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**Chapter 163, Part II**  
**Growth Policy; County and Municipal Planning; Land Development Regulation**

**Enforceable Policies**

Any additions are underlined and any deletions are struck-through. Enforceable policies include only the subsections identified below.

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\*Section 163.035 is not proposed as an enforceable policy for federal consistency purposes

## **Chapter 163--Intergovernmental Programs: Growth Policy, County and Municipal Planning: Land Development Regulations**

### **163.035 Establishment of recreational customary use.—**

(1) DEFINITION.—The term “governmental entity” includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority.

(2) ORDINANCES AND RULES RELATING TO CUSTOMARY USE.—A governmental entity may not adopt or keep in effect an ordinance or rule that finds, determines, relies on, or is based upon customary use of any portion of a beach above the mean high-water line, as defined in s. 177.27, unless such ordinance or rule is based on a judicial declaration affirming recreational customary use on such beach.

(3) NOTICE OF INTENT TO AFFIRM RECREATION PUBLIC USE ON PRIVATE PROPERTY; JUDICIAL DETERMINATION.—A governmental entity that seeks to affirm the existence of a recreational customary use on private property must follow the procedures set forth in this subsection.

(a) Notice.—The governing board of a governmental entity must, at a public hearing, adopt a formal notice of intent to affirm the existence of a recreational customary use on private property. The notice of intent must specifically identify the following:

1. The specific parcels of property, or the specific portions thereof, upon which a customary use affirmation is sought;
2. The detailed, specific, and individual use or uses of the parcels of property to which a customary use affirmation is sought; and
3. Each source of evidence that the governmental entity would rely upon to prove a recreational customary use has been ancient, reasonable, without interruption, and free from dispute.

The governmental entity must provide notice of the public hearing to the owner of each parcel of property subject to the notice of intent at the address reflected in the county property appraiser’s records no later than 30 days before the public meeting. Such notice must be provided by certified mail with return receipt requested, publication in a newspaper of general circulation in the area where the parcels of property are located, and posting on the governmental entity’s website.

(b) Judicial determination.—

1. Within 60 days after the adoption of the notice of intent at the public hearing, the governmental entity must file a Complaint for Declaration of Recreational Customary Use with the circuit court in the county in which the properties subject to the notice of intent are located. The governmental entity must provide notice of the filing of the complaint to the owner of each parcel of property subject to the complaint in the same manner as is required for the notice of intent in paragraph (a). The notice must allow the owner receiving the notice to intervene in the proceeding within 45 days after receiving the notice. The governmental entity must provide verification of the service of the notice to the property owners required in this paragraph to the court so that the court may establish a schedule for the judicial proceedings.

2. All proceedings under this paragraph shall be de novo. The court must determine whether the evidence presented demonstrates that the recreational customary use for the use or uses identified in the notice of intent have been ancient, reasonable, without interruption, and free from dispute. There is no presumption regarding the existence of a recreational customary use with respect to any parcel of property, and the governmental entity has the burden of proof to show that a recreational customary use exists. An owner of a parcel of property that is subject to the complaint has the right to intervene as a party defendant in such proceeding.

(4) APPLICABILITY.—This section does not apply to a governmental entity with an ordinance or rule that was adopted and in effect on or before January 1, 2016, and does not deprive a governmental entity from raising customary use as an affirmative defense in any proceeding challenging an ordinance or rule adopted before July 1, 2018.

History.—s. 10, ch. 2018-94



**Chapter 252**  
**Emergency Management**  
**Enforceable Policies**

Any additions are underlined and any deletions are struck-through.

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; registration program.
252.356	Emergency and disaster planning provisions to assist persons with disabilities or limitations.
252.3568	Emergency sheltering of persons with pets.
<u>252.3569**</u>	<u>Florida state agricultural response team; emergency response to animal, agricultural, and vector issues</u>
252.357	Monitoring of nursing homes and assisted living facilities during disaster.
252.358	Emergency-preparedness prescription medication refills.
252.359*	Ensuring availability of emergency supplies
252.36	Emergency management powers of the Governor.
252.363	Tolling and extension of permits and other authorizations.
252.365	Emergency coordination officers; disaster-preparedness plans.
252.3655*	Natural hazards interagency workgroup
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.
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252.515*	Postdisaster Relief Assistance Act; immunity from civil liability
252.52	Liberality of construction.
252.55	Civil Air Patrol, Florida Wing.
252.60	Radiological emergency preparedness.

