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## Chapter 161

### Beach and Shore Preservation

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\*Sections 161.011, .031, .0415, .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 are not considered enforceable policies for federal consistency purposes.

## Chapter 161 Beach and Shore Preservation

### 161.052 Coastal construction and excavation; regulation.—

- (1) No person, firm, corporation, municipality, county, or other public agency shall excavate or construct any dwelling house, hotel, motel, apartment building, seawall, revetment, or other structure incidental to or related to such structure, including but not limited to such attendant structures or facilities as a patio, swimming pool, or garage, within 50 feet of the line of mean high water at any riparian coastal location fronting the Gulf of ~~America~~ Mexico or Atlantic coast shoreline of the state, exclusive of bays, inlets, rivers, bayous, creeks, passes, and the like. In areas where an erosion control line has been established under the provisions of ss. 161.141-161.211, that line, or the presently existing mean high-water line, whichever is more landward, shall be considered to be the mean high-water line for the purposes of this section.
- (2) A waiver or variance of the setback requirements may be authorized by the department in the following circumstances:
  - (a) The department may authorize an excavation or erection of a structure at any riparian coastal location as described in subsection (1) upon receipt of an application from a riparian owner and upon the consideration of facts and circumstances, including adequate engineering data concerning shoreline stability and storm tides related to shoreline topography, which, in the opinion of the department, clearly and unequivocally justify such a waiver or variance.
  - (b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if said existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line on written authorization from the department if such proposed structure complies with the Florida Building Code and the rules of the department. However, the department shall not contravene setback requirements established by a county or municipality which are equal to, or more strict than, those setback requirements provided herein.
  - (c) The department may authorize the construction of pipelines or piers extending outward from the shoreline, unless it determines that the construction of such projects would cause erosion of the beach in the area of such structures.
- (3) The provisions of this section shall not apply to structures intended for shore protection purposes which are regulated by s. 161.041 or to structures existing or under construction on June 27, 1970.
- (4) The department may by regulation exempt specifically described portions of the coastline from the provisions of this section whenever in its judgment such portions of coastline, because of their nature, are not subject to erosion of a substantially damaging effect to the public.
- (5) The setback requirements as defined herein shall not apply to any riparian coastal locations fronting the Atlantic Ocean or Gulf of ~~America~~ Mexico which have vegetation-type nonsandy shores.
- (6) The setback requirements defined in subsection (1) shall not apply to any modification, maintenance, or repair to any existing structure within limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. Specifically excluded from this

exemption are seawalls and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.

(7) Any coastal structure erected, or excavation created, in violation of the provisions of this section is hereby declared to be a public nuisance, and such structure shall be forthwith removed or such excavation refilled after written notice by the department directing such removal or filling. In the event that the structure is not removed or the excavation refilled as directed within a reasonable time, the department may remove such structure or fill such excavation at its own expense. The cost thereof shall become a lien upon the property of the upland owner upon which such unauthorized structure or excavation is located.

(8) Any person violating any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.083. Such person shall be deemed guilty of a separate offense for each month during any portion of which any violation of this section is committed or continued.

(9) The secretary of the department may make recommendations to the Board of Trustees of the Internal Improvement Trust Fund concerning the purchase of the fee or any lesser interest in any lands seaward of the setback requirement as environmentally endangered lands or as outdoor recreation lands.

(10) A coastal county or municipality fronting on the Gulf of ~~America Mexico~~ or the Atlantic Ocean shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located within 50 feet of the line of mean high water. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

(11) The department is authorized to adopt rules for the implementation of the following provisions of this section: excavation and construction; setback requirements; waivers or variances; exemptions; the removal of unauthorized structures or refilling of unauthorized excavations; and violations and penalties.

(12) In accordance with ss. 553.73 and 553.79, and upon the effective date of the Florida Building Code, the provisions of this section which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities shall be incorporated into the Florida Building Code. The Florida Building Commission shall have the authority to adopt rules pursuant to ss. 120.536 and 120.54 in order to implement those provisions. This subsection does not limit or abrogate the right and authority of the department to require permits or to adopt and enforce environmental standards, including but not limited to, standards for ensuring the protection of the beach-dune system, proposed or existing structures, adjacent properties, marine turtles, native salt-resistant vegetation, endangered plant communities, and the preservation of public beach access.

History.—s. 1, ch. 70-231; s. 82, ch. 71-136; s. 1, ch. 75-87; s. 4, ch. 78-257; s. 2, ch. 80-183; s. 66, ch. 81-259; s. 21, ch. 94-356; s. 1, ch. 98-131; s. 5, ch. 2000-141; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 24, ch. 2025-8.

### **161.053 Coastal construction and excavation; regulation on county basis.—**

(1)(a) The Legislature finds and declares that the beaches in this state and the coastal barrier dunes adjacent to such beaches, by their nature, are subject to frequent and severe fluctuations and represent one of the most valuable natural resources of Florida

and that it is in the public interest to preserve and protect them from imprudent construction which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access. In furtherance of these findings, it is the intent of the Legislature to provide that the department establish coastal construction control lines on a county basis along the sand beaches of the state fronting on the Atlantic Ocean, the Gulf of America Mexico, or the Straits of Florida. Such lines shall be established so as to define that portion of the beach-dune system which is subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions. However, the department may establish a segment or segments of a coastal construction control line further landward than the impact zone of a 100-year storm surge, provided such segment or segments do not extend beyond the landward toe of the coastal barrier dune structure that intercepts the 100-year storm surge. Such segment or segments shall not be established if adequate dune protection is provided by a state-approved dune management plan. Special siting and design considerations shall be necessary seaward of established coastal construction control lines to ensure the protection of the beach-dune system, proposed or existing structures, and adjacent properties and the preservation of public beach access.

(b) As used in this subsection:

1. When establishing coastal construction control lines as provided in this section, the definition of "sand beach" shall be expanded to include coastal barrier island ends contiguous to the sand beaches of the state fronting on the Atlantic Ocean, the Gulf of America Mexico, or the Straits of Florida.

2. "Coastal barrier island ends" means those areas on the ends of barrier islands fronting the Atlantic Ocean, the Gulf of America Mexico, or the Straits of Florida, which are subject to severe fluctuations based on a 100-year storm surge, storm waves, or other predictable weather conditions.

3. "Coastal barrier islands" means geological features which are completely surrounded by marine waters that front upon the open waters of the Atlantic Ocean, the Gulf of America Mexico, or the Straits of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including spoil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

(c) Coastal construction control lines shall be set on coastal barrier island ends only in conjunction with the resetting of the coastal construction control line throughout the entire county within which the barrier island end is located, and shall not be established on reaches of coastal barrier island ends where the shore is vegetated with mangroves.

(2)(a) Coastal construction control lines shall be established by the department only after it has been determined from a comprehensive engineering study and topographic survey that the establishment of such control lines is necessary for the protection of upland properties and the control of beach erosion. No such line shall be set until a public hearing has been held in each affected county. After the department has given consideration to the results of such public hearing, it shall, after considering ground elevations in relation to historical storm and hurricane tides, predicted maximum wave uprush, beach and offshore ground contours, the vegetation line, erosion trends, the

dune or bluff line, if any exist, and existing upland development, set and establish a coastal construction control line and cause such line to be duly filed in the public records of any county affected and 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 considered necessary. However, no coastal construction control line shall be set until a public hearing has been held by the department and the affected persons have an opportunity to appear. The hearing shall constitute a public hearing and shall satisfy all requirements for a public hearing pursuant to s. 120.54(3). The hearing shall be noticed in the Florida Administrative Register in the same manner as a rule. Any coastal construction control line adopted pursuant to this section shall not be subject to a s. 120.56(2) rule challenge or a s. 120.54(3)(c)2. drawout proceeding, but, once adopted, shall be subject to a s. 120.56(3) invalidity challenge. The rule shall be adopted by the department and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(3)(e)6. Upon such filing with the Department of State, no person, firm, corporation, or governmental agency shall construct any structure whatsoever seaward thereof; make any excavation, remove any beach material, or otherwise alter existing ground elevations; drive any vehicle on, over, or across any sand dune; or damage or cause to be damaged such sand dune or the vegetation growing thereon seaward thereof, except as hereinafter provided. Control lines established under the provisions of this section shall be subject to review at the discretion of the department after consideration of hydrographic and topographic data that indicate shoreline changes that render established coastal construction control lines to be ineffective for the purposes of this act or at the written request of officials of affected counties or municipalities. Any riparian upland owner who feels that such line as established is unduly restrictive or prevents a legitimate use of the owner's property shall be granted a review of the line upon written request. After such review, the department shall decide if a change in the control line as established is justified and shall so notify the person or persons making the request. The decision of the department shall be subject to judicial review as provided in chapter 120.

(b)1. The department shall exempt construction proposed for a location seaward of a coastal construction control line and landward of existing armoring from certain siting and design criteria of this chapter, provided the armoring is capable of protecting the proposed construction from the effects of erosion from a 100-year storm surge. The exemption shall apply to proposed structures involving the foundation, siting, and excavation criteria of this section, except such structures shall be:

- a. Sited a sufficient distance landward of the armoring to allow for maintenance of the armoring.
- b. Located up to or landward of the established line of construction.
- c. Designed to comply with the windload requirements of this section.
- d. Sited and designed to protect marine turtles.

2. The applicant shall provide scientific and engineering evidence that the armoring has been designed, constructed, and maintained to survive the effects of the design storm and provide protection to existing and proposed structures from the erosion associated with that event. Evidence shall include a report with data and supporting analysis, and shall be certified by a professional engineer registered in this state, that

the armoring was designed and constructed and is in adequate condition to meet the following criteria:

- a. The top must be at or above the still water level, including setup, for the design storm plus the breaking wave calculated at its highest achievable level based on the maximum eroded beach profile and highest surge level combination, and must be high enough to preclude runup overtopping.
- b. The armoring must be stable under the design storm including maximum localized scour, with adequate penetration and toe protection to avoid settlement, toe failure, or loss of material from beneath or behind the armoring.
- c. The armoring must have sufficient continuity or return walls to prevent flanking under the design storm from impacting the proposed construction.
- d. The armoring must withstand the static and hydrodynamic forces of the design storm.

(3) A coastal county or coastal municipality may establish coastal construction zoning and building codes in lieu of the provisions of this section if such zones and codes are approved by the department as being adequate to preserve and protect the beaches and coastal barrier dunes adjacent to such beaches, which are under the jurisdiction of the department, from imprudent construction that will jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access. Exceptions to locally established coastal construction zoning and building codes may not be granted unless previously approved by the department. The intent of this subsection is to provide for the local administration of established coastal construction control lines through approved zoning and building codes if desired by local interests and where such local interests have, in the judgment of the department, sufficient funds and personnel to adequately administer the program. Should the department determine at any time that the program is inadequately administered, the department may revoke the authority granted to the county or municipality.

(4) Except in those areas where local zoning and building codes have been established pursuant to subsection (3), a permit to alter, excavate, or construct on property seaward of established coastal construction control lines may be granted by the department as follows:

(a) The department may authorize an excavation or erection of a structure at any coastal location as described in subsection (1) upon receipt of an application from a property or riparian owner and upon the consideration of facts and circumstances, including:

1. Adequate engineering data concerning shoreline stability and storm tides related to shoreline topography;
2. Design features of the proposed structures or activities; and
3. Potential effects of the location of the structures or activities, including potential cumulative effects of proposed structures or activities upon the beach-dune system, which, in the opinion of the department, clearly justify a permit.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if the existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line on

written authorization from the department if the structure is also approved by the department. However, the department may not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, the requirements provided in this subsection. This paragraph does not prohibit the department from requiring structures to meet design and siting criteria established in paragraph (a) or in subsection (1) or subsection (2).

(c) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat, pursuant to s. 379.2431, and to native salt-resistant vegetation and endangered plant communities.

(d) The department may require engineer certifications as necessary to ensure the adequacy of the design and construction of permitted projects.

(e) The department shall limit the construction of structures that interfere with public access along the beach. However, the department may require, as a condition of granting permits, the provision of alternative access if interference with public access along the beach is unavoidable. The width of the alternate access may not be required to exceed the width of the access that will be obstructed.

(f) The department may, as a condition of granting a permit, require mitigation, financial, or other assurances acceptable to the department to ensure performance of conditions of a permit or enter into contractual agreements to best assure compliance with any permit conditions. The department may also require notice of the permit conditions required and the contractual agreements entered into to be filed in the public records of the county in which the permitted activity is located.

(5)(a) As used in this subsection, the term:

1. "Frontal dune" means the first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

2. "Seasonal high-water line" means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water.

(b) After October 1, 1985, and notwithstanding any other provision of this part, the department, or a local government to which the department has delegated permitting authority pursuant to subsections (3) and (15), may not issue a permit for any structure, other than a coastal or shore protection structure, minor structure, or pier, meeting the requirements of this part, or other than intake and discharge structures for a facility sited pursuant to part II of chapter 403, which is proposed for a location that, based on the department's projections of erosion in the area, will be seaward of the seasonal high-water line within 30 years after the date of application for the permit. The procedures for determining such erosion shall be established by rule. In determining the area that will be seaward of the seasonal high-water line in 30 years, the department may not include any areas landward of a coastal construction control line.

(c) If the application of paragraph (b) would preclude the construction of a structure, the department may issue a permit for a single-family dwelling for the parcel if:

1. The parcel was platted or subdivided by metes and bounds before the effective date of this section;

2. The owner of the parcel does not own another parcel immediately adjacent to and landward of the parcel for which the dwelling is proposed;
  3. The proposed single-family dwelling is located landward of the frontal dune structure; and
  4. The proposed single-family dwelling will be as far landward on its parcel as is practicable without being located seaward of or on the frontal dune.
- (d) In determining the land areas that will be below the seasonal high-water line within 30 years after the permit application date, the department shall consider the effect on erosion rates of an existing beach nourishment or restoration project or of a beach nourishment or restoration project for which all funding arrangements have been made and all permits have been issued at the time the application is submitted. The department shall consider each year there is sand seaward of the erosion control line whether erosion took place that year. However, the seaward extent of the beach nourishment or restoration project beyond the erosion control line may not be considered in determining the applicable erosion rates. This subsection does not prohibit the department from requiring structures to meet the criteria established in subsection (1), subsection (2), or subsection (4) or to be further landward than required by this subsection based on the criteria established in subsection (1), subsection (2), or subsection (4).
- (e) The department shall annually report to the Legislature the status of this program, including any changes to the previously adopted procedures for determining erosion projections.
- (6) Any coastal structure erected, or excavation created, in violation of this section is declared to be a public nuisance and such structure shall be removed or such excavation shall be refilled after written notice by the department directing such removal or filling. If the structure is not removed or the excavation refilled within a reasonable time as directed, the department may remove such structure or fill such excavation at its own expense and the costs thereof shall become a lien on the property of the upland owner upon which the unauthorized structure or excavation is located.
- (7) Any person, firm, corporation, or agent thereof who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, except that a person driving a vehicle on, over, or across a sand dune and damaging or causing to be damaged such sand dune or the vegetation growing thereon in violation of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person, firm, corporation, or agent thereof commits a separate offense for each day during any portion of which a violation of this section is committed or continued.
- (8) This section does not apply to structures intended for shore protection purposes which are regulated by s. 161.041 or to structures existing or under construction before the establishment of the coastal construction control line if the structures are not materially altered except as provided in subsection (4). Except for structures that have been materially altered, structures under construction at the time of the establishment or reestablishment of the coastal construction control line are exempt from the provisions of this section. However, unless such an exemption has been judicially confirmed to exist before April 10, 1992, the exemption shall last only for a period of 3 years from the date of the determination of the exemption or April 10, 1992, whichever occurs later.

The department may extend the exemption period for structures that require longer periods for completion if construction during the initial exemption period is continuous. For purposes of this subsection, the term “continuous” means following a reasonable sequence of construction without significant or unreasonable periods of work stoppage.

(9) The department may exempt specifically described portions of the coastline from the provisions of this section if, in its judgment, such portions of coastline because of their nature are not subject to erosion of a substantially damaging effect to the public.

(10) Pending the establishment of coastal construction control lines as provided herein, the provisions of s. 161.052 shall remain in force. However, upon the establishment of coastal construction control lines, or the establishment of coastal construction zoning and building codes as provided in subsection (3), s. 161.052 shall be superseded by the provisions of this section.

(11)(a) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections in subsection (5) do not apply to any modification, maintenance, or repair of any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure. The Florida Building Commission may not adopt any rule having the effect of limiting any exceptions or exemptions contained within this paragraph.

(b) Activities seaward of the coastal construction control line which are determined by the department not to cause a measurable interference with the natural functioning of the coastal system are exempt from the requirements of subsection (4).

(c) The department may establish exemptions from the requirements of this section for minor activities determined by the department not to have an adverse effect on the coastal system. Examples of such activities include, but are not limited to:

1. Boat moorings;
2. Maintenance of existing beach-dune vegetation;
3. The burial of seaweed, dead fish, whales, or other marine animals on the unvegetated beach;
4. The removal of piers or other derelict structures from the unvegetated beach or seaward of mean high water;
5. Temporary emergency vehicular access, if the affected area is immediately restored;
6. The removal of any existing structures or debris from the upland, if there is no excavation or disturbance to the existing topography or to beach-dune vegetation;
7. Construction of a new roof overhang extending no more than 4 feet beyond the confines of the existing foundation during modification, renovation, or reconstruction of a habitable structure within the confines of the existing foundation of that structure which does not include any additions to or modification of the existing foundation of that structure;
8. Minor and temporary excavation for the purpose of repairs to existing subgrade residential service utilities (e.g., water and sewer lines, septic tanks and drainfields, electrical and telephone cables, and gas lines), if there is minimal disturbance and the

grade is restored with fill compatible in both coloration and grain size to the onsite material and any damaged or destroyed vegetation is restored using similar vegetation; and

9. Any other minor construction that has an effect similar to the above activities.

(12)(a) Notwithstanding the coastal construction control requirements defined in subsection (1) or the erosion projection determined pursuant to subsection (5), the department may issue a permit for the repair or rebuilding within the confines of the original foundation of a major structure pursuant to subsection (4). Alternatively, the department may also issue a permit for a more landward relocation or rebuilding of a damaged or existing structure if such relocation or rebuilding would not cause further harm to the beach-dune system, and if, in the case of rebuilding, the rebuilding complies with subsection (4) and otherwise complies with this subsection.

(b) The department may not permit repairs or rebuilding that expands the capacity of the original structure seaward of the 30-year erosion projection established pursuant to subsection (5).

(c) In reviewing applications for relocation or rebuilding, the department shall specifically consider changes in shoreline conditions, the availability of other relocation or rebuilding options, and the design adequacy of the project sought to be rebuilt.

(d) Permits issued under this subsection are not considered precedential as to the issuance of subsequent permits.

(13) Concurrent with the establishment of a coastal construction control line and the ongoing administration of this chapter, the secretary of the department shall make recommendations to the Board of Trustees of the Internal Improvement Trust Fund concerning the purchase of the fee or any lesser interest in any lands seaward of the control line pursuant to the state's Save Our Coast, Conservation and Recreation Lands, or Outdoor Recreation Land acquisition programs; and, with respect to those control lines established pursuant to this section before June 14, 1978, the secretary may make such recommendations.

(14) A coastal county or municipality fronting on the Gulf of ~~America Mexico~~, the Atlantic Ocean, or the Straits of Florida shall advise the department within 5 days after receipt of any permit application for construction or other activities proposed to be located seaward of the line established by the department pursuant to this section. Within 5 days after receipt of such application, the county or municipality shall notify the applicant of the requirements for state permits.

(15) In keeping with the intent of subsection (3), authority for permitting certain types of activities that have been defined by the department may be delegated by the department to a coastal county or coastal municipality. Such partial delegation shall be narrowly construed to those particular activities specifically named in the delegation and agreed to by the affected county or municipality. The delegation may be revoked by the department at any time if it is determined that the delegation is improperly or inadequately administered.

(16) The department may, at the request of a property owner, contract with the property owner for an agreement, or modify an existing contractual agreement regulating development activities landward of a coastal construction control line, if the contractual agreement is consistent with the design and siting provisions of this section. The contractual agreement may not bind either party for a period longer than 5 years

following its date of execution. Before beginning a construction activity covered by the agreement, the property owner must obtain the necessary authorization required by the agreement. The agreement may not authorize construction for:

(a) Major habitable structures that require construction beyond the expiration of the agreement, unless such construction is above the completed foundation; or

(b) Nonhabitable major structures or minor structures, unless such construction is authorized at the same time as the habitable major structure.

(17) The department may grant areawide permits to local governments, other governmental agencies, and utility companies for special classes of activities in areas under their general jurisdiction or responsibility or for the construction of minor structures, if these activities or structures, due to the type, size, or temporary nature of the activity or structure, will not cause measurable interference with the natural functioning of the beach-dune system or with marine turtles or their nesting sites. Such activities or structures must comply with this section and may include, but are not limited to: road repairs, not including new construction; utility repairs and replacements, or other minor activities necessary to provide utility services; beach cleaning; dune restoration; on-grade walkovers for enhancing accessibility or use in compliance with the Americans with Disabilities Act; and emergency response. The department shall adopt rules to establish criteria and guidelines for permit applicants. The department shall consult with the Fish and Wildlife Conservation Commission on each proposed areawide permit and must require notice provisions appropriate to the type and nature of the activities for which the areawide permits are sought.

