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 that have 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.

### **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 3.45 statutory miles off the east coast). The federal government manages natural resources on the OCS, while the states manage the resources directly off their coasts.

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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)

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 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 & water pollution
- Fisheries management
- Protection of marine mammals & endangered species
- Research
- Dredging & 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>

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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.

In Florida, federal consistency reviews are mainly conducted during the processing of state permits. 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 or dumping of hazardous substance materials 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 & geophysical activities, or rights-of-way on public lands

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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.*

- Permits and licenses required under the Indian Mineral Development Act<sup>49</sup>
- 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 accepted under its own regulatory authority.

Federal consistency reviews of certain federal license or permit activities that don't 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)
- Licenses or permits issued for an artificial reef outside of state jurisdictional waters

Other federal consistency reviews are conducted in conjunction with the state's analogous Environmental Resource Permits (ERP) or Joint Coastal Permits (JCP). These are issued by DEP, the WMDs, or delegated local programs.

To date, only Broward County has received a delegation of part of the ERP Program from both DEP and their regional water management district, 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 issue sovereign submerged land consents for activities that qualify for the regulatory private dock exemption under Section 403.813(1)(b), F.S..

Hillsborough County also has limited delegation from the Department for regulatory activities under ERP for many non-commercial activities

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

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

<sup>51</sup> 43 U.S.C. ss. 1331 *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.

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) in both wetlands and uplands
- Water quality (i.e., stormwater treatment) in both wetlands and uplands.
- 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 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. 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 are included in the lists below.

#### **ERPs processed by DEP**

- Permits related to solid, hazardous, domestic and industrial wastewater 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 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 government entities
- Seaports and adjacent seaport-related development

- Individual single family residence
- Mitigation banks associated with projects DEP is permitting
- Formal wetland deliniations

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

- 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
- Large Plans of Development
- Mitigation banks associated with projects the WMD is permitting
- Most Stormwater projects

Dredge and Fill Activities - The state regulates dredge<sup>54</sup> and fill<sup>55</sup> activities to protect surface waters from degradation caused by the loss of wetlands<sup>56</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 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 & filling and have adverse effects on the plant & animal life indigenous to Florida. Dredging and filling activities can increase the particulates and pollutants in state waters, 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 Florida) is regulated in accordance with the Mangrove Trimming and Preservation Act<sup>57</sup>. The

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<sup>54</sup> “Dredging” is the excavation of material in a surface water or wetland of the state.

<sup>55</sup> “Filling” is the deposition of any material (such as sand, dock pilings, or seawalls) in wetlands or surface waters.

<sup>56</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).

<sup>57</sup> Sections 403.9321-9333, F.S.

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 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 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 to the state's territorial limit. If such lands are located within certain Aquatic Preserves, the authorization also must meet the requirements of Chapter 258, F.S., State Parks and Preserves.

Both proprietary and regulatory authorizations will be requested in the same application, and will be reviewed and either 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 & 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 & piers, and maintenance dredging; and are activities that qualify for regulatory exemptions and general permits. 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 construction activities on Florida's natural sandy beaches, adjacent state sovereignty lands & associated inlets, or activities that are likely to have a material physical effect on existing coastal conditions, natural shore processes, or 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 or damage marine resources. JCP activities are regulated by DEP's Beaches, Inlets, and Ports Program. 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
- Artificial nourishment; excavation or maintenance dredging of inlet channels; and maintenance of inlets and inlet-related structures.

This Section also implements a permitting program for navigational dredging of deepwater ports, inlets, and channels, including disposal of sandy beach quality dredged material onto the beach or in the nearshore area.

Sovereign Submerged Land Approvals – For activities located on sovereign (state-owned) submerged lands, 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 to the state's territorial limit. If such lands are located within certain Aquatic Preserves, the authorization also must meet the requirements of Chapter 258, F.S., State Parks and Preserves.

## AREAS OF SPECIAL MANAGEMENT

The CZMA 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, 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>58</sup>
- Guidelines on Priorities of Uses<sup>59</sup>
- Shorefront Access and Protection Planning<sup>60</sup>
- Shoreline Erosion/Mitigation Planning<sup>61</sup>
- Areas for Preservation and Restoration<sup>62</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 wildlife resources (including 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 development, 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 & their recharge areas, estuaries, sand dunes, coral & 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.