252.61	List of persons for contact relating to release of toxic substances into atmosphere.
252.62*	Director of Office of Financial Regulation; powers in a state of emergency
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252.86	Penalties and remedies.
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252.921*	Short title.
252.922	Purpose and authorities.
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252.925	Limitation.
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252.932	Implementation.
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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.

\*Sections 252.359, .3655, .515, .62, .63, .905, .921, and .9335, F.S., are not considered enforceable policies for federal consistency purposes

\*\*Section 252.3569 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 252--Emergency Management

### **252.3569 Florida state agricultural response team; emergency response to animal, agricultural, and vector issues.—**

The Legislature finds that the Department of Agriculture and Consumer Services is the lead agency for animal, agricultural, and vector issues in the state. Pursuant to this responsibility, there is established within the Department of Agriculture and Consumer Services a state agricultural response team.

(1) The state agricultural response team, in coordination with the division, is responsible for the development, training, and support of county agricultural response teams and other nonemergency support functions.

(2) During emergency or disaster situations, as described by the Florida Comprehensive Emergency Management Plan, the division shall coordinate with the Department of Agriculture and Consumer Services for the purposes of:

(a) Oversight of the emergency management functions of preparedness, recovery, mitigation, and response with all agencies and organizations that are involved with the state's response activities to animal, agricultural, and vector issues; and

(b) Staffing the Emergency Support Function 17 at the State Emergency Operations Center and staffing, as necessary, at county emergency operations centers.

History.—s. 2, ch. 2018-84.



**Chapter 253**  
**State Lands**  
**Enforceable Policies**

Any additions are underlined and any deletions are struck-through.

- 253.001 Board of Trustees of the Internal Improvement Trust Fund; duty to hold lands in trust.
- 253.002 Department of Environmental Protection, water management districts, and Department of Agriculture and Consumer Services; duties with respect to state lands.
- 253.01\* Internal Improvement Trust Fund established
- 253.02 Board of Trustees; powers and duties.
- 253.025 Acquisition of state lands.
- 253.0251\* Alternatives to fee simple acquisition
- 253.027\* Emergency archaeological property acquisition.
- 253.03 Board of trustees to administer state lands; lands enumerated.
- 253.031\* Land office; custody of documents concerning land; moneys; plats
- 253.0325 Modernization of state lands records.
- 253.033 Inter-American Center property; transfer to board; continued use for government purposes.
- 253.034\* State-owned lands; uses.
- 253.0341 Surplus of state-owned lands.
- 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.
253.511	Reports by lessees of oil and mineral rights, state lands.
253.512	Applicants for lease of gas, oil, or mineral rights; report as to lease holdings.
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253.69	Application to lease submerged land and water column.
253.70	Public notice.
253.71	The lease contract.
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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.
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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.
253.7824*	Sale of products; proceeds.
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253.783	Additional powers and duties of the department; disposition of surplus lands; payments to counties.
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253.87*	Inventory of state, federal, and local government conservation lands by the Department of Environmental Protection
<u>253.90**</u>	<u>Southeast Florida Coral Reef Ecosystem Conservation Area</u>

\*Sections 253.01, .0251, .027, .031, .034, and .61 (1)(d), .7824, .7828, and .87, F.S., are not considered enforceable policies for federal consistency purposes

\*\*Section 253.90 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 253--State Lands

### **253.90 Southeast Florida Coral Reef Ecosystem Conservation Area.—**

There is established the Southeast Florida Coral Reef Ecosystem Conservation Area. The conservation area shall consist of the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park.

History.—s. 1, ch. 2018-30.



**Chapter 334**  
**Transportation Administration**  
**Enforceable Policies**

Any additions are underlined and any deletions are struck-through.

Proposed as Non-Enforceable Policies

334.352\* State university ingress and egress

\*Section 334.352 is not being proposed as an enforceable policy for federal consistency purposes

## Chapter 334 -- Transportation Administration

### **334.352 State university ingress and egress.—**

A local governmental entity may not prevent public motor vehicle use on or access to an existing transportation facility or transportation corridor as defined in s. 334.03 if that transportation facility or transportation corridor is the only point, or one of only two points, of ingress to and egress from a state university as defined in s. 1000.21. This section does not apply when a law enforcement agency prevents use or access to a facility or corridor in an emergency situation or to a temporary closure of a facility or corridor, if necessary, for road maintenance or repair.