(18)(a) The department may grant general permits for projects, including dune restoration, dune walkovers, decks, fences, landscaping, sidewalks, driveways, pool resurfacing, minor pool repairs, and other nonhabitable structures, if the projects, due to type, size, or temporary nature, will not cause a measurable interference with the natural functioning of the beach-dune system or with marine turtles or their nesting sites. Multifamily habitable structures do not qualify for general permits. However, single-family habitable structures and swimming pools associated with such single-family habitable structures that do not advance the line of existing construction and satisfy all siting and design requirements of this section, and minor reconstruction for existing coastal armoring structures, may be eligible for a general permit.

(b) The department shall adopt rules to establish criteria and guidelines for permit applicants.

(c) Persons wishing to use the general permits must, at least 30 days before beginning any work, notify the department in writing on forms adopted by the department. The notice must include a description of the proposed project and supporting documents depicting the proposed project, its location, and other pertinent information as required by rule, to demonstrate that the proposed project qualifies for the requested general permit. Persons who undertake projects without proof of notice to the department, but whose projects would otherwise qualify for general permits, shall be considered to have undertaken a project without a permit and are subject to enforcement pursuant to s. 161.121.

(d) Persons wishing to use a general permit must provide notice as required by the applicable local building code where the project will be located. If a building code does not require notice, a person wishing to use a general permit must, at a minimum, post a

sign describing the project on the property at least 5 days before commencing construction. The sign must be at least 88 square inches, with letters no smaller than one-quarter inch.

(19)(a) The department may suspend or revoke the use of a general or areawide permit for good cause, including: submission of false or inaccurate information in the notification for use of a general or areawide permit; violation of law, department orders, or rules relating to permit conditions; deviation from the specified activity or project indicated or the conditions for undertaking the activity or project; refusal of lawful inspection; or any other act by the permittee which results or may result in harm or injury to human health or welfare, or which causes harm or injury to animal, plant, or aquatic life or to property.

(b) The department shall have access to the permitted activity or project at reasonable times to inspect and determine compliance with the permit and department rules.

(20) The department may adopt rules related to the establishment of coastal construction control lines; activities seaward of the coastal construction control line; exemptions; property owner agreements; delegation of the program; permitting programs; and violations and penalties.

(21) In accordance with ss. 553.73 and 553.79, and upon the effective date of the Florida Building Code, the provisions of this section which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities shall be incorporated into the Florida Building Code. The Florida Building Commission may adopt rules pursuant to ss. 120.536 and 120.54 to administer those provisions. This subsection does not limit or abrogate the right and authority of the department to require permits or to adopt and enforce environmental standards, including, but not limited to, standards for ensuring the protection of the beach-dune system, proposed or existing structures, adjacent properties, marine turtles, native salt-resistant vegetation, endangered plant communities, and the preservation of public beach access.

History.—s. 1, ch. 71-280; s. 2, ch. 75-87; s. 1, ch. 77-12; s. 5, ch. 78-257; s. 29, ch. 79-164; s. 3, ch. 80-183; s. 67, ch. 81-259; s. 2, ch. 83-247; s. 33, ch. 85-55; s. 1, ch. 86-191; s. 13, ch. 87-97; s. 1, ch. 88-106; s. 1, ch. 88-349; s. 11, ch. 89-175; s. 9, ch. 91-224; s. 1, ch. 92-191; s. 22, ch. 94-356; s. 1437, ch. 95-147; s. 1, ch. 96-371; s. 21, ch. 96-410; s. 2, ch. 98-131; s. 6, ch. 2000-141; s. 5, ch. 2000-346; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 186, ch. 2008-247; s. 39, ch. 2010-102; s. 2, ch. 2011-222; s. 16, ch. 2013-14; s. 12, ch. 2014-151; s. 25, ch. 2025-8.

### **161.088 Declaration of public policy respecting beach erosion control and beach restoration and nourishment projects.—**

Because beach erosion is a serious menace to the economy and general welfare of the people of this state and has advanced to emergency proportions, it is hereby declared to be a necessary governmental responsibility to properly manage and protect Florida beaches fronting on the Atlantic Ocean, Gulf of ~~America~~ Mexico, and Straits of Florida from erosion and that the Legislature make provision for beach restoration and nourishment projects, including inlet management projects that cost-effectively provide beach-quality material for adjacent critically eroded beaches. The Legislature declares that such beach restoration and nourishment projects, as approved pursuant to s.

161.161, are in the public interest; must be in an area designated as critically eroded shoreline, or benefit an adjacent critically eroded shoreline; must have a clearly identifiable beach management benefit consistent with the state's beach management plan; and must be designed to reduce potential upland damage or mitigate adverse impacts caused by improved, modified, or altered inlets, coastal armoring, or existing upland development. Given the extent of the problem of critically eroded beaches, it is also declared that beach restoration and nourishment projects shall be funded in a manner that encourages all cost-saving strategies, fosters regional coordination of projects, improves the performance of projects, and provides long-term solutions. The Legislature further declares that nothing herein is intended to reduce or amend the beach protection programs otherwise established in this chapter or to result in local governments altering the coastal management elements of their local government comprehensive plans pursuant to chapter 163.

History.—s. 3, ch. 86-138; s. 1, ch. 98-311; s. 7, ch. 2000-346; s. 26, ch. 2025-8.

#### **161.141 Property rights of state and private upland owners in beach restoration project areas.—**

The Legislature declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach nourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of ~~America~~ Mexico, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees must establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project remain the property of the upland owner subject to all governmental regulations and are not to be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. The resulting additions to upland property are also subject to a public easement for traditional uses of the sandy beach consistent with uses that would have been allowed prior to the need for the restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged land owner of the legitimate and constitutional use and enjoyment of his or her property. If an authorized beach restoration, beach nourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, the taking must be made by the requesting authority by eminent domain proceedings. In any action alleging a taking of all or part of a property or property right as a result of a beach restoration project, in determining whether such taking has occurred or the value of any damage alleged with respect to the owner's remaining upland property adjoining the beach restoration project, the enhancement, if any, in value of the owner's remaining adjoining property of the upland property owner by reason of the beach restoration project shall be considered. If a taking is judicially determined to have occurred as a result of a beach restoration project, the

enhancement in value to the owner's remaining adjoining property by reason of the beach restoration project shall be offset against the value of the damage, if any, resulting to such remaining adjoining property of the upland property owner by reason of the beach restoration project, but such enhancement in the value shall not be offset against the value of the property or property right alleged to have been taken. If the enhancement in value shall exceed the value of the damage, if any, to the remaining adjoining property, there shall be no recovery over against the property owner for such excess.

History.—s. 1, ch. 70-276; s. 1, ch. 79-233; s. 1, ch. 82-144; s. 7, ch. 86-138; s. 18, ch. 87-97; ss. 28, 487, ch. 94-356; s. 1439, ch. 95-147; s. 11, ch. 2000-346; s. 3, ch. 2007-99; s. 27, ch. 2025-8.

**161.151 Definitions; ss. 161.141-161.211.—**

As used in ss. 161.141-161.211:

(1) "Board of trustees" means the Board of Trustees of the Internal Improvement Trust Fund.

(2) "Requesting authority" means any coastal county, municipality, or beach erosion control district which requests a survey by the board of trustees under the provisions of ss. 161.141-161.211.

(3) "Erosion control line" means the line determined in accordance with the provisions of ss. 161.141-161.211 which represents the landward extent of the claims of the state in its capacity as sovereign titleholder of the submerged bottoms and shores of the Atlantic Ocean, the Gulf of ~~America Mexico~~, and the bays, lagoons and other tidal reaches thereof on the date of the recording of the survey as authorized in s. 161.181.

(4) "Authorized beach restoration project" means a beach project authorized by the United States Congress or the department which involves a specific project engineering design and a project maintenance program for a period of not less than 10 years.

History.—s. 2, ch. 70-276; s. 1, ch. 70-439; s. 2, ch. 82-144; s. 28, ch. 2025-8.

**161.161 Procedure for approval of projects.—**

(1) The department shall develop and maintain a comprehensive long-term beach management plan for the restoration and maintenance of the state's critically eroded beaches fronting the Atlantic Ocean, Gulf of ~~America Mexico~~, and Straits of Florida. In developing and maintaining this plan, the department shall:

(a) Address long-term solutions to the problem of critically eroded beaches in this state.

(b) Evaluate each improved, modified, or altered inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan shall include the extent to which such inlet causes beach erosion and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, inlet sediment bypassing; improvement of infrastructure to facilitate sand bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and beach nourishment.

- (c) Evaluate criteria for beach restoration and beach nourishment projects, including, but not limited to, dune elevation and width and revegetation and stabilization requirements and beach profiles.
  - (d) Consider the establishment of regional sediment management alternatives for one or more individual beach and inlet sand bypassing projects as an alternative to beach restoration when appropriate and cost-effective, and recommend the location of such regional sediment management alternatives and the source of beach-compatible sand.
  - (e) Identify causes of shoreline erosion and change, determine erosion rates, and maintain an updated list of critically eroded sandy beaches based on data, analyses, and investigations of shoreline conditions.
  - (f) Assess impacts of development and coastal protection structures on shoreline change and erosion.
  - (g) Identify short-term and long-term economic costs and benefits of beaches to the state and individual beach communities.
  - (h) Study dune and vegetation conditions, identify existing beach projects without dune features or with dunes without adequate elevations, and encourage dune restoration and revegetation to be incorporated as part of storm damage recovery projects or future dune maintenance events.
  - (i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles and their nests and nesting locations.
  - (j) Identify alternative management responses to preserve undeveloped beach and dune systems and to restore damaged beach and dune systems. In identifying such management responses, the department shall consider, at a minimum, beach restoration and nourishment, armoring, relocation, dune and vegetation restoration, and acquisition.
  - (k) Document procedures and policies for preparing poststorm damage assessments and corresponding recovery plans, including repair cost estimates.
  - (l) Identify and assess appropriate management measures for all of the state's critically eroded sandy beaches.
- (2) The comprehensive long-term management plan developed and maintained by the department pursuant to subsection (1) must include, at a minimum, a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan. The long-range budget plan must include a 3-year work plan for beach restoration, beach nourishment, and inlet management projects that lists planned projects for each of the 3 fiscal years addressed in the work plan.
- (a) The strategic beach management plan must identify and recommend appropriate measures for all of the state's critically eroded sandy beaches and may incorporate plans prepared at the regional level, taking into account areas of greatest need and probable federal and local funding. Upon approval in accordance with this section, such regional plans, along with the 3-year work plan identified in subparagraph (c)1., must serve as the basis for state funding decisions. Before finalizing the strategic beach management plan, the department shall hold a public meeting in the region for which the plan is prepared or hold a publicly noticed webinar.
  - (b) The critically eroded beaches report must be developed and maintained based primarily on the requirements specified in paragraph (1)(e).

(c) The statewide long-range budget plan must include at least 5 years of planned beach restoration, beach nourishment, and inlet management project funding needs as identified, and subsequently refined, by local government sponsors. This plan must consist of two components:

1. A 3-year work plan that identifies beach restoration, beach nourishment, and inlet management projects viable for implementation during the next 3 fiscal years, as determined by available cost-sharing, local sponsor support, regulatory considerations, and the ability of the project to proceed as scheduled. The 3-year work plan must, for each fiscal year, identify proposed projects and their current development status, listing them in priority order based on the applicable criteria established in ss. 161.101(14) and 161.143(2). Specific funding requests and criteria ranking, pursuant to ss. 161.101(14) and 161.143(2), may be modified as warranted in each successive fiscal year, and such modifications must be documented and submitted to the Legislature with each 3-year work plan. Year one projects shall consist of those projects identified for funding consideration in the ensuing fiscal year.

2. A long-range plan that identifies projects for inclusion in the fourth and fifth ensuing fiscal years. These projects may be presented by region and do not need to be presented in priority order; however, the department should identify issues that may prevent successful completion of such projects and recommend solutions that would allow the projects to progress into the 3-year work plan.

(3) The secretary shall present the 3-year work plan to the Legislature annually. The work plan must be accompanied by a 3-year financial forecast for the availability of funding for the projects.

(4) Once a project is determined to be undertaken, a survey of all or part of the shoreline within the jurisdiction of the local government in which the beach is located shall be conducted in order to establish the area of beach to be protected by the project and locate an erosion control line. No provision of ss. 161.141-161.211 shall be construed as preventing a local government from participating in the funding of erosion control projects or surveys undertaken in accordance with the provisions of ss. 161.141-161.211. In lieu of conducting a survey, the board of trustees may accept and approve a survey as initiated, conducted, and submitted by the appropriate local government if said survey is made in conformity with the appropriate principles set forth in ss. 161.141-161.211.

(5) Upon completion of the survey depicting the area of the beach erosion control project and the proposed location of the erosion control line, the board of trustees shall give notice of the survey and the date on which the board of trustees will hold a public hearing for the purpose of receiving evidence on the merits of the proposed erosion control line and, if approval is granted, of locating and establishing such requested erosion control line. Such notice shall be by publication in a newspaper of general circulation published in the county or counties in which the proposed beach erosion control project shall be located not less than once a week for 3 consecutive weeks and by mailing copies of such notice by certified or registered mail to each riparian owner of record of upland property lying within 1,000 feet (radial distance) of the shoreline to be extended through construction of the proposed beach erosion control project, as his or her name and address appear upon the latest tax assessment roll, in order that any persons who have an interest in the location of such requested erosion control line can

be present at such hearing to submit their views concerning the precise location of the proposed erosion control line. Such notice shall be in addition to any notice requirement in chapter 120.

(6) The board of trustees shall approve or disapprove the erosion control line for a beach restoration project. In locating said line, the board of trustees shall be guided by the existing line of mean high water, bearing in mind the requirements of proper engineering in the beach restoration project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

(7) In no event shall the department undertake a beach restoration or beach nourishment project where a local share is required without the approval of the local government or governments responsible for that local share.

(8) The department may adopt rules to administer this section.

History.—s. 3, ch. 70-276; s. 1, ch. 70-439; s. 23, ch. 78-95; s. 2, ch. 79-233; s. 9, ch. 86-138; s. 20, ch. 87-97; s. 29, ch. 94-356; s. 1440, ch. 95-147; s. 6, ch. 96-321; s. 3, ch. 96-371; s. 4, ch. 98-311; s. 12, ch. 2000-346; s. 40, ch. 2010-102; s. 4, ch. 2019-122; s. 29, ch. 2025-8.

**161.54 Definitions.—In construing ss. 161.52-161.58:**

(1) “Coastal building zone” means the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of America Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps.

(2) “Coastal barrier islands” means geological features which are completely surrounded by marine waters that front upon the open waters of the Gulf of America Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and are composed of quartz sands, clays, limestone, oolites, rock, coral, coquina, sediment, or other material, including spoil disposal, which features lie above the line of mean high water. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

(3) “Beach” means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. “Beach” is alternatively termed “shore.”

(4) “Dune” means a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.

(5) “Construction” means the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, “construction” refers to the act of construction or the result of construction.

(6)(a) “Major structure” means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential,

commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.

(b) "Minor structure" means pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported, elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; earth retaining walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

(c) "Nonhabitable major structure" means swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

(d) "Coastal or shore protection structure" means shore-hardening structures, such as seawalls, bulkheads, revetments, rubble mound structures, groins, breakwaters, and aggregates of materials other than beach sand used for shoreline protection; beach and dune restoration; and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

The enumeration of types of structures in this subsection shall not be construed as excluding from the operation of ss. 161.52-161.58 any other structure which by its usage, design, dimensions, or structural configuration would require engineering consideration similar to the listed structures.

(7) "Building support structure" means any structure which supports floor, wall, or column loads and transmits such loads to the foundation, and includes beams, grade beams, or joists and the lowest horizontal structural member exclusive of piles, columns, or footings.

(8) "Breakaway wall" or "frangible wall" means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrostatic, wave, and runup forces associated with the design storm surge. Under such conditions, the wall will fail in a manner such that it dissolves or breaks up into components that will not act as potentially damaging missiles.

(9) "Department" means the Department of Environmental Protection.

(10) "State land planning agency" means the Department of Commerce.

(11) "State minimum building codes" means the Florida Building Code as identified in s. 553.73.

(12) "Substantial improvement" means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred.

The total cost does not include nonstructural interior finishings, including, but not limited to, finish flooring and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, decorative masonry, paint, interior doors, tile, cabinets, moldings and millwork, decorative metal work, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding metal fireplaces, appliances, water closets, tubs and shower enclosures, lavatories, and water heaters, or roof coverings, except when determining whether the structure has been substantially improved as a result of a single improvement or repair. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

(13) When used in ss. 161.52-161.58, the terms defined in s. 177.27 have the same meanings as provided in that section.

History.—s. 36, ch. 85-55; s. 2, ch. 86-191; s. 1, ch. 91-56; s. 1, ch. 92-7; s. 33, ch. 94-356; s. 1, ch. 97-32; s. 1, ch. 98-269; s. 2, ch. 98-287; s. 1, ch. 99-211; s. 114, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 57, ch. 2011-142; s. 25, ch. 2024-6; s. 30, ch. 2025-8.

### **161.55 Requirements for activities or construction within the coastal building zone.—**

The following requirements shall apply beginning March 1, 1986, to construction within the coastal building zone and shall be minimum standards for construction in this area:

(1) **REGULATION OF COASTAL MINOR STRUCTURES.**—Minor structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties and to reduce the potential for water or wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

(2) **REGULATION OF COASTAL NONHABITABLE MAJOR STRUCTURES.**—Nonhabitable major structures shall be designed to produce the minimum adverse impact on the beach and dune system. All sewage treatment plants and public water supply systems shall be flood proofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be flood proofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event.

(3) **LOCATION OF CONSTRUCTION.**—Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.

(4) **APPLICATION TO COASTAL BARRIER ISLANDS.**—All requirements of this part which are applicable to the coastal building zone shall also apply to coastal barrier

islands. The coastal building zone on coastal barrier islands shall be the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. For coastal barrier islands on which a coastal construction control line has not been established pursuant to s. 161.053, the coastal building zone shall be the land area seaward of the most landward velocity zone (V-zone) boundary line fronting upon the Gulf of ~~America~~ Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida. All land area in the Florida Keys located within Monroe County shall be included in the coastal building zone. The coastal building zone on any coastal barrier island between Sebastian Inlet and Fort Pierce Inlet may be reduced in size upon approval of the Land and Water Adjudicatory Commission, if it determines that the local government with jurisdiction has provided adequate protection for the barrier island. In no case, however, shall the coastal building zone be reduced to an area less than a line 2,500 feet landward of the coastal construction control line. The Land and Water Adjudicatory Commission shall withdraw its approval for a reduced coastal building zone if it determines that 6 months after a local government comprehensive plan is due for submission to the state land planning agency pursuant to s. 163.3167 the local government with jurisdiction has not adopted a coastal management element which is in compliance with s. 163.3178.

(5) PUBLIC ACCESS.—Where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of public access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as the accessways provided by the developer are:

- (a) Of substantially similar quality and convenience to the public;
- (b) Approved by the local government;
- (c) Approved by the department whenever improvements are involved seaward of the coastal construction control line; and
- (d) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to s. 163.3178.

History.—s. 36, ch. 85-55; s. 3, ch. 86-191; s. 8, ch. 2000-141; s. 34, ch. 2001-186; s. 3, ch. 2001-372; s. 31, ch. 2025-8.

## Chapter 163

### Intergovernmental Programs

#### Part II

#### Growth Policy; County and Municipal Planning; Land Development Regulation

#### Enforceable Policies

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

- 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.
- 163.31795\* Participation in the National Flood Insurance Program.
- 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)
- 163.32051 Floating solar facilities.
- 163.3220 Short title; legislative  
(2)  
(3)

\*Section 163.31795 is not proposed as an enforceable policy for federal consistency purposes.

## **Chapter 163 Intergovernmental Programs Part II Growth Policy; county and Municipal Planning; Land Development Regulation**

### **163.31795 Participation in the National Flood Insurance Program.—**

(1) For purposes of this section, the term:

(a) “Cumulative substantial improvement period” means the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement as defined in s. 161.54(12).

(b) “Local government” has the same meaning as in s. 163.2514.

(2) A local government that is participating in the National Flood Insurance Program may not adopt or enforce an ordinance for substantial improvements or repairs to a structure which includes a cumulative substantial improvement period.

History.—s. 2, ch. 2025-190.

## 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.
- 252.351\* Mandatory reporting of certain incidents by political subdivisions.
- 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.
- 252.3569\* Florida state agricultural response team; emergency response to animal, agricultural, and vector issues.
- 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.
- 252.3611\* Transparency; audits.
- 252.363 Tolling and extension of permits and other authorizations.
- 252.365 Emergency coordination officers; disaster-preparedness plans.
- 252.3655\* Natural hazards risks and mitigation interagency coordinating group.
- 252.37 Financing.
- 252.371 Emergency Management, Preparedness, and Assistance Trust Fund.
- 252.3711\* Emergency Preparedness and Response Fund.
- 252.3712 Nonprofit Security Grant Program.
- 252.372 Imposition and collection of surcharge.
- 252.373 Allocation of funds; rules.
- 252.38 Emergency management powers of political subdivisions.
- 252.381\*\* Information related to natural emergencies; poststorm county and municipal permitting; operations.
- 252.385 Public shelter space; public records exemption.
- 252.39 Local services.
- 252.391 Emergency financial plans.
- 252.40 Mutual aid arrangements.
- 252.41 Emergency management support forces.
- 252.42 Government equipment, services, and facilities.
- 252.422\*\* Restrictions on county or municipal regulations after a hurricane.
- 252.43 Compensation.