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<sup>58</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>59</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>60</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>61</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>62</sup> CZMA § 306(d)(9) [also known as 16 U.S.C. § 1455(d)(9)] and 15 C.F.R. 923.22

The programs include a selection process which defines the:

- (1) State objectives
- (2) Procedures and criteria for designation
- (3) 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>63</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
- 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 the Department of Economic Opportunity (DEO) 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, DEO 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. DEO 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. This is including, but not limited to, state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers & estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas where the uncontrolled private or public development would cause substantial deterioration of such resources.

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<sup>63</sup> Chapter 380, F.S., Part I



- The areas contain or have a significant impact upon historical or archaeological resources, sites, or statutorily defined districts where the private or public development would cause substantial deterioration or complete loss of such resources, sites, or districts.
- The areas contain, 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.

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 DEO. The committee is tasked with the objective of organizing a voluntary, cooperative resource planning and management program to resolve existing problems and prevent future issues 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 ASCSs:

- Apalachicola Bay Area in the City of Apalachicola<sup>64</sup>
- Big Cypress Swamp in Collier, Monroe, and Dade Counties<sup>65</sup>
- Green Swamp in Polk and Lake Counties<sup>66</sup>
- Florida Keys in Monroe County<sup>67</sup>
- The City of Key West<sup>68</sup>

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<sup>64</sup> Section 380.0555, F.S.

<sup>65</sup> Section 380.055, F.S.

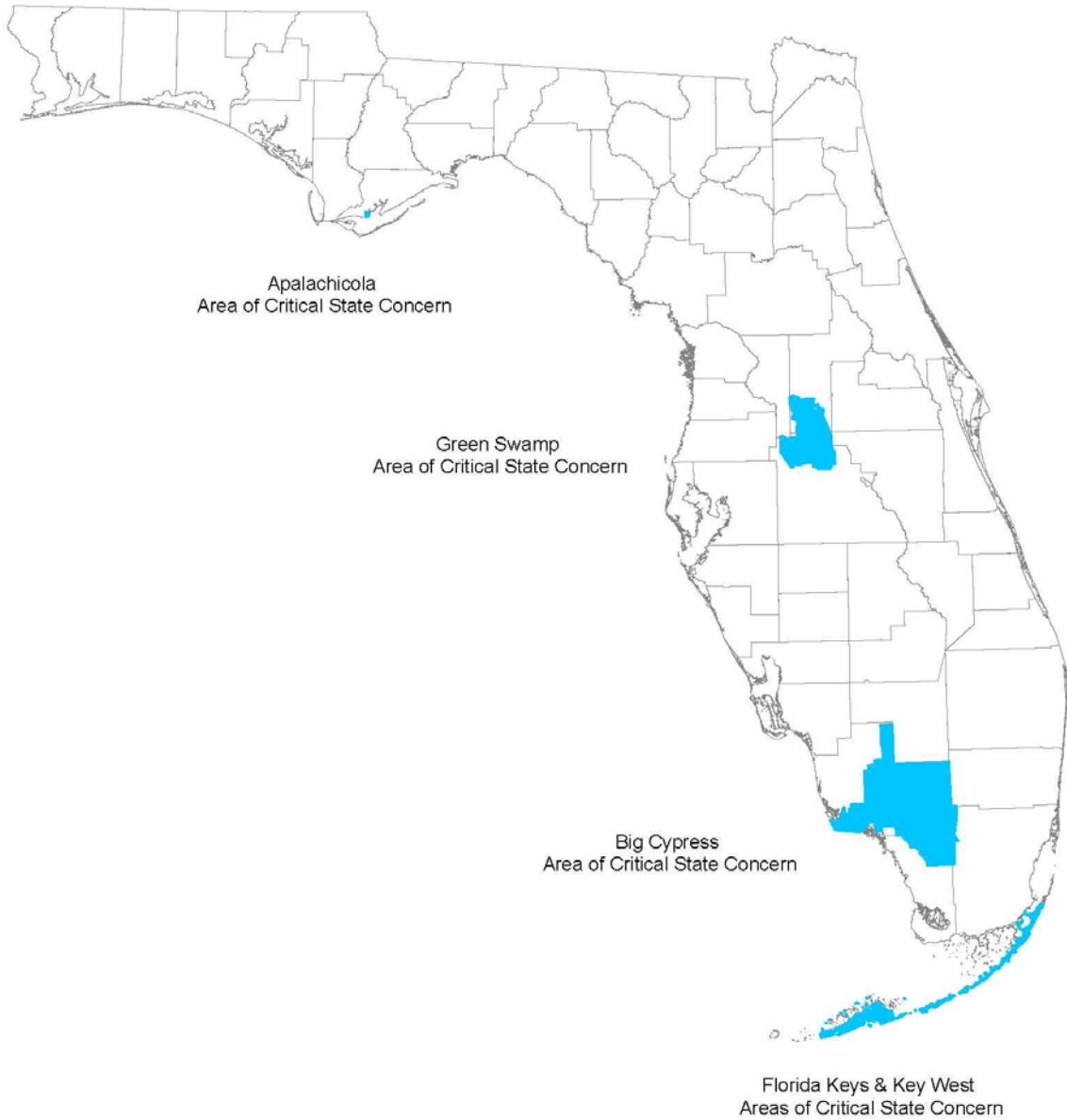
<sup>66</sup> Sections 380.0551 and .0677, F.S.