History.—s. 10, ch. 2018-130.

**Chapter 373**  
**Water Resources**  
**Enforceable Policies**

Any additions are underlined and any deletions are struck-through.

- 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.
- 373.037\* Pilot program for the alternative water supply development in the restricted allocation areas
- 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.
- 373.044\* Rules; enforcement; availability of personnel rules.
- 373.046 Interagency agreements.
- 373.0465\* Central Florida Water Initiative
- 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.
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373.802	Definitions
373.803	Delineation of priority focus areas for Outstanding Florida Springs
373.805	Minimum flows and minimum water levels for Outstanding Florida Springs
373.807	Protection of water quality in Outstanding Florida Springs

373.811 Prohibited activities within a priority focus area  
373.813\* Rules

\*Sections 373.037, .044, .0465, .103, .1135, .171, .246, .308, .4143, .4144, .459, .4598, .462, .463, .472, .475, .535, .536, .584 .59, .5905, .701, .703, and .813, F.S., are not considered enforceable policies for federal consistency purposes.

## Chapter 373--Water Resources

### **373.4146 State assumption of the federal Clean Water Act, section 404 dredge and fill permitting program.—**

(1) As used in this section, the term “state assumed waters” means waters of the United States that the state assumes permitting authority over pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and rules promulgated thereunder, for the purposes of permitting the discharge of dredge or fill material.

(2) The department has the power and authority to assume, in accordance with 40 C.F.R. part 233, the dredge and fill permitting program established in s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq., and rules promulgated thereunder. The department may adopt any federal requirements, criteria, or regulations necessary to obtain assumption, including, but not limited to, the guidelines specified in 40 C.F.R. part 230 and the public interest review criteria in 33 C.F.R. s. 320.4(a). Any rule, standard, or other requirement adopted pursuant to the authority granted in this subsection for purposes of obtaining assumption may not become effective or otherwise enforceable until the United States Environmental Protection Agency has approved the state’s assumption application. This legislative authority is intended to be sufficient to enable the department to assume and implement the federal section 404 dredge and fill permitting program in conjunction with the environmental resource permitting program established in this chapter.

(3) To the extent that state law applies and does not conflict with the federal requirements identified in subsection (2), the application of such state law to further regulate discharges in state assumed waters is not prohibited. Provisions of state law which conflict with the federal requirements identified in subsection (2) do not apply to state administered section 404 permits.

(4) A state administered section 404 permit is not required for activities as specified in 33 U.S.C. s. 1344(f), 40 C.F.R. s. 232.3, or 33 C.F.R. s. 323.4. The exemptions established in ss. 373.406, 373.4145, and 403.813 still apply to environmental resource permits. However, the exemptions identified in ss. 373.406, 373.4145, and 403.813 may not be applied to state administered section 404 permits.

(5) Upon state assumption of the section 404 dredge and fill permitting program pursuant to subsection (2):

(a) The department must grant or deny an application for a state administered section 404 permit within the time allowed for permit review under 40 C.F.R. part 233, subparts D and F. The department is specifically exempted from the time limitations provided in ss. 120.60 and 373.4141 for state administered section 404 permits.

(b) All state administered section 404 permits issued under this section must be for a period of no more than 5 years. Upon an applicant’s submittal of a timely application for reissuance, a state administered section 404 permit does not expire until the department takes final action upon the application or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court. If the department fails to render a permitting decision within the time allowed by s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq., 40 C.F.R. part 233, subparts D and F, or a memorandum of agreement executed by the

department and the United States Environmental Protection Agency, whichever is shorter, the applicant may apply for an order from the circuit court requiring the department to render a decision within a specified time. The department must adopt by rule an expedited permit review process that is consistent with federal law for the reissuance of state administered section 404 permits where there have been no material changes in the scope of the project as originally permitted, site and surrounding environmental conditions have not changed, and the applicant does not have a history of noncompliance with the existing permit. The decision by the department to approve the reissuance of any state administered section 404 permit issued pursuant to this section is subject to ss. 120.569 and 120.57 only with respect to any material permit modification or material changes in the scope of the project as originally permitted.