252.44	Emergency mitigation.
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252.938	Funding.
252.939	Fees.
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252.942	Inspections and audits.
252.943	Public records.
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252.946	Public records.

\*Sections 252.351, .3569, .359, .3611, .3655, .3711, .515, .62, .63, .64, .71, .905, .921 and .9335 are not considered enforceable policies for federal consistency purposes.

\*\*Sections 252.381, .422 and .505 are not proposed as enforceable policies for federal consistency purposes.

## Chapter 252 Emergency Management

### **252.381 Information related to natural emergencies; poststorm county and municipal permitting; operations.—**

- (1) Each county and municipality must post on its publicly accessible website:
- (a) A frequently asked questions web page related to natural emergency response, emergency preparedness, and public relief for residents following an emergency. The web page must answer questions concerning resident evacuations; safety tips; generator, food and drinking water, and wastewater and stormwater safety; damage assessment; debris cleanup; accessing assistance through the Federal Emergency Management Agency and this state; building recovery; natural emergency guidance; applicable laws; and what to do before, during, and after an emergency.
  - (b) A disaster supply list and a list of emergency shelters.
  - (c) Links to information about flood zones.
  - (d) A checklist for residents explaining next steps to take during postdisaster recovery.
  - (e) Information specific to persons with disabilities, including, but not limited to, guidelines for special needs shelter registration; an explanation of how to register for special needs shelters and where to obtain assistance with that process; guidelines as to the level of care that is or is not provided at a special needs shelter as well as situations when either a general population shelter or hospital should be considered; and any other postdisaster assistance or resources available to affected persons with disabilities impacted by a disaster.
- (2)(a) Each county and municipality shall develop a poststorm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm. The plan must, at a minimum:
- 1. Ensure sufficient personnel are prepared and available to expeditiously manage postdisaster building inspection, permitting, and enforcement tasks. The plan must anticipate conditions that would necessitate supplemental personnel for such tasks and address methods for fulfilling such personnel needs, including through mutual aid agreements as authorized in s. 252.40; other arrangements, such as those with private sector contractors; or supplemental state or federal funding. The plan must include training requirements and protocols for supplemental personnel to ensure compliance with local floodplain management requirements that apply within the county or municipality.
  - 2. Account for multiple or alternate locations where building permit services may be offered in person to the public following a hurricane or tropical storm during regular business hours.
  - 3. Specify a protocol to expedite permitting procedures and, if practicable, for the waiver or reduction of applicable fees in accordance with and in addition to the procedures and waivers provided for under s. 553.7922. The plan must identify the types of permits that are frequently requested following a hurricane or tropical storm and methods to expedite the processing of such permits.
  - 4. Specify procedures and resources necessary to promote expeditious debris removal following a hurricane or tropical storm.
- (b) Each county and municipality shall update the plan no later than May 1 annually.

(3)(a) By May 1 annually, each county and municipality shall publish on its website a hurricane and tropical storm recovery permitting guide for residential and commercial property owners. The guide must describe:

1. The types of poststorm repairs that require a permit and applicable fees.
2. The types of poststorm repairs that do not require a permit.
3. The poststorm permit application process and specific modifications the county or municipality commonly makes to expedite the process, including the physical locations where permitting services will be offered.
4. Local requirements for rebuilding specific to the county or municipality, including elevation requirements following substantial damage and substantial improvement pursuant to the National Flood Insurance Program (NFIP) and any local amendments to the building code.

(b) As soon as practicable following a hurricane or tropical storm, a county or municipality within the area for which a state of emergency pursuant to s. 252.36 for such hurricane or tropical storm is declared shall publish updates on its website to the information required under paragraph (a) which are specific to such storm, including any permitting fee waivers or reductions.

(4) For 180 days after a state of emergency is declared pursuant to s. 252.36 for a hurricane or tropical storm, a county or municipality within the area for which the state of emergency is declared may not increase building permit or inspection fees.

(5) On or before May 1, 2026, each county and municipality must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow homeowners to provide an e-mail address where they can receive digital copies of such letters.

(6) As soon as reasonably practicable following the landfall and passage of a hurricane or tropical storm, each county and municipality that has experienced a direct impact from a natural emergency must use its best efforts to open a permitting office at which residents can access government services for at least 40 hours per week.

History.—s. 16, ch. 2025-190.

### **252.422 Restrictions on county or municipal regulations after a hurricane.—**

(1) As used in this section, the term “impacted local government” means a county listed in a federal disaster declaration located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane or a municipality located within such a county.

(2) For 1 year after a hurricane makes landfall, an impacted local government may not propose or adopt:

(a) A moratorium on construction, reconstruction, or redevelopment of any property.

(b) A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.

(c) A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development

order approved or adopted by an impacted local government before or after June 26, 2025, may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;

(b) The proposed comprehensive plan amendment was submitted to reviewing agencies pursuant to s. 163.3184 before landfall; or

(c) The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency pursuant to s. 380.05.

(4)(a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.

(b) A county or municipality may request a determination by a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the action violates this section.

(c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government shall have 14 days to withdraw or revoke the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.

(d) In any case brought under this section, all parties are entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar.

(5) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study on actions taken by local governments after hurricanes which are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The study must focus on the impact that local governmental actions, including moratoriums, ordinances, and procedures, have had or may have on construction, reconstruction, or redevelopment of any property damaged by hurricanes. In its research, OPPAGA shall survey stakeholders that play integral parts in the rebuilding and recovery process. OPPAGA shall make recommendations for legislative options to remove impediments to the construction, reconstruction, or redevelopment of any property damaged by a hurricane and prevent the implementation by local governments of burdensome or restrictive procedures and processes. OPPAGA shall submit the report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2025. History.—ss. 18, 29, ch. 2025-190.

### **252.505 Breach of contract during emergency recovery periods for natural emergencies.—**

Each state or local government contract for goods or services related to emergency response for a natural emergency entered into, renewed, or amended on or after July 1,

2025, must include a provision that requires a vendor or service provider that breaches such contract during an emergency recovery period to pay a \$5,000 penalty and damages, which may be either actual and consequential damages or liquidated damages. As used in this section, the term “emergency recovery period” means a 1-year period that begins on the date that the Governor initially declared a state of emergency for a natural emergency.  
History.—s. 19, ch. 2025-190.

## 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, Fish and Wildlife Conservation Commission, 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, mooring fields, and marine manufacturers and 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.
- 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.
- 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 lands 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.
- 253.7824\* Sale of products; proceeds.
- 253.7825 Recreational uses.
- 253.7827 Transportation and utility crossings of greenways lands.
- 253.7828\* Impairment of use or conservation by agencies prohibited.
- 253.783 Expenditures for acquisition of land for a canal connecting the waters of the Atlantic Ocean with the Gulf of America via the St. Johns River prohibited.
- 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.
- 253.87\* Inventory of state, federal, and local government conservation lands by the Department of Environmental Protection.
- 253.90\* Southeast Florida Coral Reef Ecosystem Conservation Area.

\*Sections 253.01, .0251, .027, .031, .034, .61(1)(d), .7824, .7828, .87 and .90 are not considered enforceable policies for federal consistency purposes.

## Chapter 253 State Lands

### **253.03 Board of trustees to administer state lands; lands enumerated.—**

(1) The Board of Trustees of the Internal Improvement Trust Fund of the state is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards, or commissions, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way, spoil areas and lands required for disposal of materials, or borrow pits; any land, title to which is vested or may become vested in any port authority, flood control district, water management district, or navigation district or agency created by any general or special act; and any lands, including the Camp Blanding Military Reservation, which have been conveyed to the state for military purposes only, and which are subject to reversion if conveyed by the original grantee or if the conveyance to the Board of Trustees of the Internal Improvement Trust Fund under this act would work a reversion from any other cause, or where any conveyance of lands held by a state agency which are encumbered by or subject to liens, trust agreements, or any form of contract which encumbers state lands for the repayment of funded debt. Lands vested in the Board of Trustees of the Internal Improvement Trust Fund shall be deemed to be:

- (a) All swamp and overflowed lands held by the state or which may hereafter inure to the state;
- (b) All lands owned by the state by right of its sovereignty;
- (c) All internal improvement lands proper;
- (d) All tidal lands;
- (e) All lands covered by shallow waters of the ocean or gulf, or bays or lagoons thereof, and all lands owned by the state covered by fresh water;
- (f) All parks, reservations, or lands or bottoms set aside in the name of the state, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way;
- (g) All lands which have accrued, or which may hereafter accrue, to the state from any source whatsoever, excluding lands held for transportation facilities and transportation corridors and canal rights-of-way, spoil areas, or borrow pits or any land, the title to which is vested or may become vested in any port authority, flood control district, water management district, or navigation district or agency created by any general or special act.

(2) It is the intent of the Legislature that the board of trustees continue to receive proceeds from the sale or disposition of the products of lands and the sale of lands of which the use and possession are not subsequently transferred by appropriate lease or similar instrument from the board of trustees to the proper using agency. Such using agency shall be entitled to the proceeds from the sale of products on, under, growing out of, or connected with lands which such using agency holds under lease or similar instrument from the board of trustees. The board of trustees is directed and authorized to enter into leases or similar instruments for the use, benefit, and possession of public lands by agencies which may properly use and possess them for the benefit of the state.

(3) The provisions of s. 270.11, requiring the board of trustees to reserve unto itself certain oil and mineral interests in all deeds of conveyances executed by the board of trustees, shall not have application to any lands that inure to the board of trustees from other state agencies, departments, boards, or commissions under the terms and provisions of this act.

(4) It is the intent of the Legislature that, when title to any lands is in the state, with no specific agency authorized by the Legislature to convey or otherwise dispose of such lands, the Board of Trustees of the Internal Improvement Trust Fund be vested with such title and hereafter be authorized to exercise over such lands such authority as may be provided by law.

(5) It is the specific intent of the Legislature that this act repeal any provision of state law which may require the Board of Trustees of the Internal Improvement Trust Fund to pay taxes or assessments of any kind to any state or local public agency on lands which are transferred or conveyed to the Board of Trustees of the Internal Improvement Trust Fund under the terms of this act and which at the time of the passage of this act are entitled to tax-exempt status under the constitution or laws of the state.

(6) Commencing September 1, 1967, all land held in the name of the state or any of its boards, departments, agencies, or commissions shall be deemed to be vested in the Board of Trustees of the Internal Improvement Trust Fund for the use and benefit of the state. By October 1, 1967, any board, commission, department, or agency holding title to any state lands used for public purpose shall execute all instruments necessary to transfer such title to the Board of Trustees of the Internal Improvement Trust Fund for the use and benefit of the state, except lands which reverted to the state under the provisions of chapter 18296, Laws of Florida, 1937, commonly known and referred to as the "Murphy Act."

(7)(a) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized and directed to administer all state-owned lands and shall be responsible for the creation of an overall and comprehensive plan of development concerning the acquisition, management, and disposition of state-owned lands so as to ensure maximum benefit and use. The Board of Trustees of the Internal Improvement Trust Fund has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act.

(b) With respect to administering, controlling, and managing sovereignty submerged lands, the Board of Trustees of the Internal Improvement Trust Fund also may adopt rules governing all uses of sovereignty submerged lands by vessels, floating homes, or any other watercraft, which shall be limited to regulations for anchoring, mooring, or otherwise attaching to the bottom; the establishment of anchorages; and the discharge of sewage, pumpout requirements, and facilities associated with anchorages. The regulations must not interfere with commerce or the transitory operation of vessels through navigable water, but shall control the use of sovereignty submerged lands as a place of business or residence.

(c) Structures which are listed in or are eligible for the National Register of Historic Places or the State Inventory of Historic Places which are over the waters of the state and which have a submerged land lease, or have been grandfathered-in to use sovereignty submerged lands until January 1, 1998, pursuant to former rule 18-21.00405, Florida Administrative Code, as it existed in rule on March 15, 1990, shall

have the right to continue such submerged land leases, regardless of the fact that the present landholder is not an adjacent riparian landowner, so long as the lessee maintains the structure in a good state of repair consistent with the guidelines for listing. If the structure is damaged or destroyed, the lessee may reconstruct, so long as the reconstruction is consistent with the integrity of the listed structure and does not increase the footprint of the structure. If a listed structure falls into disrepair and the lessee is not willing to repair and maintain it consistent with its listing, the state may cancel the submerged lease and repair and maintain the property or require that the structure be removed from sovereignty submerged lands.

(d) By January 1, 2001, the owners of habitable structures built on or before May 1, 1999, located in conservation areas 2 or 3, on district or state-owned lands, the existence or use which will not impede the restoration of the Everglades, whether pursuant to a submerged lease or not, must provide written notification to the South Florida Water Management District of their existence and location, including an identification of the footprint of the structures. This notification will grant the leaseholders an automatic 20-year lease at a reasonable fee established by the district, or the Department of Environmental Protection, as appropriate, to expire on January 1, 2020. The district or Department of Environmental Protection, as appropriate, may impose reasonable conditions consistent with existing laws and rules. If the structures are located on privately owned lands, the landowners must provide the same notification required for a 20-year permit. If the structures are located on state-owned lands, the South Florida Water Management District shall submit this notification to the Department of Environmental Protection on the owner's behalf. At the expiration of this 20-year lease or permit, the South Florida Water Management District or the Department of Environmental Protection, as appropriate, shall have the right to require that the leaseholder remove the structures if the district determines that the structures or their use are causing harm to the water or land resources of the district, or to renew the lease agreement. The structure of any owner who does not provide notification to the South Florida Water Management District as required under this subsection, shall be considered illegal and subject to immediate removal. Any structure built in any water conservation area after May 1, 1999, without necessary permits and leases from the South Florida Water Management District, the Department of Environmental Protection, or other local government, as appropriate, shall be considered illegal and subject to removal.

(e) Failure to comply with the conditions contained in any permit or lease agreement as described in paragraph (d) makes the structure illegal and subject to removal. Any structure built in any water conservation area on or after July 1, 2000, is also illegal and subject to immediate removal.

(8)(a) The Board of Trustees of the Internal Improvement Trust Fund shall prepare, using tax roll data provided by the Department of Revenue, or the county property appraisers, an annual inventory of all publicly owned lands within the state. Such inventory shall include all lands owned by any unit of state government or local government; by the Federal Government, to the greatest extent possible; and by any other public entity.

(b) In addition to any other parcel data available, the inventory shall include a legal description or proper reference thereto, the number of acres or square feet within the

boundaries, and the assessed value of all publicly owned uplands. To the greatest extent practicable, the legal description or proper reference thereto and the number of acres or square feet shall be determined for all publicly owned submerged lands. For the purposes of this subsection, the term "submerged lands" means publicly owned lands below the ordinary high-water mark of fresh waters and below the mean high-water line of salt waters extending seaward to the outer jurisdiction of the state.

(c) By September 30 of each year, the Department of Revenue shall furnish to the board, in electronic form, the approved preliminary tax roll data for public lands to be used in compiling the inventory. By November 30 of each year, the board shall prepare and provide to each state agency and local government and any other public entity which holds title to real property, including any water management district, drainage district, navigation district, or special taxing district, a list of the real property owned by such entity, required to be listed on county assessment rolls, using tax roll data provided by the Department of Revenue. By January 31 of the following year, each such entity shall review its list and inform the appropriate property appraiser and the board of any corrections to the list. The appropriate county property appraiser shall enter such corrections on the appropriate county tax roll.

(d) Whenever real property is listed on the real property assessment rolls of the respective counties in the name of the State of Florida or any of its agencies, the listing shall not be changed in the absence of a recorded deed executed by the State of Florida or the state agency in whose name the property is listed. If, in preparing the assessment rolls, the property appraisers within the state become aware of the existence of a recorded deed not executed by the state and purporting to convey real property listed on the assessment rolls as state-owned, the property appraiser shall immediately forward a copy of the recorded deed to the state agency in whose name the property is listed.

(e) The board shall use tax roll data, which shall be provided by the Department of Revenue, to assist in the identification and confirmation of publicly held lands. Lands that are held by the state or a water management district and lands that are purchased by the state, a state agency, or a water management district and that are deemed not essential or necessary for conservation purposes are subject to review for surplus sale.

(9) The Board of Trustees of the Internal Improvement Trust Fund is responsible for the acquisition and disposal of federal lands and buildings which are declared surplus or excess. The Board of Trustees of the Internal Improvement Trust Fund shall establish regular procedures to assure that state and local agencies are made aware of the availability of federal lands and buildings.

(10) The Board of Trustees of the Internal Improvement Trust Fund and the state through any of its agencies are hereby prohibited from levying any charge, by whatever name known, or attaching any lien, on any and all materials dredged from state sovereignty tidal lands or submerged bottom lands or on the lands constituting the spoil areas on which such dredged materials are placed, except as otherwise provided for in this subsection, when such materials are dredged by or on behalf of the United States or the local sponsors of active federal navigation projects in the pursuance of the improvement, construction, maintenance, and operation of such projects or by a public body authorized to operate a public port facility (all such parties referred to herein shall hereafter be called "public body") in pursuance of the improvement, construction,

maintenance, and operation of such facility, including any public transfer and terminal facilities, which actions are hereby declared to be for a public purpose. The term "local sponsor" means the local agency designated pursuant to an act of Congress to assume a portion of the navigation project costs and duties. Active federal navigation projects are those congressionally approved projects which are being performed by the United States Army Corps of Engineers or maintained by the local sponsors.

(a) Except for beach nourishment seaward of existing lines of vegetation on privately owned or publicly owned uplands fronting on the waters of the Atlantic Ocean or Gulf of ~~America Mexico~~ and authorized pursuant to the provisions of part I of chapter 161, no materials dredged from state sovereignty tidal or submerged bottom lands by a public body shall be deposited on private lands until:

1. The United States Army Corps of Engineers or the local sponsor has first certified that no public lands are available within a reasonable distance of the dredging site; and
2. The public body has published notice of its intention to utilize certain private lands for the deposit of materials, in a newspaper published and having general circulation in the appropriate county at least three times within a 60-day period prior to the date of the scheduled deposit of any such material, and therein advised the general public of the opportunity to bid on the purchase of such materials for deposit on the purchaser's designated site, provided any such deposit shall be at no increased cost to the public body. Such notice shall state the terms, location, and conditions for receipt of bids and shall state that the public body shall accept the highest responsible bid. All bids shall be submitted to the Board of Trustees of the Internal Improvement Trust Fund. All moneys obtained from such purchases of materials shall be remitted forthwith to the Board of Trustees of the Internal Improvement Trust Fund. Compliance with this subsection shall vest, without any obligation, full title to the materials in the owner of the land where deposited.

(b) When public lands on which are deposited materials dredged from state sovereignty tidal or submerged bottom lands by the public body are sold or leased for a period in excess of 20 years, which term includes any options to a private party, 50 percent of any remuneration received shall forthwith be remitted to the Board of Trustees of the Internal Improvement Trust Fund and the balance shall be retained by the public body owning the land.

(c) Any materials which have been dredged from state sovereignty tidal or submerged bottom lands by the public body and deposited on public lands may be removed by the public body to private lands or interests only after due advertisement for bids, which means a notice published at least three times within a 60-day period in a newspaper published and having general circulation in the appropriate county. The purchase price submitted by the highest responsible bidder shall be remitted to the Board of Trustees of the Internal Improvement Trust Fund. If no bid is received, the public body shall have the right to fully convey title to, and dispose of, any such material on its land, with no requirement of payment to the Board of Trustees of the Internal Improvement Trust Fund.

(d) Notwithstanding the provisions of paragraphs (a)-(c), the Board of Trustees of the Internal Improvement Trust Fund shall allow private or public entities to remove, at no charge and with no public notice requirements, spoil site material dredged from state

sovereignty tidal lands or submerged bottom lands and to place the material upon public or private lands when:

1. Such removal and placement is done pursuant to a spoil site rejuvenation plan the board of trustees approves; and
2. The board of trustees finds that the removal and placement is in the public interest and would rejuvenate a site for continued spoil disposal. The board of trustees may give priority to requests for spoil site material, which would result in the environmental restoration or enhancement of the new placement site.

(e) Nothing in this subsection shall affect any preexisting contract or permit to engage in dredging of materials from state sovereignty tidal and submerged bottom lands, nor shall it be construed to void any preexisting agreement or lien against the lands upon which dredged materials have been placed or to have any retroactive effect.

(11) The board of trustees may adopt rules to provide for the assessment and collection of reasonable fees, commensurate with the actual cost to the board, for disclaimers, easements, exchanges, gifts, leases, releases, or sales of any interest in lands or any applications therefor and for reproduction of documents. All revenues received from the application fees charged by a water management district to process applications that include a request to use state lands are to be retained by the water management district. The board of trustees shall adopt by rule an annual administrative fee for all existing and future leases or similar instruments to be charged to agencies that are leasing land from the board of trustees. This annual administrative fee assessed for all leases or similar instruments is to compensate the board of trustees for costs incurred in the administration and management of such leases or similar instruments.