<sup>67</sup> Sections 380.051 and .0552, F.S.

<sup>68</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 & sand have been mined, and structures of all sizes & 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<sup>69</sup>, which allows the state to manage the aquatic preserves within its coastal zone.

The Act was passed to set aside, for the benefit of future generations, certain state-owned submerged lands & 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 coastal & inland wetlands.

The preserves generally are areas of high natural productivity that provide an essential natural habitat for various living resources. 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 have been designated to protect the aesthetics of contiguous state parks. In addition, many of the aquatic preserves contain excellent sport fishing opportunities, making them extremely important recreational assets. Opportunities for other recreational uses, such as snorkeling, boating, and swimming, are also abundant.

DEP's Florida Coastal Office 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:

- Biological, where certain forms of animal or plant life, or their supporting habitat, is to be protected
- Aesthetic, where certain scenic qualities or amenities are to be maintained

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<sup>69</sup> Sections 258.35-.394 and .40-.46, F.S.

- 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>70</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
  - 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
- Recording of the legal description of the area in the public records of the county or counties involved.

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 (exceptions given to lease agreements)<sup>71</sup>.

The Board of Trustees of the Internal Improvement Trust Fund (Trustees) holds title to all state lands. This gives them the power to adopt and enforce rules & regulations for the management of designated aquatic preserves and to also 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 & activities which are found to be compatible with the intent of the Aquatic Preserve 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 of 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 & maintenance of marinas, piers, etc.
- The drilling of gas or oil wells
- The discharging of wastes or effluents that substantially departs from the intent of the Act.

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<sup>70</sup> Section 258.41, F.S.