(c) The department may delegate administration of the state administered section 404 permitting program if such delegation is in accordance with federal law. The department must retain the authority to review, modify, revoke, or rescind a state administered section 404 permit issued by any delegated entity to ensure consistency with federal law.

History.—s. 1, ch. 2018-88.



**Chapter 379**  
**Fish and Wildlife Conservation**  
**Enforceable Policies**

Any additions are underlined and any deletions are struck-through.

- 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.
- 379.206\* Grants and Donations Trust Fund.
- 379.207\* Lifetime Fish and Wildlife Trust Fund.
- 379.208 Marine Resources Conservation Trust Fund; purposes.
- 379.209 Nongame Wildlife Trust Fund.
- 379.211 State Game Trust Fund.
- 379.212\* Land Acquisition Trust
- 379.213\* Save the Manatee Trust Fund
- 379.214\* Invasive Plant Control Trust Fund
- 379.2201 Deposit of license fees; allocation of federal funds.
- 379.2202\* Expenditure of 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.
- 379.223\* Citizen support organizations; use of state property; audit.
- 379.224 Memorandum of agreement relating to Fish and Wildlife Research Institute.
- 379.2251\*\* Agreements with Federal Government for the preservation of saltwater fisheries; authority of commission.
- 379.2252 Compacts and agreements; generally.
- 379.2253 Atlantic States Marine Fisheries Compact; implementing legislation.
- 379.2254 Gulf States Marine Fisheries Compact; implementing legislation.
- 379.2255\* Wildlife Violator Compact Act.
- 379.2256\* Compact licensing and enforcement authority; administrative review.
- 379.2257 Cooperative agreements with U. S. Forest Service; penalty.

- 379.2258 Assent to provisions of Act of Congress of September 2, 1937.
- 379.2259 Assent to federal acts.
- 379.226 Florida Territorial Waters Act; alien-owned commercial fishing vessels; prohibited acts; enforcement.
- 379.2271 Harmful-Algal-Bloom Task Force.
- 379.2272 Harmful-algal-bloom program; implementation; goals; funding.
- 379.2281 Jim Woodruff Dam; reciprocity agreements.
- 379.2282 St. Marys River; reciprocity agreements.
- 379.2291 Endangered and Threatened Species Act.
- 379.2292 Endangered and Threatened Species Reward Program.
- 379.2293\* Airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment.
- 379.23 Federal conservation of fish and wildlife; limited jurisdiction.
- 379.231 Regulation of foreign animals.
- 379.2311\*\*\* Nonnative animal management
- 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.
- 379.2426 Possession of separated shark fins on the water prohibited; penalties.
- 379.2431 Marine animals; regulation.
- 379.2432 Manatee protection; intent; conduct of studies; initiatives and plans.
- 379.2433\* Enhanced manatee protection study.
- 379.244 Crustacea, marine animals, fish; regulations; general provisions.
- 379.245 Spiny lobster reports by dealers during closed season required.
- 379.246 Tortugas shrimp beds; gifted and loan property.

- 379.247 Regulation of shrimp fishing; Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.
- 379.248 Sponges; regulation.
- 379.249 Artificial reef program; grants and financial and technical assistance to local governments.
- 379.2495 Florida Ships-2-Reefs Program; matching grant requirements.
- 379.25 Sale of unlawfully landed product; jurisdiction.
- 379.2511 Lease of state-owned water bottoms for growing oysters and clams.
- 379.2512 Oyster bottom land grants made pursuant to ch. 3293.
- 379.2521 Rulemaking authority with respect to marine life.
- 379.2522 Oysters produced in and outside state; labeling; tracing; rules.
- 379.2523 Aquaculture definitions; marine aquaculture products, producers, and facilities.
- 379.2524 Commercial production of sturgeon.
- 379.2525 Noncultured shellfish harvesting.
- 379.26 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.
- 379.28 Imported fish.
- 379.29 Contaminating fresh waters.
- 379.295 Use of explosives and other substances 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 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.
- 379.359\* License application provision for voluntary contribution to Southeastern Guide Dogs, Inc.
- 379.361 Licenses.
- 379.362\*\* Wholesale and retail saltwater products dealers; regulation.
- 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 blacksea 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.

\*Sections 379.206, .207, .212, .213, .214, .2202, .223, .2255, .2256, .2293, .2433, and .359, F.S., are not considered enforceable policies for federal consistency purposes.