(12) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized to administer, manage, control, conserve, protect, and sell all real property forfeited to the state pursuant to ss. 895.01-895.09 or acquired by the state pursuant to s. 607.0505 or former s. 620.192. The board is directed to immediately determine the value of all such property and shall ascertain whether the property is in any way encumbered. If the board determines that it is in the best interest of the state to do so, funds from the Internal Improvement Trust Fund may be used to satisfy any such encumbrances. If forfeited property receipts are not sufficient to satisfy encumbrances on the property and expenses permitted under this section, funds from another appropriate trust fund may be used to satisfy any such encumbrances and expenses. All property acquired by the board pursuant to s. 607.0505, former s. 620.192, or ss. 895.01-895.09 shall be sold as soon as commercially feasible unless the Attorney General recommends and the board determines that retention of the property in public ownership would effectuate one or more of the following policies of statewide significance: protection or enhancement of floodplains, marshes, estuaries, lakes, rivers, wilderness areas, wildlife areas, wildlife habitat, or other environmentally sensitive natural areas or ecosystems; or preservation of significant archaeological or historical sites identified by the Secretary of State. In such event the property shall remain in the ownership of the board, to be controlled, managed, and disposed of in accordance with this chapter, and the Internal Improvement Trust Fund shall be reimbursed from the Land Acquisition Trust Fund, or other appropriate fund designated by the board, for any funds expended from the Internal Improvement Trust Fund

pursuant to this subsection in regard to such property. Upon the recommendation of the Attorney General, the board may reimburse the investigative agency for its investigative expenses, costs, and attorneys' fees, and may reimburse law enforcement agencies for actual expenses incurred in conducting investigations leading to the forfeiture of such property from funds deposited in the Internal Improvement Trust Fund of the Department of Environmental Protection. The proceeds of the sale of property acquired under s. 607.0505, former s. 620.192, or ss. 895.01-895.09 shall be distributed as follows:

(a) After satisfaction of any valid claims arising under s. 895.09(1)(a) or (b), any moneys used to satisfy encumbrances and expended as costs of administration, appraisal, management, conservation, protection, sale, and real estate sales services and any interest earnings lost to the trust fund that was used as of a date certified by the Department of Environmental Protection shall be replaced first in the trust fund that was used to satisfy any such encumbrance or expense, if those funds were used, and then in the Internal Improvement Trust Fund; and

(b) The remainder shall be distributed as set forth in s. 895.09.

(13) For applications not reviewed pursuant to s. 373.427, the department must review applications for the use of state-owned submerged lands, including a purchase, lease, easement, disclaimer, or other consent to use such lands and must request submittal of all additional information necessary to process the application. Within 30 days after receipt of the additional information, the department must review the information submitted and may request only that information needed to clarify the additional information, to process the appropriate form of approval indicated by the additional information, or to answer those questions raised by, or directly related to, the additional information. An application for the authority to use state-owned submerged land must be approved, denied, or submitted to the board of trustees for approval or denial within 90 days after receipt of the original application or the last item of timely requested additional information. This time is tolled by any notice requirements of s. 253.115 or any hearing held under ss. 120.569 and 120.57. If the review of the application is not completed within the 90-day period, the department must report quarterly to the board the reasons for the failure to complete the report and provide an estimated date by which the application will be approved or denied. Failure to comply with these time periods shall not result in approval by default.

(14) Where necessary to establish a price for the sale or other disposition of state lands, including leases or easements, the Division of State Lands may utilize appropriate appraiser selection and contracting procedures established under s. 253.025. The board of trustees may adopt rules to implement this subsection.

(15) The board of trustees shall encourage the use of sovereign submerged lands for public access and water-dependent uses which may include related minimal secondary nonwater-dependent uses.

(16) The Board of Trustees of the Internal Improvement Trust Fund, and the state through its agencies, may not control, regulate, permit, or charge for any severed materials which are removed from the area adjacent to an intake or discharge structure pursuant to an exemption authorized in s. 403.813(1)(f) and (r).

History.—s. 1, ch. 15642, 1931; CGL 1936 Supp. 1446(13); s. 2, ch. 61-119; ss. 2, 3, ch. 67-269; s. 2, ch. 67-2236; ss. 27, 35, ch. 69-106; s. 8, ch. 71-286; s. 1, ch. 75-76; s. 1,

ch. 78-251; s. 10, ch. 79-255; s. 15, ch. 80-356; s. 3, ch. 82-144; s. 2, ch. 83-223; s. 10, ch. 84-79; s. 4, ch. 84-249; s. 58, ch. 85-80; s. 1, ch. 85-306; s. 2, ch. 87-307; s. 8, ch. 88-168; s. 3, ch. 88-264; s. 1, ch. 88-357; s. 5, ch. 89-102; s. 7, ch. 89-174; s. 16, ch. 89-175; s. 131, ch. 90-179; s. 1, ch. 91-175; s. 2, ch. 92-109; ss. 67, 490, ch. 94-356; s. 57, ch. 96-410; s. 1, ch. 97-22; s. 36, ch. 97-160; s. 2, ch. 97-164; s. 44, ch. 98-200; s. 9, ch. 99-247; s. 4, ch. 2000-170; s. 22, ch. 2004-234; s. 4, ch. 2005-157; s. 27, ch. 2006-1; s. 5, ch. 2007-73; s. 6, ch. 2009-20; s. 20, ch. 2009-21; ss. 6, 10, ch. 2010-280; SJR 8-A, 2010 Special Session A; s. 15, ch. 2015-229; s. 6, ch. 2016-233; s. 33, ch. 2025-8.

### **253.12 Title to tidal lands vested in state.—**

(1) Except submerged lands heretofore conveyed by deed or statute, the title to all sovereignty tidal and submerged bottom lands, including all islands, sandbars, shallow banks, and small islands made by the process of dredging any channel by the United States Government and similar or other islands, sandbars, and shallow banks located in the navigable waters, and including all coastal and intracoastal waters of the state and all submerged lands owned by the state by right of its sovereignty in navigable freshwater lakes, rivers, and streams, is vested in the Board of Trustees of the Internal Improvement Trust Fund. For purposes of fixing bulkhead lines, restrictions on filling land and dredging beyond bulkhead lines, and permits required for filling and dredging, the board shall exercise the same authority over submerged lands owned by the state by right of its sovereignty in navigable freshwater lakes, rivers, and streams as it does over submerged lands otherwise defined in this subsection.

(2)(a) The Board of Trustees of the Internal Improvement Trust Fund may sell and convey such islands and submerged lands if determined by the board to be in the public interest, upon such prices, terms, and conditions as it sees fit. However, prior to consummating any such sale, the board shall determine to what extent the sale of such islands or submerged lands and their ownership by private persons or the conveyance of such islands or submerged lands to political subdivisions or public agencies would interfere with the conservation of fish, marine and other wildlife, or other natural resources, including beaches and shores, and would result in destruction of oyster beds, clam beds, or marine productivity, including, but not limited to, destruction of marine habitats, grass flats suitable as nursery or feeding grounds for marine life, and established marine soils suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life, and if so, in what respect and to what extent, and it shall consider any other factors affecting the public interests.

(b) In addition to the requirements in paragraph (a), the board shall not sell or convey any interest in such islands and submerged lands to any applicant who does not, at the time of making application for purchase or conveyance, also have before the board:

1. An application for the establishment of a bulkhead line, in the event no bulkhead line is established for the lands subject to the application; and
2. An application for approval of a fill permit issued in accordance with the provisions of this chapter; and
3. A permit or application for a permit to dredge fill material from beneath the navigable waters of the state, in accordance with the provisions of this chapter, in the event the applicant intends to secure such fill material. However, such islands or

submerged lands may be sold or conveyed to an applicant who does not have such an application for a permit to dredge or fill lands before the board, upon the condition that the sale or conveyance to such an applicant shall contain a restrictive covenant prohibiting dredging, except for navigation purposes, or filling of such islands or submerged lands. The board shall reserve the authority to waive such restrictive covenant when such waiver is in the public interest, pursuant to such terms and conditions as the board may impose.

(3) After receiving application in compliance with such forms as may be required to show clearly what is intended to be accomplished in any proposed development of said lands and the manner in which said development will be accomplished, and after making the determination required by paragraph (2)(a), the board shall give notice as provided by s. 253.115.

(4) If objections are filed, the board shall proceed to determine the merits of the objections. The report required by subsection (7) shall be made part of the record and duly considered at any hearing. If it appears that the sale of such islands and submerged lands and their ownership by private persons or the conveyance of such islands or submerged lands to political subdivisions or public agencies would:

- (a) Be contrary to the public interest;
- (b) Interfere with the lawful rights granted riparian owners;
- (c) Be, or result in, a serious impediment to navigation;
- (d) Interfere with the conservation of fish, marine and other wildlife, or other natural resources, including beaches and shores, to such an extent as to be contrary to the public interest; or

(e) Result in the destruction of oyster beds, clam beds, or marine productivity, including, but not limited to, destruction of natural marine habitats, grass flats suitable as nursery or feeding grounds for marine life, and established marine soils suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life to such an extent as to be contrary to the public interest,

the board shall withdraw the lands from sale. Prior to making the determinations above required, the board may consider any other factors affecting the public interest. Anything in this section to the contrary notwithstanding, lands defined herein lying between the ordinary mean high-water line and any bulkhead line established hereunder shall be sold only to the upland riparian owner and to no other person, firm, or corporation; and such sale to the upland riparian owner shall be made pursuant to the provisions herein.

(5)(a) When any state agency or county, city, or other political subdivision extends or adds to existing lands or islands bordering on or being in the navigable waters, as defined in this section, of the state by filling in or causing to be filled in or by draining or causing to be drained such waters, the board may, upon application therefor, convey to the riparian owner or owners of the upland so extended or added to so much of such extended or added land as is not required exclusively for a municipal, county, state, or other public purpose. The board may, however, require a deposit to accompany such application of a sum sufficient to cover the actual cost and expenses of processing such application and preparing instruments of conveyance.

(b) Neither this subsection nor any other provision of this chapter shall be construed to permit any state agency or county, city, or other political subdivision to construct islands or extend or add to existing lands or islands bordering on or being in the navigable

waters as defined herein or drain such waters for a municipal, county, state, or other public purpose unless such agency is the riparian upland owner or holds the consent in writing of the riparian upland owner consenting to such construction or extension or drainage operation. For the purposes of this subsection, "riparian upland owners" shall be defined as those persons owning upland property abutting those portions of the waters to be filled or drained, which are within 1,000 feet outboard of said riparian upland, but not more than one-half the distance to the opposite upland, if any, and within the extensions of the side boundary lines thereof, when said side boundary lines are extended in the direction of the channel along an alignment which would be required to distribute equitably the submerged land between the upland and the channel. However, nothing herein shall be construed to deny or limit any state agency or county, city, or other political subdivision from exercising the right of eminent domain to the extent and for the purposes authorized by law in connection with such construction, extension, or drainage projects; and nothing herein shall be construed to have application in those instances when the board is authorized by law to establish an erosion control line to implement an authorized beach nourishment, replenishment, or erosion-control project, or for the placement of sand dredged from navigation channels on beaches fronting the waters of the Atlantic Ocean or the Gulf of America ~~Mexico~~, provided such sand is not placed landward of existing lines of vegetation.

(6) Where any person, state agency, county, city, or other political subdivision prior to June 11, 1957, extended or added to existing lands or islands bordering on or being in the navigable waters as defined in this section by filling in or causing to be filled in such lands, the board shall upon application therefor convey said land so filled to the riparian owner or owners of the upland so extended or added to. The consideration for such conveyance shall be the appraised value of said lands as they existed prior to such filling.

(7)(a) In order to assist it in making the determination required by paragraph (2)(a), the board shall require that a biological survey and an ecological study of the lands or interests therein proposed to be sold or conveyed pursuant to any particular application be made, and, when determined by the Department of Environmental Protection to be necessary, that a hydrographic survey be made. All such surveys and studies shall be made by or under the direction of the Department of Environmental Protection, which shall make a report of all such surveys and studies to the board together with its recommendations. The board may adopt regulations requiring that the cost of making any such survey and report be paid by the applicant for purchase of such lands, requiring a deposit by the applicant sufficient to ensure such payment, and providing procedures to be followed in applying for and obtaining such survey and report.

(b) If, in accordance with the provisions of paragraph (2)(b), the surveys and study required by paragraph (a) have already been made, the provisions of this section shall not operate to require an applicant to pay for any additional surveys or studies within 3 years prior to the issuance of such permit.

(8) All conveyances of sovereignty lands or fill material therein heretofore made by the Board of Trustees of the Internal Improvement Trust Fund of Florida subsequent to the enactment of chapter 6451, Acts of 1913, chapter 7304, Acts of 1917, and chapter 57-362, as amended, are hereby ratified, confirmed, and validated in all respects.

1(9) All of the state's right, title, and interest to all tidally influenced land or tidally influenced islands bordering or being on sovereignty land, which have been permanently extended, filled, added to existing lands, or created before July 1, 1975, by fill, and might be owned by the state, is hereby granted to the landowner having record or other title to all or a portion thereof or to the lands immediately upland thereof and its successors in interest. Thereafter, such lands shall be considered private property, and the state, its political subdivisions, agencies, and all persons claiming by, through, or under any of them, shall be barred from asserting that any such lands are publicly owned sovereignty lands. The foregoing provisions shall act to transfer title only to so much of such extended or added land as was permanently exposed, extended, or added to before July 1, 1975. A showing of dates by which certain lands were filled or added to may be made by aerial photograph or other reasonable method. Upon request of the landowner and submission of a proposed legal description and aerial photographs or other evidence accompanied by a fee set by the board reflecting the actual administrative cost of processing, the board shall provide an appropriate legal description of the waterward boundary line as of July 1, 1975, in a recordable document. The Legislature specifically finds and declares these grants to be in the public interest. The boundary between state-owned sovereignty lands and privately owned uplands is ambulatory and will move as a result of nonavulsive changes. This subsection shall not grant or vest title to any filled, formerly submerged state-owned lands in any person who, as of January 1, 1993, is the record titleholder of the filled or adjacent upland property and who filled or caused to be filled the state-owned lands.

1(10) Subsection (9) shall not operate to affect the title to lands which have been judicially adjudicated or which were the subject of litigation pending on January 1, 1993, involving title to such lands. Further, the provisions of subsection (9) shall not apply to spoil islands nor to any lands which are included on an official acquisition list, on July 1, 1993, of a state agency or water management district for conservation, preservation, or recreation, nor to lands maintained as state or local recreation areas or shore protection structures.

History.—s. 1, ch. 7304, 1917; RGS 1061; CGL 1391; ss. 1, 2, ch. 26776, 1951; s. 1, ch. 57-362; s. 2, ch. 61-119; s. 1, ch. 67-393; ss. 25, 27, 35, ch. 69-106; s. 1, ch. 69-308; s. 1, ch. 70-81; s. 1, ch. 70-97; s. 1, ch. 70-147; s. 1, ch. 70-439; s. 1, ch. 72-214; s. 23, ch. 78-95; s. 4, ch. 82-144; s. 122, ch. 83-217; s. 2, ch. 91-221; s. 81, ch. 93-206; ss. 72, 492, ch. 94-356; s. 34, ch. 2025-8.

1Note.—Section 82, ch. 93-206, provides that “[t]he conveyance of property under this act is intended to be complete and effective without reference to or compliance with other statutory provisions. The various statutory provisions dealing with or setting preconditions or procedures for the conveyance of state-owned property and sovereignty lands shall not apply to conveyance made pursuant to this section.”

**253.783 Expenditures for acquisition of land for a canal connecting the waters of the Atlantic Ocean with the Gulf of America ~~Mexico~~ via the St. Johns River prohibited.—**

The department shall make no expenditures for the purpose of acquiring land for constructing, operating, or promoting a canal across the peninsula of Florida connecting

the waters of the Atlantic Ocean with the waters of the Gulf of America ~~Mexico~~ via the St. Johns River.

History.—ss. 4, 16, ch. 79-167; ss. 2, 5, ch. 84-287; ss. 1, 4, ch. 85-302; ss. 3, 10, ch. 90-328; s. 1, ch. 92-116; s. 59, ch. 93-213; s. 87, ch. 94-356; s. 848, ch. 95-148; s. 3, ch. 97-259; s. 9, ch. 99-205; s. 2, ch. 2013-231; s. 35, ch. 2025-8.

## Chapter 258

### State Parks and Preserves

#### Enforceable Policies

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

- 258.001\* Park regions.
- 258.004\* Duties of division.
- 258.007 Powers of division.
- 258.008 Prohibited activities; penalties.
- 258.014\* Use of state parks; fees for use; campsite reservations.
- 258.0142\* Foster and adoptive family state park fee discounts.
- 258.0145\* Military, law enforcement, and firefighter state park fee discounts.
- 258.015\* Citizen support organizations; use of property; audit.
- 258.016\* Senior/disabled citizen camping permit.
- 258.0165\* Defibrillators in state parks.
- 258.017\* Dedication of state park lands for public use.
- 258.021\* Power of eminent domain; procedure.
- 258.027\* Division to take over certain functions.
- 258.034\* State Park Trust Fund created.
- 258.037 Policy of division.
- 258.041\* Cooperation of division with counties, etc.
- 258.08 Guide meridian and base parallel park located.
- 258.081\* Stephen Foster State Folk Culture Center.
- 258.083 John Pennekamp Coral Reef State Park; taking or damaging of coral prohibited.
- 258.09\* Rauscher Park designated.
- 258.10 Division of Recreation and Parks to supervise and maintain Rauscher Park.
- 258.11\* Land ceded for Royal Palm State Park; proviso.
- 258.12\* Additional lands ceded for Royal Palm State Park.
- 258.14\* Royal Palm State Park and endowment lands exempt from taxation.
- 258.15\* St. Michael's Cemetery designated a state park.
- 258.152\*\* Ney Landrum State Park designation.
- 258.156 Savannas State Reserve.
- 258.157 Prohibited acts in Savannas State Reserve.
- 258.158\* Exemption from s. 588.15.
- 258.35\* Short title; ss. 258.35-258.394 and 258.40-258.46.
- 258.36\* Legislative intent.
- 258.37 Definitions.
- 258.38\* Types of aquatic preserves.
- 258.39 Boundaries of preserves.
- 258.391 Cockroach Bay Aquatic Preserve.
- 258.392 Gasparilla Sound-Charlotte Harbor Aquatic Preserve.

258.3925	Lemon Bay Aquatic Preserve.
258.393	Terra Ceia Aquatic Preserve wastewater or effluent discharge activities.
258.394	Guana River Marsh Aquatic Preserve.
258.395	Big Bend Seagrasses Aquatic Preserve.
258.396	Boca Ciega Bay Aquatic Preserve.
258.397	Biscayne Bay Aquatic Preserve.
258.399	Oklawaha River Aquatic Preserve.
258.3991	Nature Coast Aquatic Preserve.
258.40	Scope of preserves.
258.41	Establishment of aquatic preserves.
258.42	Maintenance of preserves.
258.43*	Rules.
258.435*	Use of aquatic preserves for the accommodation of visitors.
258.44	Effect of preserves.
258.45	Provisions not superseded.
258.46*	Enforcement; violations; penalty.
258.501	Myakka River; wild and scenic segment.
258.601*	Enforcement of prohibited activities.

\*Sections 258.001, .004, .014, .0142, .015, .016, .0165, .017, .021, .027, .034, .041, .081, .09, .11, .12, .14, .15, .158, .35, .36, .38, .43, .435, .46 and .601 are not considered enforceable policies for federal consistency purposes.

\*\*Section 258.152 is not proposed as an enforceable policy for federal consistency purposes.

## Chapter 258 State Parks and Preserves

### **258.09 Rauscher Park designated.—**

There is designated and established as a state park to be known as Rauscher Park, in Escambia County, the lands lying between the Big Lagoon and the Gulf of America Mexico, now owned by Escambia County, or hereafter acquired by Escambia County, adjacent or contiguous thereto, from private owners or from the United States Government; and the board of county commissioners of Escambia County may execute proper conveyance to the board of commissioners of state institutions covering the property now owned by Escambia County, as aforesaid, and said board of county commissioners of Escambia County may acquire in the name of the Division of Recreation and Parks of the Department of Environmental Protection any property adjacent or contiguous thereto, from private owners or from the United States Government; and said division may accept in the name of the state the title to any such lands, whether from said Escambia County, or whether same be property acquired from private owners or the United States Government.

History.—s. 1, ch. 19345, 1939; ss. 25, 35, ch. 69-106; s. 94, ch. 94-356; s. 36, ch. 2025-8.

### **258.152 Ney Landrum State Park designation.—**

The St. Marks River Preserve State Park, located in Leon and Jefferson Counties, is renamed and designated as Ney Landrum State Park.

History.—s. 5, ch. 2025-76.