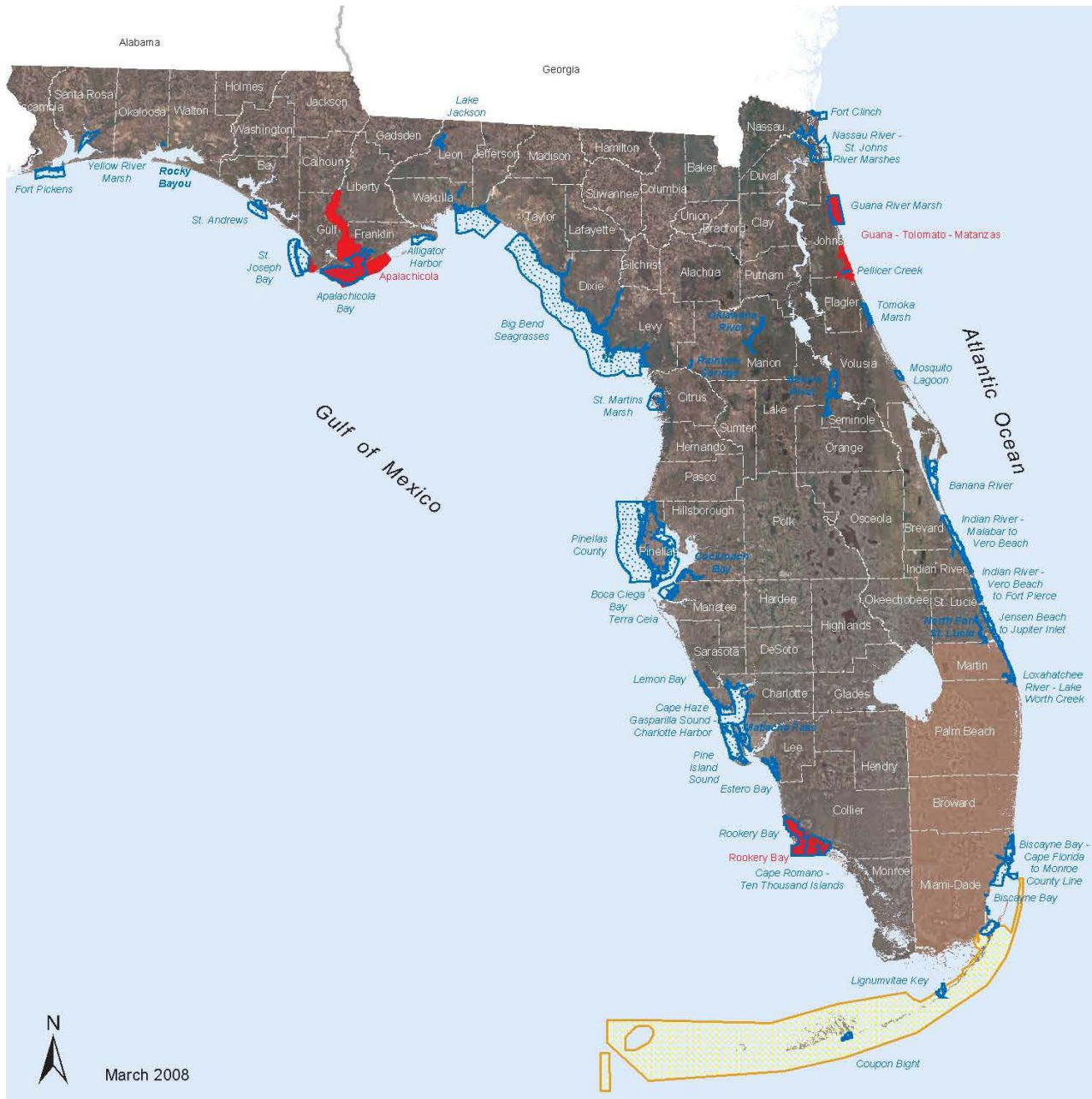
<sup>71</sup> Section 258.41(6), F.S.

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 – Card Sound
- 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 and 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>72</sup>. Many surface water bodies in the state of Florida 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, resource management, and environmental education in the restoration & 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>73</sup>. SWIM funds are also used by the WMDs to develop plans for:

- At-risk water bodies
- Work needed to restore damaged ecosystems
- Pollution from stormwater runoff and other sources
- Educating the public.

Originally, the Florida Legislature funded the SWIM program annually, matched by money 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, Nonpoint Source Management Section.

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

#### A. Southwest Florida Water Management District (SWFWMD):

- 1) Charlotte Harbor
- 2) Chassahowitzka River
- 3) Crystal Rivers/Kings Bay
- 4) Homosassa River
- 5) Lake Panasoffkee
- 6) Lake Tarpon
- 7) Lake Thonotosassa
- 8) Rainbow River
- 9) Sarasota Bay

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<sup>72</sup> Sections 373.451 - .4595, F.S.

<sup>73</sup> Section 373.453 F.S.

- 10) Tampa Bay
- 11) Weeki Wachee River
- 12) Winter Haven Chain of Lakes

**B. South Florida Water Management District (SFWMD):**

- 1) Biscayne Bay
- 2) Lake Okeechobee
- 3) Lower Charlotte Harbor
  - i. Including Charlotte Harbor, Estero Bay, and Caloosahatchee River & Estuary
- 4) Indian River Lagoon
- 5) Naples Bay/Gordon River

**C. St. John's 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) Indian River Lagoon
- 8) Orange Creek

**D. Suwannee River Water Management District (SRWMD):**

Suwannee River Basin

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

**E. Northwest 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 & 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
- 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 close to 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 Straits of Florida. These beaches provide:

- Enjoyment to state residents and tourists
- A habitat for many species, including endangered and threatened marine turtles, birds, and mammals
- 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>74</sup>, to regulate coastal construction activities on barrier beaches, in barrier inlets, and to preserve their natural resource values.