\*\*Sections 379.2251 and .362, F.S., are not included in the approved FCMP.

\*\*\*Section 379.2311 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 379--Fish and Wildlife Conservation

### **379.2311 Nonnative animal management.—**

(1) As used in this section, the term “priority invasive species” means the following:

(a) Lizards of the genus Tupinambis, also known as tegu lizards;

(b) Species identified in s. 379.372(2)(a);

(c) Pterois volitans, also known as red lionfish; and

(d) Pterois miles, also known as the common lionfish or devil firefish.

(2) The Legislature finds that priority invasive species continue to expand their range and to decimate the fauna and flora of the Everglades and other natural areas and ecosystems in the southern and central parts of the state at an accelerating rate.

Therefore, the commission shall establish a pilot program to mitigate the impact of priority invasive species on the public lands or waters of this state.

(a) The goal of the pilot program is to examine the benefits of using strategically deployed, trained private contractors to slow the advance of priority invasive species, contain their populations, and eradicate them from this state.

(b) In implementing the pilot program, the commission may enter into contracts in accordance with chapter 287 with entities or individuals to capture or destroy animals belonging to priority invasive species found on public lands or in the waters of this state. Any private contracted work to be performed on public land or in the waters of the state not owned or managed by the commission must have the consent of the owner.

(c) The commission shall ensure that all captures and disposals of animals that belong to these priority invasive species are documented and photographed and that the geographic location of the take is recorded for research purposes. The commission shall direct the disposal of all animals captured and not destroyed in removal efforts.

(d) The commission shall submit a report of findings and recommendations regarding its implementation of the pilot program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2021.

History.—s. 1, ch. 2018-82.

**Chapter 380**  
**Land and Water Management**  
**Enforceable Policies**

Any additions are underlined and any deletions are struck-through.

- 380.012 Short title.
- 380.021 Purpose.
- 380.031 Definitions.
- 380.032 State land planning agency; powers and duties.
- 380.04 Definition of development.
- 380.045 Resource planning and management committees; objectives; procedures.
- 380.05 Areas of critical state concern.
- 380.051 Coordinated agency review; Florida Keys area.
- 380.055 Big Cypress Area.
- 380.0551 Green Swamp Area; designation as area of critical state concern.
- 380.0552 Florida Keys Area; protection and designation as area of critical state concern.
- 380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.
- 380.06\* Developments of regional impact
- 380.061 The Florida Quality Developments program.
- ~~380.065 Certification of local government review of development.~~
- 380.0651 Statewide guidelines and standards.
- 380.0655 Expedited permitting process for marina projects reserving 10 percent or more boat slips for public use.
- 380.0657 Expedited permitting process for economic development projects.
- 380.0661 Legislative intent.
- 380.0662 Definitions.
- 380.0663 Land authority; creation, membership, expenses.
- 380.0664 Quorum; voting; meetings.
- 380.0665 Executive director; agents and employees.
- 380.0666\* Powers of land authority.
- 380.0667 Advisory committee; acquisitions.
- 380.0668 Bonds; purpose, terms, approval, limitations.
- 380.0669 State and local government liability on bonds.
- 380.0671 Annual report.
- 380.0672 Conflicts of interest.
- 380.0673 Exemption from taxes and eligibility as investment.
- 380.0674 Corporate existence.
- 380.0675 Inconsistent provisions of other laws superseded.
- 380.0685 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.
380.24	Local government participation.
380.25	Previous coastal zone atlases rejected.
380.26	Establishment of coastal building zone for certain counties.
380.27	Coastal infrastructure policy.
380.276	Beaches and coastal areas; display of uniform warning and safety flags on public beaches; placement of uniform notification signs; beach safety education.
380.285	Lighthouses; study; preservation; funding.
380.501	Short title.
380.502	Legislative findings and intent.
380.503	Definitions.
380.504	Florida Communities Trust; creation; membership; expenses.
380.505	Meetings; quorum; voting.
380.506	Support services.
380.507*	Powers of the trust.
380.508	Projects; development, review, and approval.
380.510	Conditions of grants and loans.
380.5105	The Stan Mayfield Working Waterfronts; Florida Forever program.
380.512	Annual report.
380.513	Corporate existence.
380.514	Inconsistent provisions of other laws superseded.
380.515	Construction.