### **258.395 Big Bend Seagrasses Aquatic Preserve.—**

The following described area in Wakulla, Jefferson, Taylor, Dixie, and Levy Counties is hereby designated by the Legislature for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975. Such area, to be known as the Big Bend Seagrasses Aquatic Preserve, shall be included in the aquatic preserve system and shall include all the sovereignty submerged lands lying within the following described boundaries: Begin where the northerly mean high water line of Withlacoochee River meets the mean high water line of the Gulf of America Mexico, Township 17 South, Range 15 East, Levy County; Thence from the said point of beginning proceed northwesterly along the mean high water line of the coast and its navigable tributaries to the intersection of the westerly mean high water line of St. Marks River with the mean high water line of the Gulf of America Mexico, in Township 4 South, Range 1 East, Wakulla County; thence proceed south three marine leagues into the Gulf of America Mexico; thence proceed southeasterly along a line three marine leagues from and parallel to the line of mean high water previously described to an intersection with a line projected west from the point of beginning; thence proceed east to the point of beginning. Less and except all those sovereignty submerged lands within 500 feet of any incorporated or unincorporated municipality within the above described lands. Less and except: Begin at the intersection of the southerly projection of the east line of Range line 4 East with the mean high water line of the Gulf of America Mexico; thence proceed southwest to a point on the three marine league line; thence proceed southeasterly three marine leagues from and parallel to the mean high water line to a

point which is southwest of the intersection of the southerly line of Section 22, Township 6 South, Range 6 East, Taylor County, with the mean high water line of the Gulf of America Mexico; thence proceed Northeast to the aforesaid point of intersection; thence proceed northwesterly along the mean high water line of the Gulf of America Mexico and its tributaries to the point of beginning. Less and except all those local access channels adjacent to Keaton Beach and a proposed navigational channel more particularly described as follows: Begin at State Plane Coordinate; X=2,288,032; Y=298,365: Thence proceed West 11,608 feet; thence proceed south 1,440 feet; thence proceed east 11,608 feet; thence proceed north 1,440 feet to the point of beginning; less and except all those sovereign submerged lands lying northerly and easterly of U.S. Highway 19.

History.—s. 3, ch. 85-345; s. 37, ch. 2025-8.

### **258.3991 Nature Coast Aquatic Preserve.—**

(1) DESIGNATION.—The area described in subsection (2) which lies within Citrus, Hernando, and Pasco Counties is designated by the Legislature for inclusion in the aquatic preserve system under the Florida Aquatic Preserve Act of 1975 and as an Outstanding Florida Water pursuant to s. 403.061(28) and shall be known as the “Nature Coast Aquatic Preserve.” It is the intent of the Legislature that the Nature Coast Aquatic Preserve be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations. This section may not be construed to impose additional permitting requirements for county or state projects under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act) that are funded pursuant to 33 U.S.C. s. 1321(t)(3).

(2) BOUNDARIES.—For purposes of this section, the Nature Coast Aquatic Preserve consists of the state-owned submerged lands lying west of a meandering line following the westernmost shorelines of Citrus, Hernando, and Pasco Counties, excluding artificial waterways, canals, inland rivers, and tributaries. Such state-owned submerged lands include all those lands seaward of the mean high-water line and tidally connected to the Gulf of America Mexico, lying south of a line extending westerly approximately 4.5 miles along Latitude 28.910000°, Florida West Zone (NAD83) from the mean high-water line of the corresponding shoreline at Fort Island Gulf Beach Park, Latitude 28.910000°, Longitude -82.690000°, and lying westward of a line extending north approximately 1.8 miles from Latitude 28.909402°, Longitude -82.764° to Latitude 28.9355°, Longitude -82.764°, lying southward of a line extending westerly approximately 2.0 miles to Latitude 28.9355°, Longitude -82.798214°, lying westward of a line extending north approximately 4.5 miles to the easternmost point of the southern boundary of the Big Bend Seagrasses Aquatic Preserve at point Latitude 29.001614°, Longitude -82.798921°, and will be continuous with the eastern shoreline of the northern boundary of the Pinellas County Aquatic Preserve, respectively. The boundary of the Nature Coast Aquatic Preserve designated as the shoreline will be the mean high-water line along such shoreline unless otherwise stated and will not supersede the boundaries of currently designated Outstanding Florida Waters, state parks, national wildlife refuges, or aquatic preserves.

History.—s. 1, ch. 2020-136; s. 16, ch. 2021-51; s. 38, ch. 2025-8.

## Chapter 288

### Commercial Development and Capital Improvements

#### Enforceable Policies

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

288.972 Legislative intent.

288.975 Military base reuse plans.

288.062\* Rural Community Investment Program.

\*Section 288.062 is not proposed as an enforceable policy for federal consistency purposes.

## Chapter 288 Commercial Development and Capital Improvements

### 1288.062 Rural Community Investment Program.—

(1) The Rural Community Investment Program is created within the department.

(2) As used in this section, the term:

(a) “Affiliate” means an entity that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with another entity. For the purposes of this paragraph, an entity is controlled by another entity if the controlling entity holds, directly or indirectly, the majority voting or ownership interest in the controlled entity or has control over the day-to-day operations of the controlled entity.

(b) “Applicant” means a person who submits or updates an application on behalf of a rural fund.

(c) “Credit certification date” means the first date on which the department provides a certificate under paragraph (4)(e) and each anniversary of such date for a period of 11 years.

(d) “Eligible business” means a business that, at the time a rural fund initially invests in the business:

1. Has fewer than 250 employees;

2. Has its principal business operations located in this state; and

3. Has its principal business operations located in a rural community in this state, unless this requirement is waived by the department pursuant to subsection (8).

(e) “Eligible investment” means any capital or equity investment in an eligible business, or any loan to an eligible business with a stated maturity of at least 1 year after the date of issuance.

(f) “Investment authority” means the total amount of eligible investments which a rural fund intends to make to eligible businesses, which is the amount certified by the department under paragraph (4)(e).

(g) “Investor contribution” means a cash investment in a rural fund. The cash investment must be used to purchase an equity interest in the rural fund or to purchase at par value or premium a debt instrument that has a maturity date at least 5 years after the credit certification date and a repayment schedule that is no greater than level principal amortization over 5 years.

(h) “Jobs retained” means the number of full-time employment positions that existed before the initial eligible investment in an eligible business and for which the eligible business’s chief executive officer or similar officer certifies that the employment positions would have been eliminated but for the initial eligible investment.

(i) “Principal business operations” means the location or locations at which at least 60 percent of a business’s employees work or at which the employees who are paid at least 60 percent of the business’s payroll are located. A business that agrees to relocate or hire new employees using the proceeds of an eligible investment to establish its principal business operations in this state is deemed to have its principal business operations in the new location, provided that the business satisfies this definition within 180 days after receiving the eligible investment.

(j) “Rural community” means a rural community as defined in s. 288.0656 or a designated rural area of opportunity as defined in s. 288.0656(2).

- (k) “Rural fund” means an entity certified by the department under paragraph (4)(e).
- (l) “State tax” means a tax due under chapter 220 or s. 624.509(1).
- (m) “Taxpayer” means a person who makes an investor contribution and is a taxpayer as defined in <sup>2</sup>s. 220.03(1)(z) or a person with tax liability under s. 624.509.
- (n) “Transferee” means a person who receives a transferred tax credit under paragraph (6)(b).
- (3) On or before November 1, 2025, the department shall begin accepting applications, on a form adopted by department rule, for approval as a rural fund. The application must include all of the following:
- (a) The investment authority sought by the applicant.
- (b) Evidence that the applicant is licensed as a rural business investment company as defined in 7 U.S.C. s. 2009cc or as a small business investment company under 15 U.S.C. s. 681. The applicant must include a certificate executed by an executive officer of the applicant attesting that such license remains in effect and has not been revoked.
- (c) Evidence that, as of the date the application is submitted, the applicant has invested at least \$100 million in nonpublic companies located in counties within the United States with a population of less than 75,000 as of the United States Decennial Census of 2020.
- (d) An estimate of the total number of new annual jobs that will be created and total jobs retained over the life of the program in the state because of the applicant’s proposed eligible investments.
- (e) A business plan that includes a revenue impact assessment projecting state and local tax revenues to be generated, as well as state expenditures to be reduced, by the applicant’s proposed eligible investments, which is prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant’s business plan over the 10 years after the date the application is submitted to the department.
- (4)(a) The department shall review applications for approval of the applicant as a rural fund in the order received. The department may ask the applicant for additional information about items contained in the application. Within 60 days after receipt of a completed application, the department shall approve or deny the application.
- (b) The department shall deem applications received on the same day as having been received simultaneously. If requests for investment authority exceed the remaining tax credit limitation under paragraph (c), the department must proportionally reduce the investment authority for each approved application received simultaneously to avoid exceeding the limit.
- (c) Beginning in fiscal year 2025-2026, the tax credit cap amount is \$7 million in each state fiscal year, excluding any credits carried forward pursuant to subsection (6). The department may not approve a cumulative amount of tax credits which may result in the claim of more than \$35 million in tax credits during the existence of the program.
- (d) The department must deny an application if:
1. The application is incomplete;
  2. The applicant does not satisfy the criteria set forth in subsection (3);
  3. The revenue impact assessment submitted under paragraph (3)(e) does not demonstrate that the applicant’s business plan will result in a positive revenue impact

on the state over a 10-year period which exceeds the cumulative amount of tax credits that would be issued to the applicant's investors; or

4. The department has already approved the maximum amount of investment authority allowed under paragraph (c).

(e) A tax credit certified under this paragraph may not be taken against state tax liability until a rural fund receives a final order under subsection (5). After approving the application, the department must provide a certification to the applicant which does all of the following:

1. Designates the applicant as a rural fund.

2. Certifies the amount of the rural fund's investment authority.

3. Certifies the amount of tax credits available to persons who make investor contributions in the rural fund. The certified tax credits must be equal to 25 percent of the rural fund's investment authority under subparagraph 2.

4. A statement that tax credits may not be taken against state tax liability until the rural fund receives a final order under subsection (5).

(f) Within 90 days after receiving the certification issued under paragraph (e), the rural fund shall collect all investor contributions. The collected investor contributions must equal the investment authority specified in the certification under subparagraph (e)2.

(g) Within 95 days after receiving the certification issued under paragraph (e), the rural fund must send a notification to the department demonstrating that the rural fund has collected investor contributions in an amount equal to the investment authority specified in the certification under subparagraph (e)2. The notification must include all of the following:

1. Evidence that the rural fund collected the total amount required under subparagraph (e)2.

2. The date on which each investor contribution was collected.

3. The identity, including name and tax identification number, of each person who made an investor contribution and the amount of the investor contribution made by each person.

(h) If the rural fund fails to comply with paragraphs (f) and (g), the department must revoke the rural fund's certification that was made pursuant to paragraph (e). The corresponding investment authority will not count toward the tax credit limitation set forth in paragraph (c).

(i) The department shall first award revoked investment authority pro rata to each rural fund that was awarded less than the investment authority for which it applied. Any remaining investment authority may be awarded by the department to new applicants.

(5) Upon receipt of the notification under paragraph (4)(g), the department must issue a final order approving the taxpayer to receive tax credits under this section. The final order must include the identity, including name and tax identification number, of each taxpayer who is eligible to claim the credit and the amount of credits that may be claimed by each taxpayer. The amount of tax credits that the taxpayer is approved to receive must be equal to 25 percent of the investor contribution specified in the notification under subparagraph (4)(g)3. The department must provide the final order to the rural fund and the Department of Revenue.

(6)(a) Any taxpayer that receives a final order under subsection (5) is vested with an earned credit against state tax liability. The taxpayer must attach a copy of the final

order issued under subsection (5) to its return when claiming the credit. The taxpayer may claim the credit as follows:

1. The taxpayer may apply 20 percent of the credit against its state tax liability in the tax years containing the first through fifth credit certification dates.

2. A taxpayer may not claim a tax credit in excess of the taxpayer's state tax liability. If the credit granted pursuant to this section is not fully used in any single year because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for use in the taxpayer's subsequent tax years until the tax year containing the 11th credit certification date, after applying the other credits and unused carryovers in the order provided in s. 220.02 for credits taken against the tax in chapter 220 or in the order provided in s. 624.509 for credits taken against the tax in s. 624.509. An insurer claiming a credit against the tax in s. 624.509 under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner. Carryover credit amounts must be treated as unused credits for purposes of the transfer of unused credits pursuant to paragraph (b).

(b) A credit earned under this section may not be refunded, sold on the open market, or transferred, except as provided in this paragraph.

1. Credits earned under this section may be transferred from a taxpayer to affiliates of the rural fund. Credits earned by or allocated to a partnership under chapter 620 or a limited liability company under chapter 605 may be allocated to the partners, members, or shareholders of such entity for their use in accordance with the provisions of any agreement among such partners, members, or shareholders.

2. A taxpayer must notify the department and the Department of Revenue of a transfer. The notification must include the identity of the transferee, tax identification number of the transferee, and tax credit amount allocated to the transferee. The notice of transfer also must state whether unused tax credits are being transferred and the amount of unused tax credits being transferred. Such allocations and transfers may not be considered a sale for the purposes of this section.

3. Notification of a transfer of a tax credit must be submitted to the Department of Revenue on a form adopted by rule of the Department of Revenue. Within 30 days after the transfer, the Department of Revenue shall provide a letter to the rural fund, taxpayer, transferee, and the department acknowledging the transfer, after which time the transferee may claim the transferred credit on its return due on or after the date of the letter. The transferee must attach a copy of the letter to its return when claiming the credit.

(7)(a) Notwithstanding s. 95.091, the department must direct the Department of Revenue to recapture all or a portion of a tax credit under this section if one or more of the following occur with respect to a rural fund before the rural fund exits the program in accordance with subsection (10):

1. The rural fund does not invest 60 percent of its investment authority in eligible businesses before its second credit certification date.

2. The rural fund does not invest 100 percent of its investment authority in eligible businesses before its third credit certification date, with at least 70 percent of such eligible investments made in a rural community.

3. The rural fund, after initially satisfying subparagraph 2., fails to maintain eligible investments equal to 100 percent of its investment authority until exiting the program in accordance with subsection (10), with at least 70 percent of such eligible investments made in a rural community. For purposes of this paragraph, an investment is maintained even if it is sold or repaid, so long as the rural fund reinvests an amount equal to the capital returned or recovered from the original investment, exclusive of any profits realized, in other eligible investments in this state within 12 months after the receipt of such capital. Amounts received periodically by a rural fund must be treated as continuously invested in eligible investments if the amounts are reinvested in one or more eligible investments by the end of the following calendar year; however, there is no requirement to reinvest capital after exiting the program in accordance with subsection (10) for purposes of eligibility under this paragraph.

4. The rural fund, before exiting the program in accordance with subsection (10), makes a distribution or payment that results in the rural fund having less than 100 percent of its investment authority invested in eligible businesses.

5. The rural fund invests in an eligible business that directly, or indirectly through an affiliate, owns, has the right to acquire an ownership interest in, makes a loan to, or makes an investment in the rural fund of an affiliate of the rural fund or an investor in the rural fund.

(b) The department must provide notice to the rural fund, taxpayer, transferee as applicable, and the Department of Revenue of a proposed recapture of tax credits. The rural fund has 6 months after the receipt of the notice to cure a deficiency identified in the notice and avoid recapture of a credit. The department must issue a final order of recapture if the rural fund fails to cure a deficiency within the 6-month period. The final order of recapture must be provided to the rural fund, taxpayer, transferee as applicable, and the Department of Revenue. Only one correction is permitted for each rural fund during the 5-year credit period. Recaptured funds shall be deposited into the General Revenue Fund.

(c) A rural fund, taxpayer, or transferee that submits fraudulent information to the department or Department of Revenue is liable for the costs associated with the investigation and prosecution of the fraudulent claim plus a penalty in an amount equal to double the tax credits claimed. This penalty is in addition to any other penalty that may be imposed by law.

(d)1. The department must first provide revoked tax credits on a pro rata basis to each rural fund that was approved for less than the amount for which it applied, as long as the approved credits remain under the tax credit limitation in paragraph (4)(c) for the fiscal year in which the limitation applied.

2. Any remaining tax credits must be approved by the department to new applicants, as long as the approved credits remain under the tax credit limitation in paragraph (4)(c) or the fiscal year in which the cap applied.

(8) The department may, upon a request made pursuant to subsection (9), waive the requirement relating to a rural community under subparagraph (2)(d)3. and allow a business to be considered an eligible business if the department determines that the business is located on land classified as agricultural under s. 193.461 or that the primary residence of a majority of the business's employees is located in a rural community. This waiver does not allow a rural fund to invest less than 70 percent of

eligible investments in a rural community. The department must provide the rural fund and the Department of Revenue with a written notice of the waiver under this subsection.

(9) Before making an eligible investment, a rural fund may request a written opinion from the department as to whether the business in which it proposes to invest satisfies the definition of an eligible business. The department, no later than 15 business days after the date of receipt of the request, shall provide the rural fund with a determination letter providing its opinion. If the department fails to issue a determination letter within that timeframe, the business in which the rural fund proposes to invest must be considered an eligible business.

(10)(a) On or after the sixth anniversary of the credit certification date, a rural fund may apply to the department to exit the program and no longer be subject to regulation. The department shall approve or deny the application within 15 days after receipt. In evaluating the application, the fact that no tax credit certificates have been revoked and that the rural fund has not received a notice of revocation that has not been cured pursuant to subsection (7) is sufficient evidence that the rural fund is eligible for exit. If the application is denied, the notice of denial must include the reasons for the determination.

(b) The department may revoke a tax credit certificate after a rural fund exits the program. The department may take any legal action necessary to recapture the tax credits. The department must deposit any funds from recaptured tax credits into the General Revenue Fund.

(11)(a) Each rural fund shall submit to the department a report on or before the 15th business day after the second and third credit certification date. The report must include all of the following for the year preceding the second or third credit certification date:

1. The time period covered in the report, which is the year preceding the second credit certification date or the year preceding the third credit certification date.

2. The name, address, and county of each eligible business receiving an eligible investment, including either the written determination under subsection (9) or evidence that the business qualified as an eligible business at the time the investment was made, if not previously reported.

3. Financial information that provides documentation for each eligible business that the rural fund has invested the amounts required in paragraph (7)(a).

4. All of the following for each eligible business:

a. The types of industries, identified by the North American Industry Classification System Code, of each eligible business.

b. The number of jobs created during the time period covered in the report.

c. The county in which jobs were created during the time period covered in the report.

d. The number of jobs retained as a result of each eligible investment during the time period covered in the report.

e. The county in which jobs were retained as a result of each eligible investment during the time period covered in the report.

f. The total number of jobs as of the first credit certification date and the last credit certification date which are in the time period covered in the report.

g. The range and average salary of all jobs.

5. Any other information required by the department.

6. A final report containing the items specified under paragraph (b) after exiting the program if requested by the department.

(b) On or before the fourth credit certification date after the final report required in paragraph (a), and annually until its exit from the program in accordance with subsection (10), the rural fund shall submit to the department a report. The report must include all of the following for the year preceding the fourth or subsequent credit certification date:

1. The time period covered in the report, which is the year preceding the credit certification date.

2. The name, address, and county of each eligible business receiving an eligible investment, including either the written determination under subsection (9) or evidence that the business qualified as an eligible business at the time the investment was made, if not previously reported.

3. Evidence for each eligible business that the rural fund has maintained the investment amounts required in paragraph (7)(a).

4. All of the following for each eligible business:

a. The types of industries, identified by the North American Industry Classification System Code, of each eligible business.

b. The number of jobs created during the time period covered in the report.

c. The county in which jobs were created during the time period covered in the report.

d. The number of jobs retained as a result of each eligible investment during the time period covered in the report.

e. The county in which jobs were retained as a result of each eligible investment during the time period covered in the report.

f. The total number of jobs as of the first credit certification date and the last credit certification date which are in the time period covered in the report.

g. The range and average salary of all jobs.

5. Any other information required by the department.

(12)(a) A rural fund that issues an eligible investment approved by the department shall be deemed a recipient of state financial assistance under the Florida Single Audit Act, as provided in s. 215.97. However, an entity that makes an eligible investment or receives an eligible investment is not a subrecipient for the purposes of s. 215.97.

(b) The department and the Department of Revenue may conduct examinations to verify compliance with this section.

(13) The department and the Department of Revenue shall adopt rules to administer this section.

(14) The department may not accept any new applications after December 1, 2029.

(15) This section expires on December 31, 2040.

History.—s. 66, ch. 2025-208.

1Note.—Section 67, ch. 2025-208, provides that “[t]he Department of Revenue and the Department of Commerce are authorized, and all conditions are deemed met, to adopt emergency rules under s. 120.54(4), Florida Statutes, for the purpose of implementing provisions related to the Rural Community Investment Program. Notwithstanding any other law, emergency rules adopted under this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.”

2Note.—Substituted by the editors for a reference to s. 220.03(z). Within the context of chapter 220, “taxpayer” is defined in s. 220.03(1)(z).

## Chapter 334

### Transportation Administration

#### Enforceable Policies

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

334.615\* Parking authority operations; interlocal agreements.

334.62\* Florida Transportation Academy.

334.63\* Project concept studies and project development and environment studies.

\*Sections 334.615, .62 and .63 are not proposed as enforceable policies for federal consistency purposes.

## Chapter 334 Transportation Administration

### **334.615 Parking authority operations; interlocal agreements.—**

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 contiguous counties, municipalities, or local governmental entities.

History.—s. 24, ch. 2025-155.