The DEP Beaches, Inlets, and Ports Program (BIP) 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 inlets. 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 & 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 BIP 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 & authorizations and comply with local comprehensive plans & ordinances. Applicants must demonstrate that the project will comply with Florida's water quality

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<sup>74</sup> Chapter 161, F.S., Parts I and II

standards and must protect threatened & endangered species. Projects must also comply with enforceable policies incorporated in the FCMP.

As of 2011, about 397.9 miles of sandy beaches and 8.7 miles of inlet shoreline were designated as “critically eroded”, a condition where previous or continuing erosion threatens private or public development & infrastructure, significant cultural resources, or 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 includes beach and dune restoration, beach nourishment, and feeder beaches or inlet sand bypassing and other actions to mitigate the erosive effects of inlets to adjacent beaches.

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	4.4
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	0.3
<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	1.7
<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 acquire and protect threatened coastal & estuarine lands with significant ecological value (such as conservation, recreation, ecological, historical, or aesthetic values) or 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 Florida Forever Program to implement and manage CELCP within the state. The public accessibility of the Florida Forever Program and 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 keys, limestone rock keys, and mainland seashores to conserve their significant natural, recreational, and aesthetic attributes, giving priority to the following projects:
  - a. Projects that contain representative examples of various physiographic coastal forms.
  - b. Projects that include entire islands, long stretches of beaches, entire widths of coastal barriers, or natural inlets.
  - c. 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, Marine Sanctuaries, Areas of Critical State Concern, Outstanding Florida Waters, 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, 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 portion of NOAA funds available as pass-through grants for projects and activities that protect and manage natural & 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 & water management districts.

### **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 & 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 Resources Stewardship*: These are projects that promote local stewardship and appreciation of fragile coastal resources.
- *Access to Coastal Resources*: 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, parks, waterfronts, 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 Register 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](#)).

## **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 & marine resources and the multiple management institutions that regulate these uses, numerous public & private groups must share information and work cooperatively to achieve integrated coastal management. The FCMP works to open lines of communication between various interests, including: a network of state agencies, private & public partners, and the general population. 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, and conducts annual activities such as the following:

- Florida Assessment of Coastal Trends (FACT) – One of the primary goals of the FACT report is to provide decision makers across the state with another tool to help them effectively plan for the future of Florida's coastal zone. The report is a collection of indicators documenting ecological, cultural, and economic conditions & trends of Florida coastal resources and management programs. These indicators can be used in the planning & review process to assess coastal environmental conditions and to apply knowledge gained from trends & management results in future activities. The 2010 FACT report tracks the most recent changes in 65 indicators from 2000 through 2010 in order to help illustrate how resources have responded to policies & activities implemented by coastal resource managers.

The indicators included in previous versions of the FACT, particularly FACT 2000, heavily influenced the indicator selection process for FACT 2010. The FCMP attempted to preserve as many relevant indicators as possible in order to provide a near seamless stream of trend analysis. Of the 37 indicators that appeared in FACT 2000, 24 appear in the newest installment of the FACT in some form. Some indicators are exactly the same but most have changed slightly as a result of changes in data availability and reliability. Several indicators, such as the ones based on human population, were not present in FACT 2000 but did appear in FACT 1995 and FACT 1997.

- Performance Measurement System - Since 2003, the FCMP has been participating in the National Coastal Management Performance Measurement System, a national indicator initiative led by the NOAA to quantify the effectiveness of the CZMA. The FCMP collects and reports data for the various categories of performance measures, applicable to all coastal states, including:
  - Government coordination and decision making
  - Public access
  - Coastal habitats
  - Coastal hazards
  - Coastal dependent uses
  - Community development.



- 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, land conversion, population growth, development, and land acquisition. 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 has developed an interactive web-based statewide beach access guide that details critical information about the locations and amenities of the coastal access points for the state. The online tool will continue to improve the public's ability to access & 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 access points & amenities.

