

Program Change Submission

To

State of Florida Coastal Management Program

Request for Concurrence

April 2026

Submitted by: Office of Resilience and Coastal Protection
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Program Change Submission

Introduction

The Florida Coastal Management Program (FCMP) manages over 8,000 miles of coastline through the authority granted by the Florida Legislature in 24 different statutes. This network of statutes is administered by nine state agencies, including all of the water management districts, throughout the state of Florida. In the 2025 legislative session there were eight sections that were modified within the statutes governing the FCMP as revised enforceable policies. Other sections were revised or added to the statutes governing the FCMP that are not being proposed as enforceable policies in this Program Change submission.

The state of Florida has completed the following analysis of these changes according to the requirements of 15 C.F.R s. 923, subpart H, and has concluded that these are program changes as defined in 15 C.F.R. s. 923.84 and 15 C.F.R. s. 923.80. FCMP is submitting revisions to eight sections of existing enforceable policies in Chapters 376, 377 and 403 of the Florida Statutes (F.S.) in this Program Change submission. These changes do not substantially change the FCMP in the following management program areas: uses subject to management; special management areas; boundaries; authorities and organization; and coordination, public involvement and national interest.

The State of Florida is requesting that the Office for Coastal Management (OCM) of the National Oceanic and Atmospheric Administration (NOAA) concur in the incorporation of these program changes to the FCMP.

Analysis of Changes

The submitted program changes alter the State of Florida's enforceable policies of the Florida Coastal Management Program. The State of Florida submits the changes to Chapters 376, 377 and 403 of the Florida Statutes as program changes to the FCMP. Revised language in existing sections 376.79, 376.82, 377.24, 403.067, 403.411, 403.814, 403.852 and 403.859, F.S., are being proposed as enforceable policies for federal consistency purposes. Pursuant to 15 C.F.R. s. 923.84, this submitted analysis of changes places the OCM on notice of the submitted program changes.

In September 2019, 15 C.F.R. s. 923 was updated with new rules that replaced the previous 1996 guidance and its 2013 addendum. Under the updated rule, all changes, including modifications mentioned in 16 U.S.C. S. 1455, submitted to NOAA are considered in rule as "program changes" as defined in 15 C.F.R. s. 923.80, with the program change criteria defined in 15 C.F.R. s. 923.84. Program changes now include all changes to enforceable policies, as well as changes to one of the following management program areas under 15.C.F.R. s. 923: uses subject to management; special management areas; boundaries; authorities and organization; and coordination, public involvement and national interest. FCMP will continue to submit annual program change submissions to keep the program up to date using the current format.

The program changes for 2025 which are being submitted as enforceable policies are summarized below. Other statutes, including non-enforceable policies for federal consistency purposes, are outlined in the following table.

Chapter 376, F.S.

Section 376.79, F.S., amends the definition of “Brownfield sites” to be the definition for “Brownfield” and add a new definition for “Brownfield site.” Brownfield designations affect properties requiring environmental remediation prior to redevelopment. Federal property transfers, redevelopment, cleanup, or infrastructure activities occurring on or adjacent to brownfield sites within the coastal zone must comply with applicable state remediation standards. These definitions clarify regulatory applicability and ensure consistency in the implementation of state cleanup requirements affecting coastal land and water resources.

Section 376.82, F.S., was amended to outline the eligibility criteria and liability protection for participation in a brownfield program, which is conditioned upon compliance with site rehabilitation and cleanup agreements. Federal agencies conducting remediation, redevelopment, or property transactions involving contaminated sites within the coastal zone must comply with these statutory requirements to protect groundwater and surface waters.

Chapter 377, F.S.

Section 377.24, F.S., prohibits the drilling, exploration, or production of oil, gas, or other petroleum products in counties designated as rural areas of opportunity under s. 288.0656, F.S., if the proposed site is within 10 miles of a National Estuarine Research Reserve. This geographic prohibition protects sensitive estuarine resources from impacts associated with petroleum activities. Federal authorizations, including permits from the United States Army Corps of Engineers, or other activities related to oil and gas exploration within the coastal zone must be consistent with this statutory restriction.

Chapter 403, F.S.

Section 403.067, F.S., was amended to authorize the Department of Agriculture and Consumer Services to adopt rules establishing enrollment in best management practices (BMP) by rule process for agricultural pollutant sources and producers. BMP implementation supports Total Maximum Daily Load (TMDL) restoration and Basin Management Action Plan (BMAP) requirements designed to achieve state water quality standards. Federal activities affecting agricultural lands or pollutant loading within the coastal zone must be consistent with applicable BMP and water quality restoration requirements.

Section 403.411, F.S., prohibits geoengineering and weather modification activities. Such activities may include atmospheric injection or other techniques intended to alter weather patterns. Because weather modification activities could affect precipitation, hydrology, and coastal water quality, the statute establishes a clear prohibition within the state. Federal actions authorizing, funding, or conducting geoengineering or weather modification activities within Florida's coastal zone must be consistent with this statutory prohibition.