### **334.62 Florida Transportation Academy.—**

The Legislature finds that the growth and sustainability of the transportation industry workforce is vital to the continued success and efficiency of the state's supply chain and economic competitiveness. In order to prioritize the continued need for transportation industry workforce development programs, the Florida Transportation Academy is established within the department. In order to support, promote, and sustain workforce development efforts in the transportation sector, the department may do all of the following:

- (1) Coordinate with the Department of Corrections to identify and create certification and training opportunities for nonviolent, scheduled-release inmates and create a notification process between the Department of Corrections and the department for nonviolent inmates with imminent scheduled-release dates who are expected to seek employment upon release.
- (2) Coordinate with the Department of Juvenile Justice and its educational partners to create certification and training opportunities for eligible youth.
- (3) Coordinate with veterans' organizations to encourage veterans with honorable military discharge to pursue employment opportunities within the transportation industry, including, but not limited to, employment as pilots, mechanics, and air traffic controllers.
- (4) Coordinate with the Department of Commerce; CareerSource Florida, Inc.; and regional business organizations, within and outside of the transportation industry, to further understand recruitment and retention needs and job-seeker pipelines.
- (5) Coordinate with the American Council of Engineering Companies and the Florida Transportation Builders Association to optimize workforce recruitment and retention and assess future needs across the transportation industry in this state.

History.—s. 25, ch. 2025-155.

### **334.63 Project concept studies and project development and environment studies.—**

- (1) 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.
- (2) Project development and environment studies for new alignment projects and capacity improvement projects must be completed to the maximum extent possible within 18 months after the date of commencement.

History.—s. 19, ch. 2025-149.

## Chapter 339

### Transportation Finance and Planning

#### Enforceable Policies

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

339.175 Metropolitan planning organization.

339.241 Florida Junkyard Control Law.

339.85\* Next-generation Traffic Signal Modernization Program.

\*Section 339.85 is not proposed as an enforceable policy for federal consistency purposes.

## Chapter 339 Transportation Finance and Planning

### **339.85 Next-generation Traffic Signal Modernization Program.—**

The department shall implement a Next-generation Traffic Signal Modernization Program. The purpose of the program is to increase traffic signal interconnectivity and provide real-time traffic optimization to improve traffic flow and enhance safety. The program shall:

- (1) Provide for retrofitting existing traffic signals and controllers and providing a communication backbone for remote and automated operations and management of such signals on the State Highway System and the nonstate highway system.
- (2) Prioritize signal upgrades based on average annual daily traffic and the impact of adding to an existing interconnected system.
- (3) Use at least one advanced traffic management platform that uses state-of-the-art technology and that complies with leading cybersecurity standards, such as SOC 2 and ISO 27001, ensuring robust data protection.

History.—s. 25, ch. 2025-149.

## 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 Florida water plan; district water management plans.
- 373.0363 Southern Water Use Caution Area Recovery Strategy.
- 373.037\* Pilot program for alternative water supply development in restricted allocation areas.
- 373.0397 Floridan 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.
- 373.0466\* Central Florida Water Initiative Grant Program.
- 373.047 Cooperation between districts.
- 373.056 State agencies, counties, drainage districts, municipalities, or governmental agencies or public corporations authorized to convey or receive land from water management districts.
- 373.069 Creation of water management districts.
- 373.0691 Transfer of areas.
- 373.0693 Basins; basin boards.
- 373.0695 Duties of basin boards; authorized expenditures.
- 373.0697 Basin taxes.
- 373.0698 Creation and operation of basin boards; other laws superseded.
- 373.073 Governing board.
- 373.076 Vacancies in the governing board; removal from office.
- 373.079 Members of governing board; oath of office; staff.
- 373.083 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.
- 373.099 Execution of instruments.
- 373.103\* Powers which may be vested in the governing board at the department's discretion.
- 373.106 Permit required for construction involving underground formation.
- 373.107 Citation of rule.
- 373.109 Permit application fees.
- 373.113 Adoption of rules by the governing board.
- 373.1131 Consolidated action on permits.
- 373.1135\* Small business program.
- 373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.
- 373.116 Procedure for water use and impoundment construction permit applications.
- 373.117 Certification by professional engineer.
- 373.1175 Signing and sealing by professional geologists.
- 373.118 General permits; delegation.
- 373.119 Administrative enforcement procedures; orders.
- 373.123 Penalty.
- 373.129 Maintenance of actions.
- 373.136 Enforcement of regulations and orders.
- 373.139 Acquisition of real property.
- 373.1391 Management of real property.
- 373.1395 Limitation on liability of water management district with respect to areas made available to the public for recreational purposes without charge.
- 373.1401 Management of lands of water management districts.
- 373.145 Information program regarding hydrologic conditioning and consumption of major surface and groundwater sources.
- 373.146 Publication of notices, process, and papers.
- 373.149 Existing districts preserved.
- 373.1501 South Florida Water Management District as local sponsor.
- 373.1502 Regulation of comprehensive plan project components.
- 373.171\* Rules.
- 373.1725 Notice of intent by publication.
- 373.175 Declaration of water shortage; emergency orders.
- 373.185 Local Florida-friendly landscaping 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.
- 373.216 Implementation of program for regulating the consumptive use of water.
- 373.217 Superseded laws and regulations.
- 373.219 Permits required.
- 373.223 Conditions for a permit.
- 373.2234 Preferred water supply sources.
- 373.2235 Effect of prior land acquisition on consumptive use permitting.
- 373.224 Existing permits.
- 373.226 Existing uses.
- 373.227 Water conservation; legislative findings and intent; objectives; comprehensive statewide water conservation program requirements.
- 373.228 Landscape irrigation design.
- 373.229 Application for permit.
- 373.2295 Interdistrict transfers of groundwater.
- 373.22951 Validation of prior agreements between water management districts.
- 373.232 Citation of rule.
- 373.233 Competing applications.
- 373.236 Duration of permits; compliance reports.
- 373.239 Modification and renewal of permit terms.
- 373.243 Revocation of permits.
- 373.244 Temporary permits.
- 373.246\* Declaration of water shortage or emergency.
- 373.249 Existing regulatory districts preserved.
- 373.250 Reuse of reclaimed water.
- 373.302 Legislative findings.
- 373.303 Definitions.
- 373.306 Scope.
- 373.308\* Implementation of programs for regulating water wells.
- 373.309 Authority to adopt rules and procedures.
- 373.313 Prior permission and notification.
- 373.314 Citation of rule.
- 373.316 Existing installations.
- 373.319 Inspections.
- 373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.
- 373.324 License renewal.
- 373.325 Inactive status.
- 373.326 Exemptions.
- 373.329 Fees for licensure.
- 373.333 Disciplinary guidelines; adoption and enforcement; license suspension or revocation.
- 373.335 Clearinghouse.
- 373.336 Unlawful acts; penalties.
- 373.337 Rules.
- 373.342 Permits.

- 373.403 Definitions.
- 373.406 Exemptions.
- 373.407 Determination of qualification 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.
- 373.4134 Water quality enhancement areas.
- 373.4135 Mitigation banks and offsite regional mitigation.
- 373.4136 Establishment and operation of mitigation banks.
- 373.41365\* Adoption and modification of rules to ensure financial assurances for long-term management of mitigation under ss. 373.4136 and 373.414.
- 373.4137 Mitigation requirements for specified transportation projects.
- 373.4138 High Speed Rail Project; determination of mitigation requirements and costs.
- 373.4139 Local government transportation infrastructure mitigation requirements.
- 373.414 Additional criteria for activities in surface waters and wetlands.
- 373.4141 Permits; processing.
- 373.4142 Water quality within stormwater treatment systems.
- 373.4143\* Declaration of policy.
- 373.4144\* Federal environmental permitting.
- 373.4145 Part IV permitting program within the geographical jurisdiction of the Northwest Florida Water Management District.
- 373.4146\* State assumption of the federal Clean Water Act, section 404 dredge and fill permitting program.
- 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; delegation.
- 373.4415 Role of Miami-Dade County in processing permits for limerock mining in Miami-Dade County Lake Belt.
- 373.443 Immunity from liability.
- 373.451 Short title; legislative findings and intent.
- 373.453 Surface water improvement and management plans and programs.
- 373.459\* Funds for surface water improvement and management.
- 373.4591 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.
- 373.4598\* Water storage reservoirs.
- 373.4599\* Water storage north of Lake Okeechobee.
- 373.461 Lake Apopka improvement and management.
- 373.462\* Legislative findings and intent.
- 373.463\* Heartland headwaters annual report.
- 373.468 The Harris Chain of Lakes restoration program.
- 373.469 Indian River Lagoon Protection Program.
- 373.470 Everglades restoration.
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## Chapter 373 Water Resources

### 373.019 Definitions.—

When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the term:

- (1) “Alternative water supplies” means salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.
- (2) “Capital costs” means planning, design, engineering, and project construction costs.
- (3) “Coastal waters” means waters of the Atlantic Ocean or the Gulf of America Mexico within the jurisdiction of the state.
- (4) “Department” means the Department of Environmental Protection or its successor agency or agencies.
- (5) “District water management plan” means the regional water resource plan developed by a governing board under s. 373.036.
- (6) “Domestic use” means the use of water for the individual personal household purposes of drinking, bathing, cooking, or sanitation. All other uses shall not be considered domestic.
- (7) “Florida water plan” means the state-level water resource plan developed by the department under s. 373.036.
- (8) “Governing board” means the governing board of a water management district.
- (9) “Groundwater” means water beneath the surface of the ground, whether or not flowing through known and definite channels.
- (10) “Impoundment” means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth’s surface and having a discernible shoreline.
- (11) “Independent scientific peer review” means the review of scientific data, theories, and methodologies by a panel of independent, recognized experts in the fields of hydrology, hydrogeology, limnology, and other scientific disciplines relevant to the matters being reviewed under s. 373.042.
- (12) “Multijurisdictional water supply entity” means two or more water utilities or local governments that have organized into a larger entity, or entered into an interlocal agreement or contract, for the purpose of more efficiently pursuing water supply development or alternative water supply development projects listed pursuant to a regional water supply plan.
- (13) “Nonregulated use” means any use of water which is exempted from regulation by the provisions of this chapter.
- (14) “Other watercourse” means any canal, ditch, or other artificial watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted.

(15) “Person” means any and all persons, natural or artificial, including any individual, firm, association, organization, partnership, business trust, corporation, company, the United States of America, and the state and all political subdivisions, regions, districts, municipalities, and public agencies thereof. The enumeration herein is not intended to be exclusive or exhaustive.

(16) “Reasonable-beneficial use” means the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.

(17) “Reclaimed water” means water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility. Reclaimed water is not subject to regulation pursuant to s. 373.175 or part II of this chapter until it has been discharged into waters as defined in s. 403.031.

(18) “Reclaimed water distribution system” means a network of pipes, pumping facilities, storage facilities, and appurtenances designed to convey and distribute reclaimed water from one or more domestic wastewater treatment facilities to one or more users of reclaimed water.

(19) “Regional water supply plan” means a detailed water supply plan developed by a governing board under s. 373.709.

(20) “Stream” means any river, creek, slough, or natural watercourse in which water usually flows in a defined bed or channel. It is not essential that the flowing be uniform or uninterrupted. The fact that some part of the bed or channel has been dredged or improved does not prevent the watercourse from being a stream.

(21) “Surface water” means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth’s surface.

(22) “Water” or “waters in the state” means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

(23) “Water management district” means any flood control, resource management, or water management district operating under the authority of this chapter.

(24) “Water resource development” means the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments, government-owned and privately owned water utilities, and self-suppliers to the extent assistance to self-suppliers promotes the policies as set forth in s. 373.016.

(25) “Water resource implementation rule” means the rule authorized by s. 373.036, which sets forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources, based on statutory policies and directives. The waters of the state are among its most basic resources. Such waters

should be managed to conserve and protect water resources and to realize the full beneficial use of these resources.

(26) “Water supply development” means the planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use.

(27) For the sole purpose of serving as the basis for the unified statewide methodology adopted pursuant to s. 373.421(1), as amended, “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. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. Upon legislative ratification of the methodology adopted pursuant to s. 373.421(1), as amended, the limitation contained herein regarding the purpose of this definition shall cease to be effective.

(28) “Works of the district” means those projects and works, including, but not limited to, structures, impoundments, wells, streams, and other watercourses, together with the appurtenant facilities and accompanying lands, which have been officially adopted by the governing board of the district as works of the district.

History.—s. 3, part I, ch. 72-299; s. 37, ch. 79-65; s. 1, ch. 80-259; s. 5, ch. 82-101; s. 6, ch. 89-279; s. 21, ch. 93-213; s. 15, ch. 94-122; s. 251, ch. 94-356; s. 1, ch. 96-339; s. 1, ch. 96-370; s. 2, ch. 97-160; s. 1, ch. 2005-291; s. 10, ch. 2010-205; s. 1, ch. 2012-150; s. 2, ch. 2016-1; s. 21, ch. 2023-169; s. 42, ch. 2025-8.

### **373.069 Creation of water management districts.—**

(1) At 11:59 p.m. on December 31, 1976, the state shall be divided into the following water management districts:

- (a) Northwest Florida Water Management District.
- (b) Suwannee River Water Management District.
- (c) St. Johns River Water Management District.
- (d) Southwest Florida Water Management District.
- (e) South Florida Water Management District.

(2) Notwithstanding the provisions of any other special or general act to the contrary, the boundaries of the respective districts named in subsection (1) shall include the areas within the following boundaries:

(a) Northwest Florida Water Management District.—Begin at the point where the section line between Sections 26 and 27, Township 4 South, Range 3 East intersects the Gulf of America ~~Mexico~~; thence north along the section line to the northwest corner

of Section 2, Township 1 South, Range 3 East; thence east along the Tallahassee Base Line to the southeast corner of Section 36, Township 1 North, Range 4 East; thence north along the range line to the northwest corner of Section 6, Township 1 North, Range 5 East; thence east along the township line to the southeast corner of Section 36, Township 2 North, Range 5 East; thence north along the range line to the northeast corner of Section 24, Township 2 North, Range 5 East; thence west along the section line to the southwest corner of the east 1/2 of Section 13, Township 2 North, Range 5 East; thence north to the northwest corner of the east 1/2 of Section 13, Township 2 North, Range 5 East; thence east along the section line to the southeast corner of Section 12, Township 2 North, Range 5 East; thence north along the range line to the northeast corner of Section 24, Township 3 North, Range 5 East; thence west along the Watson Line to the southwest corner of Lot Number 168; thence north along the line between Lot Numbers 168 and 169, 154 and 155 to the Georgia line; thence westward along the Georgia-Florida line to the intersection of the south boundary of the State of Alabama; thence west along the Alabama-Florida line to the intersection of the northwest corner Alabama-Florida Boundary; thence south along the Alabama-Florida line to the Gulf of ~~America Mexico~~; thence east along the Gulf of ~~America Mexico~~, including the waters of said Gulf within the jurisdiction of the State of Florida, to the Point of Beginning.

(b) Suwannee River Water Management District.—Begin in the Gulf of ~~America Mexico~~ on the section line between Sections 29 and 32, Township 15 South, Range 15 East; thence east along the section lines to the southwest corner of Section 27, Township 15 South, Range 17 East; thence north along the section line to the northwest corner of Section 3, Township 15 South, Range 17 East; thence east along the section line to the easterly right-of-way line of State Road No. 337; thence northerly along said easterly right-of-way line of State Road No. 337 to the southerly right-of-way line of State Road No. 24; thence northeasterly along said southerly right-of-way line of State Road No. 24 to the Levy-Alachua county line; thence south along the Levy-Alachua county line, also being the range line between Range 17 and 18 East to the southeast corner of Section 36, Township 11 South, Range 17 East; thence easterly along the Levy-Alachua county line, also being the township line between Townships 11 and 12 South, to the southeast corner of Section 36, Township 11 South, Range 18 East; thence north along the range line to the northwest corner of Section 19, Township 9 South, Range 19 East; thence east along the section line to the southeast corner of Section 13, Township 9 South, Range 19 East; thence north along the range line to the northwest corner of Section 6, Township 9 South, Range 20 East; thence eastward along the township line to the southeast corner of Section 36, Township 8 South, Range 20 East; thence north along the township line to the northwest corner of Section 18, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 15, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of Section 23, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 26, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of the north 1/2 of Section 25, Township 8 South, Range 21 East; thence east along a line to the northeast corner of the south half of Section 25, Township 8 South, Range 21 East; thence south along the range line to the southwest corner of Section 30, Township 8

South, Range 22 East; thence east along the section line to the northeast corner of Section 32, Township 8 South, Range 22 East; thence south along the section line to the southwest corner of Section 16, Township 9 South, Range 22 East; thence eastward along the section line to the southeast corner of the west 1/8 of Section 18, Township 9 South, Range 23 East; thence northward to the northeast corner of the west 1/8 of Section 18, Township 9 South, Range 23 East; thence west to the southwest corner of Section 7, Township 9 South, Range 23 East; thence northward along the Bradford-Clay County line to the northeast corner of Section 36, Township 8 South, Range 22 East; thence west along the section line to the southwest corner of the east 1/2 of Section 25, Township 8 South, Range 22 East; thence north to the northeast corner of the west 1/2 of Section 24, Township 8 South, Range 22 East; thence west along the section line to the southwest corner of Section 13, Township 8 South, Range 22 East; thence north along the section line to the northwest corner of Section 25, Township 7 South, Range 22 East; thence east along the section line to the southeast corner of Section 24, Township 7 South, Range 22 East; thence north along the Bradford-Clay County line to the intersection of the south boundary of Baker County; thence west along the Baker-Bradford County line to the intersection of the east boundary of Union County; thence west along the Union-Baker County line to the southwest corner of Section 18, Township 4 South, Range 20 East; thence north along the range line to the northeast corner of Section 1, Township 3 South, Range 19 East; thence west along the township line to the intersection of the east boundary of Columbia County; thence north along the Baker-Columbia County line to the intersection of the north boundary line of the State of Florida; thence westward along the Georgia-Florida line to the northwest corner of Lot Number 155; thence south along the line between Lot Number 154 and 155, 168 and 169 to the Watson Line; thence east along the Watson Line to the northeast corner of Section 24, Township 3 North, Range 5 East; thence south along the range line between Ranges 5 and 6 East to the southeast corner of Section 12, Township 2 North, Range 5 East; thence west along the section line to the northwest corner of the east 1/2 of Section 13, Township 2 North, Range 5 East; thence south to the southwest corner of the east 1/2 of Section 13, Township 2 North, Range 5 East; thence east along the section line to the northeast corner of Section 24, Township 2 North, Range 5 East; thence south along the range line between Ranges 5 and 6 East to the southeast corner of Section 36, Township 2 North, Range 5 East; thence west along the township line between Townships 1 and 2 North to the northwest corner of Section 6, Township 1 North, Range 5 East; thence south along the range line between Ranges 4 and 5 East to the southeast corner of Section 36, Township 1 North, Range 4 East; thence west along the Tallahassee Base Line to the northwest corner of Section 2, Township 1 South, Range 3 East; thence south along the section line to the Gulf of ~~America Mexico~~; thence along the shore of the Gulf of ~~America Mexico~~, including the waters of said gulf within the jurisdiction of the State of Florida, to the point of the beginning.