- Beach Access Sign Program - The FCMP produces and distributes uniform beach access signs to local governments and state parks 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, other governmental entities, and state parks 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 provides rip current awareness signs and other educational materials to local governments & state parks 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 other educational material which promote the coastal zone.
- 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.
- 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 50 Florida Coastal Management Program Guide

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. Unless additional safety and warning devices are authorized pursuant to subsection (7), 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 develop and make available to the public other educational information and materials related to beach safety and may also authorize state agencies and local governments to use additional safety and warning devices in conjunction with the display of uniform warning and safety flags at public beaches.

*History.*—s. 9, ch. 2002-275; s. 1, ch. 2005-161; s. 14, ch. 2014-151.

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

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; s. 261, ch. 2011-142.

## **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. 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
- 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.

161.021	Definitions.
161.041	Permits required.
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.
161.0531	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.
161.081	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.
161.101	State and local participation in authorized projects and studies relating to beach management and erosion control.
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.
161.151	Definitions.
161.161	Procedure for approval of projects.
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.
161.36	General powers of authority.
161.41	Construction of ss. 161.25-161.40.
161.54	Definitions.
161.55	Requirements for activities or construction within the coastal building zone.
161.56	Establishment of local enforcement.
161.58	Vehicular traffic on coastal beaches.
161.71	Definitions.

### **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 & 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
- Conserve, develop, utilize, and protect natural resources within their jurisdictions.

163.3161	Short title: intent and purpose.
163.3164	Definitions.
163.3177	Required and optional elements of comprehensive plan; studies and surveys.
163.3178	Coastal management.
163.3180	Concurrency. (2)
163.3184	Process for adoption of comprehensive plan amendment.
163.3187	Process for adoption of small-scale comprehensive plan amendment.
163.3194	Legal status of comprehensive plan. (1)(a)
163.3202	Land development regulations. (2)(a-h)
163.3220	Short title; legislative (2) and (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 & 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.
186.006	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.
186.021	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.
186.506	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.
186.515	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.

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

The state of Florida is vulnerable to a wide range of emergencies, including natural, technological, and manmade disasters. This vulnerability is exacerbated by the tremendous growth in the state's population. 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
- 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 inadequate planning or regulation. 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.
252.81	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.
252.922	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.
252.946	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
- Preserve archaeological and historical resources.

All submerged lands are considered single-use lands to be maintained in natural condition for the propagation of fish & wildlife and for public recreation. Where multiple-uses are permitted, ecosystem integrity, recreational benefits and wildlife values are conserved & 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.
253.02	Board of Trustees; powers and duties.
253.025	Acquisition of state lands.
253.03	Board of trustees to administer state lands; lands enumerated.
253.0325	Modernization of state lands records.
253.033	Inter-American Center property; transfer to board; continued use for government purposes.
253.0341	Surplus of state-owned lands.
253.0345	Special events; submerged land leases.
253.0346	Lease of sovereignty submerged lands for marinas, boatyards, and marine retailers
253.0347	Lease of sovereignty submerged lands for private residential docks and piers.
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	Riparian owners of land.
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.
- 253.512 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 Department of Environmental Protection.
- 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.
- 253.7825 Recreational uses.
- 253.7827 Transportation and utility crossings of greenways lands.
- 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 & wildlife, and recreational values. These rivers are also designated for permanent preservation and enhancement for both the present and future.

258.007	Powers of division.
258.008	Prohibited activities; penalties.
258.037	Policy of division.
258.08	Guide meridian and base parallel park located.
258.083	John Pennekamp Coral Reef State Park; taking or damaging of coral prohibited.
258.10	Division of Recreation and Parks to supervise and maintain Rauscher Park.
258.156	Savannas State Reserve.
258.157	Prohibited acts in Savannas State Reserve.
258.37	Definitions.
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.
258.44	Effect of preserves.
258.45	Provisions not superseded.
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
- 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.

259.04 Board; powers and duties.

259.06 Construction.

259.105 The Florida Forever Act.

## **Chapter 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 & wildlife and provide people with access to healthful outdoor activities. The greenways and trails serve to implement the concepts of ecosystem management while providing recreational opportunities such as horseback riding, hiking, bicycling, canoeing, jogging, and historical & archaeological interpretation. As of August 29<sup>th</sup>, 2016, Chapter 260, F.S., does not contain any enforceable policies for federal consistency purposes

## **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 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.

267.021 Definitions.

267.031 Division of Historical Resources; powers and duties.

267.061 Historic properties; state policy, responsibilities.

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.