\*Sections 380.06(24)(t), .0666, and .507 are not considered enforceable policies for federal consistency purposes

\*\*OCRM's approval has not been sought for the inclusion of section 380.23(3)(d), F.S., in the federally approved FCMP.

## Chapter 380--Land and Water Management

### ~~380.065 Certification of local government review of development.—~~

~~(1) By petition to the Administration Commission, a local government may request certification to review developments of regional impact that are located within the jurisdiction in lieu of the regional review requirements set forth in s. 380.06. Such petitions shall not be accepted by the commission until the state comprehensive plan and the strategic regional policy plan have been adopted pursuant to chapter 186. Once certified, the development of regional impact provisions of s. 380.06 shall not be applicable within such jurisdiction.~~

~~(2) When a petition is filed, the state land planning agency shall have no more than 90 days to prepare and submit to the Administration Commission a report and recommendations on the proposed certification. In deciding whether to grant certification, the Administration Commission shall determine whether the following criteria are being met:~~

~~(a) The petitioning local government has adopted and effectively implemented a local comprehensive plan and development regulations which comply with ss. 163.3161-163.3215, the Community Planning Act.~~

~~(b) The local government's comprehensive plan is consistent with the adopted state comprehensive plan and adopted strategic regional policy plans applicable to the local governmental jurisdiction.~~

~~(c) The local government has adopted land development regulations and a capital improvements program which are consistent with and effectively implement the local comprehensive plan and which provide that no development order may be approved until adequate provision has been made for the services and infrastructure necessary to support the development.~~

~~(d) The local government has authority for, and has established an effective mechanism for, resolving greater than local impacts of developments.~~

~~(e) The local government comprehensive plan provides for effective intergovernmental coordination, including a method to address any significant incompatibilities between and among local government comprehensive plans where implementation of such incompatible plan would result in a substantial adverse effect on the citizens of another local government.~~

~~(f) The local government has adopted procedures which permit orderly local citizen participation in at least one public hearing held during the local government review process.~~

~~(g) The local government has adequate review procedures and the financial and staffing resources necessary to assume responsibility for adequate review of developments.~~

~~(h) The local government has a record of effectively monitoring and enforcing compliance with development orders, permits, and this chapter.~~

~~(3) Development orders issued pursuant to this section are subject to the provisions of s. 380.07; however, a certified local government's findings of fact and conclusions of law are presumed to be correct on appeal. The grounds for appeal of a development order issued by a certified local government under this section shall be limited to:~~

~~(a) Inconsistency with the local government's comprehensive plan or land use regulations.~~

- ~~(b) Inconsistency with the state comprehensive plan.~~
- ~~(c) Inconsistency with any regional standard or policy identified in an adopted strategic regional policy plan for use in reviewing a development of regional impact.~~
- ~~(d) Whether the public facilities meet or exceed the standards established in the capital improvements plan required by s. 163.3177 and will be available when needed for the proposed development, or that development orders and permits are conditioned on the availability of the public facilities necessary to serve the proposed development. Such development orders and permit conditions shall not allow a reduction in the level of service for affected regional public facilities below the level of services provided in the adopted strategic regional policy plan.~~
- ~~(4) After a local government has been certified to conduct development of regional impact review, that review responsibility may be revoked by the Administration Commission upon a determination, subject to the provisions of ss. 120.569 and 120.57, that one or more of the criteria specified in subsection (2) are not being met.~~
- ~~(5) Upon revocation of certification, developments of regional impact shall be reviewed by the regional planning agency designated development of regional impact review responsibilities for the region in which the local government is located, pursuant to s. 380.06.~~
- ~~(6) The Administration Commission shall adopt rules to implement this section.~~
- ~~(7) A county may petition to conduct development of regional impact review within a municipality if approved by the municipality or so provided in the county charter or a special act.~~
- ~~(8) Nothing contained herein shall abridge or modify any vested or other rights or any obligations pursuant to any development order which are now applicable to developments of regional impact.~~
- ~~(9) A development of regional impact with pending applications for development approval may elect to continue such review pursuant to s. 380.06.~~
- ~~History.—s. 45, ch. 85-55; s. 7, ch. 95-149; s. 115, ch. 96-410; s. 28, ch. 98-176; s. 59, ch. 2011-139.~~