(c) St. Johns River Water Management District.—Begin at the intersection of the south boundary of Indian River County with the Atlantic Ocean; thence west along the Indian River-St. Lucie County line to the intersection of the west boundary of St. Lucie County; thence south along the Okeechobee-St. Lucie County line to the southeast corner of Section 1, Township 34 South, Range 36 East; thence west along the section line to the northwest corner of Section 10, Township 34 South, Range 36 East; thence south along

the section line to the southeast corner of Section 9, Township 34 South, Range 36 East; thence west along the section line to the northwest corner of Section 18, Township 34 South, Range 36 East; thence south along the range line between Ranges 35 and 36 East to the southeast corner of Section 12, Township 34 South, Range 35 East; thence west along the section line to the northwest corner of Section 13, Township 34 South, Range 35 East; thence south along the section line to the southeast corner of Section 35, Township 34 South, Range 35 East; thence west along the township line between Townships 34 and 35 south to the southwest corner of Section 35, Township 34 South, Range 34 East; thence north along the section line to the Okeechobee-Osceola County line; thence west along the Okeechobee-Osceola County line to the southwest corner of Section 34, Township 32 South, Range 33 East; thence north along the section line to the northwest corner of Section 3, Township 31 South, Range 33 East; thence east along the township line between Townships 30 and 31 South to the southeast corner of Section 36, Township 30 South, Range 33 East; thence north along the range line between Ranges 33 and 34 East to the northeast corner of Section 1, Township 30 South, Range 33 East; thence west along the township line between Townships 29 and 30 south to the southwest corner of Section 31, Township 29 South, Range 33 East; thence north along the range line between Ranges 32 and 33 East to the northwest corner of Section 6, Township 28 South, Range 33 East; thence east along the township line between Townships 27 and 28 south to the southeast corner of Section 36, Township 27 South, Range 32 East; thence north along the range line between Ranges 32 and 33 East to the northeast corner of Section 1, Township 26 South, Range 32 East; thence west along the township line between Townships 25 and 26 South to the southwest corner of Section 33, Township 25 South, Range 32 East; thence north along the section line to the Orange-Osceola County line; thence westerly along the Orange-Osceola County line to the Southwest corner of Section 31, Township 24 South, Range 32 East; thence north along the range line to the intersection with the northerly right-of-way line of State Road 528, also known as the Bee Line Expressway; thence westerly along the northerly right-of-way line of State Road 528 to the intersection with the northerly right-of-way line of State Road 528A; thence westerly along the northerly right-of-way line of State Road 528A to the westerly right-of-way line of U.S. Highway 441; thence northerly along the right-of-way line to the section line between sections 22 and 27 of Township 22 South, Range 29 East; thence west along the section lines to the Northeast corner of Section 25, Township 22 South, Range 28 East; thence south along the range line between Ranges 28 and 29 East to the Southeast corner of Section 36, Township 22 South, Range 28 East; thence west along the township line between Townships 22 and 23 South to the Northeast corner of Section 2, Township 23 South, Range 27 East; thence south to the Southeast corner of Section 11, Township 23 South, Range 27 East; thence west along the section lines to the Southwest corner of Section 7, Township 23 South, Range 27 East, also being the Lake-Orange County line; thence south along the range line between Ranges 26 and 27 East to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the

northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East, also being on the Sumter-Lake County line; thence north along the Sumter-Lake County line, also being the range line between Ranges 23 and 24 East, to the northeast corner of Section 1, Township 18 South, Range 23 East, and the Marion County line; thence west along the Sumter-Marion County line, also being the township line between Townships 17 and 18 South, to the westerly right-of-way line of Interstate Highway 75; thence northerly along the westerly right-of-way line of Interstate Highway 75 to the Alachua-Marion County line, said line also being the township line between Townships 11 and 12 South; thence west along the Alachua-Marion County line to the northwest corner of Section 3, Township 12 South, Range 19 East, and the Levy County line; thence westerly along the Levy-Alachua County line, also being the township line between Townships 11 and 12 South, to the southeast corner of Section 36, Township 11 South, Range 18 East; thence north along the range line between Ranges 18 and 19 East to the northwest corner of Section 19, Township 9 South, Range 19 East; thence east along the section line to the southeast corner of Section 13, Township 9 South, Range 19 East; thence north along the range line between Ranges 19 and 20 East to the northwest corner of Section 6, Township 9 South, Range 20 East; thence easterly along the township line between Townships 8 and 9 South to the southeast corner of Section 36, Township 8 South, Range 20 East; thence north along the range line between Ranges 20 and 21 East to the northwest corner of Section 18, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 15, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of Section 23, Township 8 South, Range 21 East; thence east along the section line to the northeast corner of Section 26, Township 8 South, Range 21 East; thence south along the section line to the southwest corner of the north 1/2 of Section 25, Township 8 South, Range 21 East; thence east to the northeast corner of the south 1/2 of Section 25, Township 8 South, Range 21 East; thence south along the range line between Ranges 21 and 22 East to the southwest corner of Section 30, Township 8 South, Range 22 East; thence east along the section line to the northeast corner of Section 32, Township 8 South, Range 22 East; thence south along the section line to the southwest corner of Section 16, Township 9 South, Range 22 East; thence eastward along the section line to the southeast corner of the west 1/8 of Section 18, Township 9 South, Range 23 East; thence northward to the northeast corner of the west 1/8 of Section 18, Township 9 South, Range 23 East; thence west to the southwest corner of Section 7, Township 9 South, Range 23 East; thence northward along the Bradford-Clay County line to the northeast corner of Section 36, Township 8 South, Range 22 East; thence west along the section line to the southwest corner of the east 1/2 of Section 25, Township 8 South, Range 22 East; thence north to the northeast corner of the west 1/2 of Section 24, Township 8 South, Range 22 East; thence west along the section line to the southwest

corner of Section 13, Township 8 South, Range 22 East; thence north along the section line to the northwest corner of Section 25, Township 7 South, Range 22 East; thence east along the section line to the Bradford-Clay County line; thence north along the Bradford-Clay County line to the intersection of the south boundary of Baker County; thence west along the Baker-Bradford County line to the intersection of the east boundary of Union County; thence west along the Baker-Union County line to the southwest corner of Section 18, Township 4 South, Range 20 East; thence north along the range line between Ranges 19 and 20 East to the northeast corner of Section 1, Township 3 South, Range 19 East; thence west along the township line between Townships 2 and 3 South to the Baker-Columbia County line; thence north along the Baker-Columbia County line to the north boundary line of the State of Florida; thence easterly along the Florida-Georgia line to the Atlantic Ocean; thence southerly along the Atlantic Ocean, including the waters of said ocean within the jurisdiction of the State of Florida to the point of beginning.

(d) Southwest Florida Water Management District.—Begin at the intersection of the north boundary of Lee County with the Gulf of ~~America~~ Mexico; thence eastward along the Lee-Charlotte County line to the Southeast corner of Section 33, Township 42 South, Range 24 East; thence North into Charlotte County, along the section lines to the Northeast corner of Section 4, Township 42 South, Range 24 East; thence East along the township line between Townships 41 and 42 South to the Southeast corner of Section 36, Township 41 South, Range 25 East; thence north along the section line to the northwest corner of Section 6, Township 41 South, Range 26 East; thence east along the section line to the southeast corner of Section 36, Township 40 South, Range 26 East; thence North along the range line between Ranges 26 and 27 to the Northeast corner of Section 1, Township 40 South, Range 26 East, and the Charlotte-Desoto County line; thence east along the Charlotte-Desoto County line to the southeast corner of Section 36, Township 39 South, Range 27 East; thence north along the DeSoto-Highlands County line to the intersection of the South boundary of Hardee County; thence north along the Hardee-Highlands County line to the southwest corner of Township 35 South, Range 28 East; thence east along the north boundary of Township 36 South to the northeast corner of Section 1, Township 36 South, Range 28 East; thence south along the range line to the southeast corner of Section 12, Township 37 South, Range 28 East; thence east along the section line to the northeast corner of Section 15, Township 37 South, Range 29 East; thence south along the section line to the southeast corner of Section 34, Township 37 South, Range 29 East; thence east along the township line to the northeast corner of Section 1, Township 38 South, Range 29 East; thence south along the range line to the southeast corner of Section 1, Township 39 South, Range 29 East; thence east along the section line to the northwest corner of Section 11, Township 39 South, Range 30 East; thence north along the section line to the southwest corner of Section 35, Township 38 South, Range 30 East; thence east along the township line to the southeast corner of the west 1/4 of Section 35, Township 38 South, Range 30 East; thence north along the 1/4-section line of Sections 35, 26, and 23, Township 38 South, Range 30 East to the northeast corner of the west 1/4 section of Section 23, Township 38 South, Range 30 East; thence west along the section line to the northwest corner of Section 23, Township 38 South, Range 30 East; thence north along the section line to the northwest corner of Section 2, Township 37

South, Range 30 East; thence west along the township line to the southwest corner of Section 34, Township 36 South, Range 30 East; thence north along the section line to the northwest corner of Section 3, Township 36 South, Range 30 East; thence west along the township line to the southwest corner of Section 31, Township 35 South, Range 30 East; thence north along the range line between Ranges 29 and 30 East, through Townships 35, 34, and 33 South, to the northeast corner of Township 33 South, Range 29 East, being on the Highlands-Polk County line; thence west along the Highlands-Polk County line to the southeast corner of Township 32 South, Range 28 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northeast corner of Section 12 in Township 31 South, Range 28 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west 1/2 of Section 17, Township 30 South, Range 29 East; thence north along the 1/2-section line to the northeast corner of the west 1/2 of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west along the north boundaries of Section 19, Township 29 South, Range 29 East, and Sections 24, 23, 22, 21, and 20, Township 29 South, Range 28 East, to the northwest corner of said Section 20; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/4-section line to the intersection of said 1/4-section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the 1/2-section line of Section 28, Township 28 South, Range 28 East; thence north on the 1/2-section line to the northwest corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence east to the northeast corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 37

South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northeast corner of Township 26 South, Range 27 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the northwest corner of Township 26 South, Range 27 East; thence north along the section line to the Lake-Polk County line; thence west along the county line to the southwest corner of Section 32, Township 24 South, Range 26 East; thence into Lake County, north along the section lines to the northeast corner of Section 30, Township 24 South, Range 26 East; thence west along the section lines to the northeast corner of Section 28, Township 24 South, Range 25 East; thence north along the section lines to the northeast corner of Section 16, Township 24 South, Range 25 East; thence west along the section line to the northwest corner of Section 16, Township 24 South, Range 25 East; thence north along the section line to the northeast corner of Section 8, Township 24 South, Range 25 East; thence west along the section lines to the range line between Ranges 24 and 25; thence north along the range line to the northeast corner of Section 1, Township 23 South, Range 24 East, also being on the township line between Townships 22 and 23 South; thence west along the township line to the northwest corner of Section 6, Township 23 South, Range 24 East also being on the Sumter-Lake County line; thence north along the Sumter-Lake County line, also being the range line between Ranges 23 and 24, to the northeast corner of Section 1, Township 18 South, Range 23 East and the Marion County line; thence west, along the Sumter-Marion County line, also being the township line between Townships 17 and 18 South, to the westerly right-of-way line of Interstate Highway 75; thence northerly along the westerly right-of-way line of Interstate Highway 75 to the Alachua-Marion County line, said line also being the township line between Townships 11 and 12 South; thence west along the Alachua-Marion County line to the northwest corner of Section 3, Township 12 South, Range 19 East and the Levy County line; thence westerly along the Levy-Alachua County line, also being the township line between Townships 11 and 12 South, to the southeast corner of Section 36, Township 11 South, Range 17 East; thence north along the Levy-Alachua County line, also being the range line between Ranges 17 and 18 East, to the southerly right-of-way line of State Road No. 24; thence southwesterly along said southerly right-of-way line to the easterly right-of-way line of State Road No. 337; thence southerly, along said easterly right-of-way line of State Road No. 337, to the south line of Section 35, Township 14 South, Range 17 East; thence west along the section line to the northwest corner of Section 3, Township 15 South, Range 17 East; thence south along the section lines to the southwest corner of Section 27, Township 15 South, Range 17 East; thence west to the Gulf of ~~America Mexico~~; thence south along the Gulf of ~~America Mexico~~, including the waters of said gulf within the jurisdiction of the State of Florida, to the point of beginning.

(e) South Florida Water Management District.—Begin at the intersection of the north boundary of Lee County with the Gulf of ~~America Mexico~~; thence easterly along the Lee-Charlotte County line to the southwest corner of Section 34, Township 42 South, Range 24 East; thence northerly along the section lines to the northwest corner of Section 3, Township 42 South, Range 24 East; thence easterly along the Township line between

Townships 41 and 42 South to the southwest corner of Section 31, Township 41 South, Range 26 East; thence northerly along the Range line between Ranges 25 and 26 East to the northwest corner of Section 6, Township 41 South, Range 26 East; thence easterly along the Township line between Townships 40 and 41 South to the southwest corner of Section 31, Township 40 South, Range 27 East; thence northerly along the Range line between Ranges 26 and 27 East to the Charlotte-DeSoto County line; thence easterly along the Charlotte-Desoto County line to the west line of Highlands County; thence northerly along the Highlands-Desoto County line and along the Highlands-Hardee County line to the northwest corner of Township 36 South, Range 28 East; thence east along the north boundary of Township 36 South to the northeast corner of Section 1, Township 36 South, Range 28 East; thence south along the range line to the southeast corner of Section 12, Township 37 South, Range 28 East; thence east along the section line to the northeast corner of Section 15, Township 37 South, Range 29 East; thence south along the section line to the southeast corner of Section 34, Township 37 South, Range 29 East; thence east along the township line to the northeast corner of Section 1, Township 38 South, Range 29 East; thence south along the range line to the southeast corner of Section 1, Township 39 South, Range 29 East; thence east along the section line to the northwest corner of Section 11, Township 39 South, Range 30 East; thence north along the section line to the southwest corner of Section 35, Township 38 South, Range 30 East; thence east along the township line to the southeast corner of the west 1/4 of Section 35, Township 38 South, Range 30 East; thence north along the 1/4-section line of Sections 35, 26, and 23, Township 38 South, Range 30 East to the northeast corner of the west 1/4 section of Section 23, Township 38 South, Range 30 East; thence west along the section line to the northwest corner of Section 23, Township 38 South, Range 30 East; thence north along the section line to the northwest corner of Section 2, Township 37 South, Range 30 East; thence west along the township line to the southwest corner of Section 34, Township 36 South, Range 30 East; thence north along the section line to the northwest corner of Section 3, Township 36 South, Range 30 East; thence west along the township line to the southwest corner of Section 31, Township 35 South, Range 30 East; thence north along the range line between Ranges 29 and 30 East, through Townships 35, 34, and 33 South, to the northwest corner of Township 33 South, Range 30 East, being on the Highlands-Polk County line; thence west along the Highlands-Polk County line to the southwest corner of Township 32 South, Range 29 East; thence north along the range line between Ranges 28 and 29 East, in Townships 32 and 31 South, to the northwest corner of Section 7 in Township 31 South, Range 29 East; thence east along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East; thence north along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East; thence east along the section line to the northeast corner of the west 1/2 of Section 17, Township 30 South, Range 29 East; thence north along the 1/2-section line to the northeast corner of the west 1/2 of Section 5, Township 30 South, Range 29 East; thence west along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East; thence north along the section line to the northeast corner of Section 19 in Township 29 South, Range 29 East; thence west along the south boundaries of Section 18, Township 29 South, Range 29 East and Sections 13, 14, 15, 16, and 17 in Township 29 South, Range 28 East, to the southwest corner of

said Section 17; thence north along the section line to the intersection of said section line with the west shore line of Lake Pierce in Township 29 South, Range 28 East; thence following the west shore of Lake Pierce to its intersection again with the west section line of Section 5, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East; thence east along the township line to the southwest corner of Section 33, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of the southwest 1/4 of the southwest 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/4-section line to the intersection of said 1/4-section line with Lake Pierce; thence follow the shore line northeasterly to its intersection with the 1/2-section line of Section 28, Township 28 South, Range 28 East; thence north on the 1/2-section line to the northwest corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence east along the 1/2-section line to the northeast corner of the southeast 1/4 of Section 28, Township 28 South, Range 28 East; thence south along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East; thence east along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East; thence north along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East; thence west along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East; thence north along the section line to the northwest corner of Section 5, Township 28 South, Range 28 East; thence west along the township line to the intersection of said township line with Lake Marion; thence following the south shore line of Lake Marion to its intersection again with said township line; thence west along the township line to the southeast corner of Section 36, Township 27 South, Range 27 East; thence north along the range line between Ranges 27 and 28 East to the intersection of said range line with Lake Marion; thence following the west shore of Lake Marion to its intersection again with the range line between Ranges 27 and 28 East; thence north along said range line, in Townships 27 and 26 South, to the northwest corner of Township 26 South, Range 28 East, being on the Polk-Osceola County line; thence west along the Polk-Osceola County line to the southwest corner of Township 25 South, Range 27 East; thence northerly along the range line between Ranges 26 and 27 East to the northwest corner of Section 18, Township 23 South, Range 27 East; thence easterly along the section lines to the southwest corner of Section 12, Township 23 South, Range 27 East; thence northerly along the section lines to the northwest corner of Section 1, Township 23 South, Range 27 East; thence easterly along the Township line between Townships 22 and 23 South to the southwest corner of Section 31, Township 22 South, Range 29 East; thence northerly along the Range line between Ranges 28 and 29 East to the northwest corner of Section 30, Township 22 South, Range 29 East; thence easterly along the section lines to the westerly right-of-way line of U.S. Highway 441; thence southerly along the westerly right-of-way line to the intersection with the northerly right-of-way line of State Road 528A; thence easterly along the northerly right-of-way line to the intersection with the northerly right-of-way line of State Road 528, also known as the Bee Line Expressway; thence easterly along the northerly right-of-way line of State Road 528 to the

intersection with the range line between Township 23 South, Range 31 East and Township 23 South, Range 32 East; thence southerly along the Range line between Ranges 31 and 32 East to the Orange-Osceola County line; thence easterly along said county line between Townships 24 and 25 South to the northeast corner of Section 5, Township 25 South, Range 32 East; thence southerly along the section lines to the southeast corner of Section 32, Township 25 South, Range 32 East; thence easterly along the Township line between Townships 25 and 26 South to the northeast corner of Section 1, Township 26 South, Range 32 East; thence southerly along the Range line between Ranges 32 and 33 East to the southeast corner of Section 36, Township 27 South, Range 32 East; thence westerly along the township line between Townships 27 and 28 South, to the northeast corner of Section 1, Township 28 South, Range 32 East; thence southerly along the Range line between Ranges 32 and 33 East to the southeast corner of Section 36, Township 29 South, Range 32 East; thence easterly along the Township line between Townships 29 and 30 South to the northeast corner of Section 1, Township 30 South, Range 33 East; thence southerly along the Range line between Ranges 33 and 34 East to the southeast corner of Section 36, Township 30 South, Range 33 East; thence westerly along the Township line between Townships 30 and 31 South to the northeast corner of Section 4, Township 31 South, Range 33 East; thence southerly along the section lines to the Osceola-Okeechobee County line; thence easterly along said county line to the northeast corner of Section 3, Township 33 South, Range 34 East; thence southerly along the section lines to the southeast corner of Section 34, Township 34 South, Range 34 East; thence easterly along the Township line between Townships 34 and 35 South to the southwest corner of Section 36, Township 34 South, Range 35 East; thence northerly along the section lines to the northwest corner of Section 13, Township 34 South, Range 35 East; thence easterly along the section line to the Range line between Ranges 35 and 36 East; thence northerly along said Range line to the northwest corner of Section 18, Township 34 South, Range 36 East; thence easterly along the section lines to the southwest corner of Section 10, Township 34 south, Range 36 East; thence northerly along the section line to the northwest corner of said Section 10; thence easterly along the section lines to the Okeechobee-St. Lucie County line; thence northerly along said county line to the south line of Indian River County; thence easterly along the St. Lucie-Indian River County line to the Atlantic Ocean; thence southerly along the Atlantic Ocean to the Gulf of America Mexico; thence northerly along the Gulf of America Mexico, including the waters of said Ocean and of said Gulf and the islands therein within the jurisdiction of the State of Florida, to the point of beginning.

History.—s. 12, part 1, ch. 72-299; s. 6, ch. 73-190; s. 1, ch. 75-125; s. 1, ch. 76-243; s. 113, ch. 77-104; s. 1, ch. 78-65; s. 12, ch. 2003-265; s. 3, ch. 2009-243; s. 43, ch. 2025-8.

## Chapter 376

### Pollutant Discharge Prevention and Removal

#### Enforceable Policies

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

- 376.011\* Pollutant Discharge Prevention and Control Act; short title.
- 376.021 Legislative intent with respect to pollution of coastal waters and lands.
- 376.031 Definitions; ss. 376.011-376.21.
- 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.
- 376.16 Enforcement and penalties.
- 376.165 "Hold-harmless" agreements prohibited.
- 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.
- 376.25 Gambling vessels; registration; required and prohibited releases.
- 376.30 Legislative intent with respect to pollution of surface and ground waters.
- 376.301 Definitions of terms used in ss. 376.30-376.317, 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 Advanced cleanup.
- 376.30714 Site rehabilitation agreements.
- 376.30715 Innocent victim petroleum storage system restoration.
- 376.30716 Cleanup of certain sites.
- 376.3072 Florida Petroleum Liability and Restoration Insurance Program.
- 376.3073\* Local programs and state agency programs for control of contamination.
- 376.3075\* Inland Protection Financing Corporation.
- 376.3077 Unlawful to deposit motor fuel in tank required to be registered, without proof of registration display.
- 376.3078 Drycleaning facility restoration; funds; uses; liability; recovery of expenditures.
- 376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.
- 376.3079 Third-party liability insurance.
- 376.308 Liabilities and defenses of facilities.
- 376.309 Facilities, financial responsibility.
- 376.311 Penalties for a discharge.
- 376.313 Nonexclusiveness of remedies and individual cause of action for damages under ss. 376.30-376.317.
- 376.315 Construction of ss. 376.30-376.317.
- 376.317\* Superseded laws; state preemption.
- 376.320 Applicability.
- 376.321 Definitions; ss. 376.320-376.326.
- 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.
- 376.41\* Minerals Trust Fund.
- 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.
- 376.91\* Statewide cleanup of perfluoroalkyl and polyfluoroalkyl substances.

\*Sections 376.011, .3073, .3075, .317, .41 and .91 are not considered enforceable policies for federal consistency purposes.