### **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
- 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.

- 288.972 Legislative Intent
- 288.975 Military base reuse plans

### **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
- 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. As of October 9<sup>th</sup>, 2017, Chapter 334, F.S., does not contain any enforceable policies for federal consistency purposes.

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

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

- 339.175 Metropolitan planning organization.
- 339.241 Florida Junkyard Control Law.

### **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

- 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. These permits address the construction, alteration, operation, maintenance, abandonment, and removal of any stormwater management system, dam, impoundment, reservoir, or appurtenant works (including dredging, filling, and other 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.
373.0397	Floridian and Biscayne aquifers; designation of prime groundwater recharge areas.
373.042	Minimum flows and minimum water levels.
373.0421	Establishment and implementation of minimum flows and minimum water levels.
373.043	Adoption and enforcement of rules by the department.
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.
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373.0698	Creation and operation of basin boards; other laws superseded.
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373.076	Vacancies in the governing board; removal from office.
373.079	Members of governing board; oath of office; staff.
373.083	General powers and duties of the governing board.
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.
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- 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.
- 373.114 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.
- 373.1725 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.
- 373.199 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.

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373.219	Permits required.
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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.
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373.233	Competing applications.
373.236	Duration of permits; compliance reports.
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373.243	Revocation of permits.
373.244	Temporary permits.
373.249	Existing regulatory districts preserved.
373.250	Reuse of reclaimed water.
373.302	Legislative findings.
373.303	Definitions.
373.306	Scope.
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.
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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.
- 373.4131 Statewide environmental resource permitting rules.
- 373.4132 Dry storage facility permitting.
- 373.4133 Port conceptual permits.
- 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.
- 373.4145 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.
- 373.4271 Conduct of challenge to consolidated environmental resource permit or associated variance or sovereign submerged lands authorization issued in connection with deepwater ports.
- 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.
- 373.4591 Improvements on private agricultural lands.
- 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.
- 373.501 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.
- 373.539 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.
- 373.586 Unpaid warrants to draw interest.
- 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.
373.618	Public service warnings, alerts, and announcements.
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.
373.69	Apalachicola-Chattahoochee-Flint River Basin Compact.
373.705	Water resource development; water supply development.
373.707	Alternative water supply development.
373.709	Regional water supply planning.
373.711	Technical assistance to local governments.
373.713	Regional water supply authorizes.
373.715	Assistance to West Coast Regional Water Supply Authority.
373.801	Legislative finding and intent
373.802	Definitions
873.803	Delineation of priority focus areas for Outstanding Florida Springs
873.805	Minimum flows and minimum water levels for Outstanding Florida Springs
873.807	Protection of water quality in Outstanding Florida Springs
873.811	Prohibited activities within a priority focus area

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

The statute addresses the development of a comprehensive 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
- Propose the means to meet the identified needs.

375.011	Short title.
375.021	Comprehensive multipurpose outdoor recreation plan.
375.032	Recreation; required purpose for purchase.
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.
375.251	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 coastal resources (specifically 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, along with 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. 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 & 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
- 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.

376.021	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.
- 376.30713 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.
- 376.3077 Unlawful to deposit motor fuel in tank required to be registered, without proof of registration display.
- 376.3078 Dry cleaning facility restoration; funds; uses; liability; recovery of expenditures.
- 376.30781 Partial tax credits for rehabilitation of dry cleaning-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.
376.320	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, natural gas, and other petroleum products in the state.