Section 403.814, F.S., was amended to establish definitions, performance standards, and a self-executing general permit process for Distributed Wastewater Treatment Systems (DWTS). The statute imposes enforceable design capacity limits, groundwater separation requirements, setback standards, monitoring and reporting obligations, and operational safeguards to prevent impacts to wetlands, surface waters, and state water quality standards. Federal facilities or projects installing or replacing onsite wastewater systems within the coastal zone must comply with these requirements to ensure protection of water quality and consistency with state standards.

Section 403.852, F.S., defines "water quality additive" for purposes of regulating substances introduced into public water systems. This definition establishes the scope of permissible additives and supports enforcement of public drinking water protections applicable to federal facilities operating within the coastal zone.

Section 403.859, F.S., prohibits the use of any additive in a public water system which does not meet the definition of a water quality additive, as defined in s. 403.852(19), F.S. This prohibition protects drinking water quality and groundwater resources. Federal agencies operating public water systems within the coastal zone must comply with this requirement.

Table of Changes

Statutory Change	Change in 2025	Meaning of Change
Chapter 161, F.S., Beach and Shore Preservation	Amended: 161.052 161.053 161.088 161.141 161.151 161.161 161.54 161.55	161.052, .053, .088, .141, .151, .161, .54 and .55, F.S., are amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.”
Chapter 163, Part II, F.S., Growth Policy; County and Municipal Planning; Land Development Regulation	New: 163.31795	163.31795, F.S., defines “cumulative substantial improvement period” and prohibits a local government that is participating in the National Flood Insurance Program from adopting or enforcing an ordinance for substantial improvements or repairs to a structure which includes a cumulative substantial improvement period.
Chapter 186, F.S., State and Regional Planning	None	N/A

Chapter 252, F.S., Emergency Management	New: 252.381 252.422 252.505	252.381, F.S., provides that each county and municipality must post on its publicly accessible website information related to natural emergencies and develop a post storm permitting plan. The county and municipality are required to update the plan annually and support residents post storm through a permitting guide, prohibition on increased fees, online system, and local permitting office. 252.422, F.S., sets restrictions on county or municipal regulations after a hurricane. 252.505, F.S., requires a contract provision that imposes a penalty for breach of contract in specified government contracts for goods or services related to emergency response for a natural emergency.
Chapter 253, F.S., State Lands	Amended: 253.03 253.12 253.783	253.03, .12 and .783, F.S., are amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.”
Chapter 258, F.S., State Parks and Preserves	New: 258.152 Amended: 258.09 258.395 258.3991	258.152, F.S., renames and designates The St. Marks River Preserve State Park, located in Leon and Jefferson Counties, as Ney Landrum State Park. 258.09, .395 and .3991, F.S., are amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.”
Chapter 259, F.S., Land Acquisitions for Conservation and Preservation	None	N/A
Chapter 260, F.S., Florida Greenways and Trails Act	None	N/A
Chapter 267, F.S., Historical Resources	None	N/A

Chapter 288, F.S., Commercial Developments and Capital Improvements	New: 288.062	288.062, F.S., creates the Rural Community Investment Program within the Department of Commerce.
Chapter 334, F.S., Transportation Administration	New: 334.615 334.62 334.63	334.615, F.S., states that a parking authority created by special act may operate, manage, and control parking facilities in contiguous counties, municipalities, or other local governmental entities upon entering into interlocal agreements with the governing bodies of the appropriate entities. 334.62, F.S., establishes the Florida Transportation Academy within the Department of Transportation. 334.63, F.S., says that project concept studies and project development and environment studies for capacity improvement projects on limited access facilities must include the evaluation of alternatives that provide transportation capacity using elevated roadway above existing lanes and places a time limitation on such studies.
Chapter 339, F.S., Transportation Finance and Planning	New: 339.85	339.85, F.S., requires the Department of Transportation to implement a Next-generation Traffic Signal Modernization Program.
Chapter 373, F.S., Water Resources	Amended: 373.019 373.069	373.019 and .069, F.S., are amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.”
Chapter 375, F.S., Outdoor Recreation and Conservation Lands	None	N/A

Chapter 376, F.S., Pollutant Discharge Prevention and Removal	Amended: 376.25 376.79 376.82	376.25, F.S., is amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.” 376.79, F.S., amends the definition of “Brownfield sites” to be the definition for “Brownfield” and add a new definition for “Brownfield site.” 376.82, F.S., revises the eligibility criteria and liability protection for participation in a brownfield program.
Chapter 377, F.S., Energy Resources	Amended: 377.24 377.242 377.2431	377.24, F.S., prohibits the drilling, exploration, or production of oil, gas, or other petroleum products in counties designated as rural areas of opportunity under s. 288.0656, F.S., if the proposed site is within 10 miles of a National Estuarine Research Reserve. 377.242 and .2431, F.S., are amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.”
Chapter 379, F.S., Fish and Wildlife Conservation	Amended: 379.101 379.2254 379.244 379.248	379.101, .2254, .244 and .248, F.S., are amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.”
Chapter 380, F.S., Land and Water Management	Amended: 380.0555 380.24	380.0555 and .24, F.S., are amended to include minor edits and technical changes relating to the new federal designation of the “Gulf of Mexico” as the “Gulf of America.”
Chapter 381, F.S., Public Health: General Provisions	New: 381.992	381.992, F.S., requires the Department of Health, in collaboration with school districts throughout this state, to develop informational materials for the early detection of Type 1 diabetes for parents and guardians of students.
Chapter 388, F.S., Mosquito Control	None	N/A