The statute describes the permitting requirements and criteria necessary to drill and develop for oil, gas, and natural 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, natural gas, or other petroleum products may:

- Pollute land or water
- Damage aquatic or marine life, wildlife, birds, or public or private property

- 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.
377.23	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.)
377.2407	Natural gas storage facility permit application to inject gas into and recover gas from a natural gas storage reserve
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.
377.2431	Conditions for granting permits for natural gas storage facilities
377.2432	Natural gas storage facilities; protection of water supplies
377.2433	Protection of natural gas storage facilities; remedies
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.
- 377.602 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
- 377.816 Qualified energy conservation bond allocation

### **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.
- 379.203 Dedicated License Trust Fund.
- 379.204 Federal Grants Trust Fund.
- 379.205 Florida Panther Research and Management Trust Fund.
- 379.208 Marine Resources Conservation Trust Fund; purposes.
- 379.209 Nongame Wildlife Trust Fund.
- 379.211 State Game Trust Fund.
- 379.2201 Deposit of license fees; allocation of federal funds.
- 379.2203 Disposition of fines, penalties, and forfeitures.
- 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.
- 379.224 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.
- 379.2257 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.

- 379.2291 Endangered and Threatened Species Act.
- 379.2292 Endangered and Threatened Species Reward Program.
- 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.
- 379.236 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.
- 379.244 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 or force 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.
- 379.3012 Alligator management and trapping program implementation; commission authority.
- 379.3014 Unlawful sale, possession, or transporting of alligators or alligator skins.
- 379.3015 Prima facie evidence of intent to violate laws protecting alligators.
- 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.
- 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.
- 379.356 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.
- 379.361 Licenses.
- 379.363 Freshwater fish dealer's license.
- 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.
- 379.404 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 Intentional killing or wounding of any species designated as endangered, threatened, or of special concern; penalties.

- 379.4115 Florida or wild panther; killing prohibited; penalty.
- 379.412 Penalties for feeding wildlife and freshwater fish
- 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 be implemented by local governments through existing processes for the guidance of growth & development. The statute also provides 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.  
(Paragraph .24(t) is not considered an enforceable policy for federal consistency purposes.)
- 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.
- 380.0668 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.
- 380.0685 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.
- 380.508 Projects; development, review, and approval.
- 380.510 Conditions of grants and loans.
- 380.5105 The Stan Mayfield Working Waterfronts; Florida Forever program.

- 380.5115 Florida Forever Program Trust Fund of the Department of Environmental Protection
- 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 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.
- 381.00651 Periodic Evaluation and assessment of onsite sewage treatment and disposal systems.
- 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 designed to:

- Achieve and maintain such levels of arthropod control as will protect human health & safety.
- Promote the economic development of the state.
- 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.
388.201	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.
388.281	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.
388.43	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 help to conserve state waters; protect and improve water quality; and maintain air quality.

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
- 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. (Paragraph (40) is not considered an enforceable policy for federal consistency purposes.)
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.
403.0862	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.
- 403.1655 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.
- 403.1834 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.
403.415	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.
403.501	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.
403.50665	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.
403.7047	Regulation of fossil fuel combustion products
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.
403.7063	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.
- 403.712 Revenue bonds.
- 403.7125 Landfill management escrow account.  
(The state does not have authority over Federal facilities but over Federal actions.)  
(Paragraphs (2) and (3) are not considered enforceable policies for federal consistency purposes)
- 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.  
(The state does not have authority over Federal facilities but over Federal actions.)
- 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.
403.7265	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.
403.767	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.
403.8051	Small Business Air Pollution Compliance Advisory Council; members; duties.
403.8052	Small Business Stationary Air Pollution Source Technical and Environmental Compliance Assistance Program.
403.809	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.
403.8141	Special event permits
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.
403.872	Requirements for licensure.
403.875	Prohibitions; penalties.
403.876	Grounds for disciplinary action.
403.88	Classification of water and wastewater treatment facilities and facility operators.
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.
403.90	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.
403.9411	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.

553.79	Permits; applications; issuance; inspections.
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### **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 & sediment damages; and to further the conservation, development and use of soil & water resources.

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
- Protect and promote the health, safety, and general welfare of the people of this state.

582.01	Definitions.
582.02	Legislative Policy and findings; purpose of districts
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	Change of district boundaries
582.18	Election of supervisors of each district.
582.19	Qualifications and tenure of supervisors.
582.20	Powers of districts and supervisors.
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.

## **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
- Mechanisms for increasing aquaculture production.

597.0015	Definitions.
597.002	Legislative declaration of public policy respecting aquaculture.
597.003	Powers and duties of Department of Agriculture and Consumer Services.
597.004	Aquaculture certificate of registration.
597.0041	Prohibited acts; penalties.
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-4.007 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.*