<p>Chapter 403, F.S., Environmental Control</p>	<p>New: 403.4115</p> <p>Amended: 403.067 403.411 403.814 403.852 403.859</p> <p>Repealed: 403.281 403.291 403.301 403.311 403.321 403.331 403.341 403.351 403.361 403.371 403.381 403.391 403.401</p>	<p>403.4115, F.S., states that all operators of public infrastructure shall report any geoengineering and weather modification activities on public property.</p> <p>403.067, F.S., authorizes the Department of Agriculture and Consumer Services to adopt rules establishing an enrollment in best management practices process by rule for agricultural pollutant sources and producers.</p> <p>403.411, F.S., prohibits geoengineering and weather modification activities and provides fines for violation and a method for reporting violations.</p> <p>403.814, F.S., establishes definitions, performance standards, and a self-executing general permit process for Distributed Wastewater Treatment Systems (DWTS).</p> <p>403.852, F.S., provides a definition for “water quality additive.”</p> <p>403.859, F.S., prohibits the use of any additive in a public water system which does not meet the definition of a water quality additive as defined in s. 403.852(19), F.S.</p> <p>403.281, F.S., repeals definitions for weather modification law.</p> <p>403.291, F.S., repeals the purpose of weather modification law.</p> <p>403.301, F.S., repeals provisions prohibiting unlicensed artificial weather modification operation.</p> <p>403.311, F.S., repeals provisions for weather modification licensure.</p> <p>403.321, F.S., repeals a weather modification licensing requirement for proof of financial responsibility.</p>
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Chapter 553, F.S., Building Construction Standards	None	N/A
Chapter 582, F.S., Soil and Water Conservation	None	N/A
Chapter 597, F.S., Aquaculture	None	N/A

Conclusion

The Florida Department of Environmental Protection has determined that the proposed program changes are considered a Program Change, as defined by the 15 C.F.R. s. 923.84 decision criteria. This Program Change submission will incorporate new statutory changes and modifications enacted by the Florida Legislature during the 2025 legislative sessions to the 24 statutes included in the FCMP.

Staff has evaluated these changes pursuant to 15 C.F.R. s. 923, Subpart H, and concluded that these changes will not result in any substantial change to the enforceable policies or authorities of the FCMP related to the following management program areas: uses subject to management; special management areas; boundaries; authorities and organization; and coordination, public involvement and national interest.

The State of Florida requests the OCM to approve the incorporation of the changes and modifications to these statutes adopted by the Florida Legislature during the 2025 legislative sessions, into the approved Florida Coastal Management Program.

Notice of Program Change Request

The Department of Environmental Protection's Office of Resilience and Coastal Protection has requested the concurrence of the federal Office for Coastal Management (OCM) of the National Oceanic and Atmospheric Administration (NOAA), in updating the statutory authorities included within the Florida Coastal Management Program (FCMP) as a program change. The Department of Environmental Protection has submitted these changes as a "program change" based on the decision criteria in 15 CFR 923.84.

This program change submission will incorporate relevant revised Florida Statutes enacted by the Florida Legislature during the 2025 legislative session into the Florida Coastal Management Program. This includes incorporation of revised language in existing sections 376.79, 376.82, 377.24, 403.067, 403.411, 403.814, 403.852 and 403.859, F.S., as enforceable policies for federal consistency purposes. The program change submittal is available at <https://floridadep.gov/rcp/fcmp/content/fcmp-program-changes> and describes the nature of the changes as well as identifies the enforceable policies to be added to the management program of the State if approved. A list of all statutes that make up the FCMP is available at <https://floridadep.gov/rcp/fcmp/content/24-florida-statutes-florida-coastal-management-program>.

Staff has evaluated these changes pursuant to 15 CFR 923, Subpart H, and concluded that these changes will not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses subject to management; special management areas; boundaries; authorities and organization; and coordination, public involvement and national interest.

Notice is being provided to the general public and affected parties, including local governments, state agencies and regional offices of relevant federal agencies as required by 15 CFR 923.81(e)(1). A list of persons and organizations notified is available for inspection or can be provided upon request from the department contact below.

Pursuant to 15 CFR 923.81(e)(3), comments on the submitted Program Change to the FCMP may be submitted to Joelle Gore, NOAA/OCM, 1305 East-West Highway, Silver Spring, MD 20910 within 21 days of the date of issuance of this notice or posted online on the FCMP Program Change listing at <https://coast.noaa.gov/czmprogramchange/#/public/home>.

For more information on this Program Change submittal, please contact: Ms. Anne Lunie Rodney, Department of Environmental Protection, Office of Resilience and Coastal Protection, 2600 Blair Stone Road, M.S. 235 Tallahassee, FL, 32399-3000, (850) 245-7559 or AnneLunie.Rodney@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).