## Chapter 376 Pollutant Discharge Prevention and Removal

### 376.25 Gambling vessels; registration; required and prohibited releases.—

- (1) SHORT TITLE.—This section may be cited as the “Clean Ocean Act.”
- (2) DEFINITIONS.—As used in this section, the term:
  - (a) “Berth” means a site in this state where a gambling vessel moors to embark or disembark its passengers.
  - (b) “Coastline” has the same meaning as in the Submerged Lands Act, 43 U.S.C. ss. 1301 et seq.
  - (c) “Coastal waters” means waters of the Atlantic Ocean within 3 nautical miles of the coastline of the state and waters of the Gulf of America ~~Mexico~~ within 9 nautical miles of the coastline of the state.
  - (d) “Department” means the Department of Environmental Protection.
  - (e) “Gambling vessel” means a boat, ship, casino boat, watercraft, or barge that is kept, operated, or maintained for the purpose of gambling and that carries or operates gambling devices for the use of its passengers or otherwise provides facilities for the purpose of gambling, whether within or without the jurisdiction of this state, and whether the vessel is at berth, lying to, or navigating, and the sailing, voyaging, or cruising, or any segment of the sailing, voyaging, or cruising, begins and ends within this state. The term does not include a cruise ship as defined in 33 C.F.R. s. 101.105.
  - (f) “Hazardous waste” has the same meaning as in s. 403.703.
  - (g) “Oily bilge water” means liquid from the bilge of a gambling vessel which contains used lubrication oils, oil sludge and slops, fuel and oil sludge, used oil, used fuel and fuel filters, and oily waste.
  - (h) “Release” means any discharge of liquids or solids, however caused, from a gambling vessel and includes any escape, disposal, spilling, leaking, pumping, emitting, or emptying.
  - (i) “Sewage” means human body waste and the waste from toilets and other receptacles intended to receive or retain human body waste and includes any material that has been collected or treated through a marine sanitation device, as that term is used in s. 312 of the Clean Water Act, 33 U.S.C. s. 1322, or that is a byproduct of sewage treatment.
  - (j) “Treated blackwater” means that part of treated sewage carried off by toilets, urinals, and kitchen drains.
  - (k) “Treated graywater” means that part of treated sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.
  - (l) “Untreated blackwater” means that part of untreated sewage carried off by toilets, urinals, and kitchen drains.
  - (m) “Untreated graywater” means that part of untreated sewage that is not blackwater, including waste from bath, lavatory, laundry, and sink, except kitchen sink waste.
  - (n) “Waste” means sewage, oily bilge water, treated graywater, untreated graywater, treated blackwater, untreated blackwater, or hazardous waste.
- (3) REGISTRATION REQUIREMENTS.—
  - (a) For each calendar year in which the owner or operator of a gambling vessel intends to operate, or cause or allow to be operated, a gambling vessel in coastal waters, the owner or operator of the vessel shall register with the department. The

registration shall be completed before the gambling vessel enters the coastal waters of the state in that calendar year. The registration shall include the following information:

1. The vessel owner's business name and, if different, the vessel operator's business name for each gambling vessel of the owner or operator which is scheduled to be in coastal waters during the calendar year.
  2. The postal address, e-mail address, telephone number, and facsimile number of the principal place of each business identified under subparagraph 1.
  3. The name and address of an agent for service of process for each business identified under subparagraph 1. The owner and operator shall continuously maintain a designated agent for service of process whenever a gambling vessel of the owner or operator is in coastal waters, and the agent must be an individual resident of this state, a domestic corporation, or a foreign corporation having a place of business in and authorized to do business in this state.
  4. The name or call sign, port of registry, berth location, passenger and crew capacity, and weekly schedule of when passengers are to be onboard for each of the owner's or operator's vessels scheduled to be in coastal waters during the calendar year and after the date of registration. If passengers embark or disembark a gambling vessel from another vessel while the gambling vessel is in coastal waters but not moored to a waterfront landing, a waterfront-landing facility in this state where the other vessel moors while such passengers embark or disembark for the gambling-vessel voyage must also be registered as a berth location of the gambling vessel.
  5. A description of all waste management systems, including systems for the treatment, storage, or disposal of waste for each gambling vessel identified under subparagraph 4., including, but not limited to, system type, design, operation, location, and capacity of all discharge pipes and valves, and the number and capacity of all storage areas and holding tanks.
- (b) Registration under paragraph (a) shall be executed under oath by the owner or operator or designated representative thereof.
- (c) Upon request of the department, the registrant shall submit registration information required under this subsection electronically.
- (d) The registrant shall promptly advise the department of a change in the information provided by the registrant under paragraph (a) during the period that a registration is valid.
- (4) RELEASE PROCEDURES; DISPOSAL FEE.—
- (a) The owner of each waterfront-landing facility that is registered as a gambling vessel's berth location shall:
1. Establish procedures for the release of waste from gambling vessels at the facility.
  2. Make available a waste-management service that has the capability, at minimum, of handling and disposing of the facility's minimum waste-service demand as calculated by the department under paragraph (b).
  3. Collect a fee not to exceed the costs associated with making such waste-management service available from each gambling vessel for which the waterfront-landing facility is a registered berth.
- (b) The department shall maintain on its website a current estimate of the minimum waste-service demand for each waterfront-landing facility that is a registered berth for a gambling vessel. The minimum waste-service demand is the volume of waste that is

reasonably expected to be released at the facility over a calendar year from gambling vessels that have a registered berth at the facility. In estimating a facility's minimum waste-service demand, the department shall consider, for each gambling vessel that has a registered berth at the facility:

1. The registered capacity of the vessel's systems for treating, holding, or disposing of waste; and
2. Other appropriate information, including, but not limited to, other information provided during registration of the vessel.

(5) NOTIFICATION OF RELEASES.—If a gambling vessel releases any waste into coastal waters, the owner or operator shall immediately, but no later than 24 hours after the release, notify the department of the release. The owner or operator shall include all of the following information in the notification:

- (a) Date of the release.
- (b) Time of the release.
- (c) Location of the release.
- (d) Volume of the release.
- (e) Source of the release.
- (f) Remedial actions taken to prevent future releases.

(6) PENALTIES.—

(a) A person who violates this section is subject to a civil penalty of not more than \$75,000 for each violation. Each day during any portion of which such violation occurs constitutes a separate offense.

(b) The civil penalty imposed for each separate violation of this section is separate from, and in addition to, any other civil penalty imposed for a separate violation under this subsection or any other law.

(c) In determining the amount of a civil penalty imposed under this subsection, the department shall consider all relevant circumstances, including, but not limited to, the nature, circumstances, extent, and gravity of the violation. In making this determination, the department shall consider the degree of toxicity and volume of the release, the extent of harm caused by the violation, whether the effects of the violation can be reversed or mitigated, and, with respect to the defendant, the ability to pay, the effect of a civil penalty on the ability to continue in business, all voluntary cleanup efforts undertaken in the past, the prior history of violations, the gravity of the behavior, the economic benefit, if any, resulting from the violation, and all other matters the department determines justice may require.

(7) FEES.—The department shall establish and collect fees that are adequate to cover the entire cost to the department of developing and implementing its responsibilities, as required or authorized under this section, which concern registration of gambling vessels, tracking of releases, compliance with this section, and enforcement of this section.

(8) APPLICABILITY.—This section:

- (a) Does not apply to releases made for the purpose of securing the safety of the gambling vessel or saving life at sea if all reasonable precautions have been taken for the purpose of preventing or minimizing the release.
- (b) Is intended to supplement and not conflict with federal law.
- (c) Does not apply to vessels of any branch of the United States Armed Services.

(d) Does not require a person who holds a valid NPDES permit governing releases from a gambling vessel to violate such permit. As used in this paragraph, the term “NPDES permit” means a permit issued by the United States Environmental Protection Agency under s. 402 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et seq., or by the department under s. 403.0885.

(e) Does not apply to any gambling vessel that annually verifies to the department that it operates a marine waste treatment system that produces sterile, clear, and odorless reuse water without generating solid waste and that eliminates the need to pump out or dump wastewater.

(9) RULES.—The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(10) FEDERAL ACTIVITIES.—

(a) The department shall submit a request to United States Secretary of Commerce proposing that Florida’s Coastal Zone Management Program be amended to include this section.

1. The request must be submitted by August 1, 2008, and must comply with the federal Coastal Zone Management Act and implementing regulations, including, but not limited to, the procedures in 16 U.S.C. s. 1455(c).

2. If the Secretary of Commerce approves the amendment of Florida’s Coastal Zone Management Program to include this section, the department shall request the appropriate federal agencies to prohibit the release of waste from any gambling vessel in any waters which could affect the coastal waters of this state in accordance with 16 U.S.C. s. 1456(c)(1).

(b) Independent of the process to amend Florida’s Coastal Zone Management Program under paragraph (a), the department shall request the appropriate federal agencies to prohibit the release of waste from any gambling vessel within the federal territorial waters off the shores of this state.

History.—s. 1, ch. 2008-231; s. 13, ch. 2020-158; s. 45, ch. 2025-8.

### **376.79 Definitions relating to Brownfields Redevelopment Act.—**

As used in ss. 376.77-376.85, the term:

(1) “Additive effects” means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(2) “Antagonistic effects” means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) “Background concentration” means the concentration of contaminants naturally occurring or resulting from anthropogenic impacts unrelated to the discharge of pollutants or hazardous substances at a contaminated site undergoing site rehabilitation.

(4) “Brownfield sites” means any real property, the expansion, redevelopment, or reuse of which may be complicated by actual or perceived environmental contamination and which has not yet been entered into a brownfield site rehabilitation agreement pursuant to s. 376.80(5).

(5) “Brownfield area” means a contiguous area of one or more brownfields ~~brownfield sites~~, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and United States Environmental Protection Agency-designated brownfield pilot projects.

(6) “Brownfield site” means the real property identified in a brownfield site rehabilitation agreement executed by the person responsible for brownfield site rehabilitation of the property and the department or a delegated local pollution control program, as applicable.

(7) “Contaminant” means any physical, chemical, biological, or radiological substance present in any medium which may result in adverse effects to human health or the environment or which creates an adverse nuisance, organoleptic, or aesthetic condition in groundwater.

(8) “Contaminated site” means any contiguous land, sediment, surface water, or groundwater areas that contain contaminants that may be harmful to human health or the environment.

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

(10) “Engineering controls” means modifications to a site to reduce or eliminate the potential for exposure to chemicals of concern from petroleum products, drycleaning solvents, or other contaminants. Such modifications may include, but are not limited to, physical or hydraulic control measures, capping, point of use treatments, or slurry walls.

(11) “Environmental justice” means the fair treatment of all people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

(12) “Institutional controls” means the restriction on use of or access to a site to eliminate or minimize exposure to chemicals of concern from petroleum products, drycleaning solvents, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, restrictive covenants, or conservation easements.

(13) “Local pollution control program” means a local pollution control program that has received delegated authority from the Department of Environmental Protection under ss. 376.80(9) and 403.182.

(14) “Long-term natural attenuation” means natural attenuation approved by the department as a site rehabilitation program task for a period of more than 5 years.

(15) “Natural attenuation” means a verifiable approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.

(16) “Person responsible for brownfield site rehabilitation” means the individual or entity that is designated by the local government to enter into the brownfield site rehabilitation agreement with the department or an approved local pollution control program and enters into an agreement with the local government for redevelopment of the site.

(17) “Person” means any individual, partner, joint venture, or corporation; any group of the foregoing, organized or united for a business purpose; or any governmental entity.

(18) “Risk reduction” means the lowering or elimination of the level of risk posed to human health or the environment through interim remedial actions, remedial action, or institutional, and if appropriate, engineering controls.

(19) “Secretary” means the secretary of the Department of Environmental Protection.

(20) “Site rehabilitation” means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site. For purposes of sites subject to the Resource Conservation and Recovery Act, as amended, the term includes removal, decontamination, and corrective action of releases of hazardous substances.

(21) “Source removal” means the removal of free product, or the removal of contaminants from soil or sediment that has been contaminated to the extent that leaching to groundwater or surface water has occurred or is occurring.

(22) “Synergistic effects” means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

History.—s. 3, ch. 97-277; s. 2, ch. 98-75; s. 10, ch. 2000-317; s. 1, ch. 2004-40; s. 4, ch. 2008-239; s. 3, ch. 2016-184; s. 4, ch. 2025-116.

### **376.82 Eligibility criteria and liability protection.—**

(1) ELIGIBILITY.—

(a) All of the following persons are eligible to participate in the brownfield program established in ss. 376.77-376.85:

1. Notwithstanding subparagraph 2., a any person who has not caused or contributed to the contamination of a brownfield site on or after July 1, 1997.

2. A local governmental entity, including any other person who may be organized or united with the local governmental entity for a business purpose, if such entity or person did not cause or contribute to the contamination of a brownfield site on or after July 1, 2025.

(b) A person eligible to participate in the brownfield program pursuant to paragraph (a) is, is eligible to participate in the brownfield program established in ss. 376.77-376.85, subject to the following:

1.(a) Potential brownfield sites that are subject to an ongoing formal judicial or administrative enforcement action or corrective action pursuant to federal authority, including, but not limited to, the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. ss. 9601 et seq., as amended; the Safe Drinking Water Act, 42 U.S.C. ss. 300f-300i, as amended; the Clean Water Act, 33 U.S.C. ss. 1251-1387, as amended; or under an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended (42 U.S.C.A. s. 6928(h)); or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility; a postclosure permit; or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984, are not eligible for participation in the brownfield program established in ss. 376.77-376.85 unless, pursuant to paragraph (2)(g), specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency issues a letter stating it has no objection to such

participation and the department issues a letter of concurrence pursuant to paragraph (2)(g). A brownfield site within an eligible brownfield area that subsequently becomes subject to formal judicial or administrative enforcement action or corrective action under such federal authority shall have its eligibility revoked unless, specific exemptions are secured by a memorandum of agreement with the United States Environmental Protection Agency pursuant to paragraph (2)(g), the United States Environmental Protection Agency issues a letter stating it has no objection to such participation and the department issues a letter of concurrence.

2.(b) A person who is eligible to participate in the brownfield program pursuant to paragraph (a) Persons who have not caused or contributed to the contamination of a brownfield site on or after July 1, 1997, and who, before prior to the department's approval of a brownfield site rehabilitation agreement, is are subject to ongoing corrective action or enforcement under state authority established in this chapter or chapter 403, including those persons subject to a pending consent order with the state, is are eligible for participation in a brownfield site rehabilitation agreement if:

a.4. The proposed brownfield site is currently idle or underutilized as a result of the contamination, and participation in the brownfield program will immediately, after cleanup or sooner, result in increased economic productivity at the site, including at a minimum the creation of 10 new permanent jobs, whether full-time or part-time, which are not associated with implementation of the brownfield site rehabilitation agreement. However, the job creation requirement does not apply to the rehabilitation and redevelopment of a brownfield site that will provide housing that is affordable as defined in s. 420.0004; create recreational areas, conservation areas, or parks; or be maintained for cultural or historical preservation purposes; and

b.2. The person is complying in good faith with the terms of an existing consent order or department-approved corrective action plan, or responding in good faith to an enforcement action, as evidenced by a determination issued by the department or an approved local pollution control program.

(c) Potential brownfield sites owned by the state or a local government which contain contamination for which a governmental entity is potentially responsible and which are already designated as federal brownfield pilot projects or have filed an application for designation to the United States Environmental Protection Agency are eligible for participation in a brownfield site rehabilitation agreement.

(d) After July 1, 1997, petroleum and drycleaning contamination sites shall not receive both restoration funding assistance available for the discharge under this chapter and any state assistance available under s. 288.107. Nothing in this act shall affect the cleanup criteria, priority ranking, and other rights and obligations inherent in petroleum contamination and drycleaning contamination site rehabilitation under ss. 376.30-376.317, or the availability of economic incentives otherwise provided for by law.

## (2) LIABILITY PROTECTION.—

(a) Any person, including his or her successors and assigns, who executes and implements to successful completion a brownfield site rehabilitation agreement, is relieved of:

1. Further liability for remediation of the contaminated site or sites to the state and to third parties.

2. Liability in contribution to any other party who has or may incur cleanup liability for the contaminated site or sites.
3. Liability for claims of property damages, including, but not limited to, diminished value of real property or improvements; lost or delayed rent, sale, or use of real property or improvements; or stigma to real property or improvements caused by contamination addressed by a brownfield site rehabilitation agreement. Notwithstanding any other provision of this chapter, this subparagraph applies to causes of action accruing on or after July 1, 2014. This subparagraph does not apply to a person who discharges contaminants on property subject to a brownfield site rehabilitation agreement, who commits fraud in demonstrating site conditions or completing site rehabilitation of a property subject to a brownfield site rehabilitation agreement, or who exacerbates contamination of a property subject to a brownfield site rehabilitation agreement in violation of applicable laws which causes property damages.
- (b) This section does not limit the right of a third party other than the state to pursue an action for damages to persons for bodily harm; however, such an action may not compel site rehabilitation in excess of that required in the approved brownfield site rehabilitation agreement or otherwise required by the department or approved local pollution control program.
- (c) This section shall not affect the ability or authority to seek contribution from any person who may have liability with respect to the contaminated site and who did not receive cleanup liability protection under this act.
- (d) The liability protection provided under this section shall become effective upon execution of a brownfield site rehabilitation agreement and shall remain effective, provided the person responsible for brownfield site rehabilitation complies with the terms of the site rehabilitation agreement. Any statute of limitations that would bar the department from pursuing relief in accordance with its existing authority is tolled from the time the agreement is executed until site rehabilitation is completed or immunity is revoked pursuant to s. 376.80(8).
- (e) Completion of the performance of the remediation obligations at the brownfield site shall be evidenced by a site rehabilitation completion ~~order~~ letter or a “no further action” ~~letter~~ issued by the department or the approved local pollution control program, which letter shall include the following statement: “Based upon the information provided by (property owner) concerning property located at (address) , it is the opinion of (the Florida Department of Environmental Protection or approved local pollution control program) that (party) has successfully and satisfactorily implemented the approved brownfield site rehabilitation agreement schedule and, accordingly, no further action is required to assure that any land use identified in the brownfield site rehabilitation agreement is consistent with existing and proposed uses.”
- (f) Compliance with s. 376.80(5)(i) must be evidenced as set forth in that paragraph.
- (g) 1. The Legislature recognizes the benefits of promoting the reuse of brownfield sites, even when subject to its limitations in addressing cleanup liability under federal pollution control programs, including those enumerated in subparagraph (1)(b)1. In an effort to encourage such reuse secure federal liability protection for persons willing to undertake remediation responsibility for site rehabilitation at a brownfield site, the department may, upon receipt of a letter from shall attempt to negotiate a memorandum of agreement or similar document with the United States Environmental Protection

Agency stating it has no objection to a site's participation pursuant to subparagraph (1)(b)1. and upon a reasonable demonstration by the person seeking to participate in the brownfield program that he or she will conduct site rehabilitation pursuant to s. 376.81, issue a letter of no objection that states the person may participate in the brownfield program. The department may not require, as a condition of such letter of concurrence, that, whereby the United States Environmental Protection Agency agree agrees to forego enforcement of federal corrective action authority at brownfield sites that have received a site rehabilitation completion order or "No Further Action" determination from the department or the approved local pollution control program or that are in the process of implementing a brownfield site rehabilitation agreement in accordance with this act. The letter of no objection from the United States Environmental Protection Agency and the letter of concurrence from the department must be added as attachments to the brownfield site rehabilitation agreement.

2. Proposed brownfield sites that are subject to ongoing formal judicial or administrative enforcement action or corrective action pursuant to an order from the United States Environmental Protection Agency pursuant to s. 3008(h) of the Resource Conservation and Recovery Act, as amended by 42 U.S.C. s. 6928(h), or that have obtained or are required to obtain a permit for the operation of a hazardous waste treatment, storage, or disposal facility, a postclosure permit, or a permit pursuant to the federal Hazardous and Solid Waste Amendments of 1984 are eligible for participation in the brownfield program established in ss. 376.77-376.85, provided that the sites:

- a. Obtain the necessary letters of no objection and concurrence pursuant to subparagraph (1)(b)1. and subparagraph 1.; or
- b. Comply with the provisions of Section V of the Memorandum of Agreement between the department and the United States Environmental Protection Agency Region 4 covering Florida's Brownfield Program, dated November 28, 2005, as may be amended.

(h) No unit of state or local government may be held liable for implementing corrective actions at a contaminated site within an eligible brownfield area as a result of the involuntary ownership of the site through bankruptcy, tax delinquency, abandonment, or other circumstances in which the state or local government involuntarily acquires title by virtue of its function as a sovereign, or as a result of ownership from donation, gift, or foreclosure unless the state or local government has otherwise caused or contributed to a release of a contaminant at the brownfield site.

(i) The Legislature finds and declares that certain brownfield sites may be redeveloped for open space, or limited recreational, cultural, or historical preservation purposes, and that such facilities enhance the redeveloped environment, attract visitors, and provide wholesome activities for employees and residents of the area. Further, the Legislature finds that purchasers of contaminated sites who are nonprofit conservation organizations acting for the public interest and who did not cause or contribute to the release of contamination on the site warrant protection from liability.

(j) Notwithstanding any provision of this chapter, chapter 403, other laws, or ordinances of local governments, a nonprofit, charitable, federal tax-exempt, s. 501(c)(3) national land conservation corporation which purchases title to property in the state for the purpose of conveying such land to any governmental entity for conservation, historical preservation or cultural resource, park, greenway, or other similar uses shall not be liable to the state, local government, or any third party for

penalties or remediation costs in connection with environmental contamination found in the soil or groundwater of such property, provided that such corporation did not cause the original deposit or release of the environmental contaminants, and provided the department and local pollution control program and responsible parties have access to the land for investigation, remediation, or monitoring purposes.

(k) A person whose property becomes contaminated due to geophysical or hydrologic reasons, including the migration of contaminants onto their property from the operation of facilities and activities on a nearby designated brownfield area, and whose property has never been occupied by a business that utilized or stored the contaminants or similar constituents is not subject to administrative or judicial action brought by or on behalf of another to compel the rehabilitation of or the payment of the costs for the rehabilitation of sites contaminated by materials that migrated onto the property from the designated brownfield area, if the person:

1. Does not own and has never held an ownership interest in, or shared in the profits of, activities in the designated brownfield area operated at the source location;
2. Did not participate in the operation or management of the activities in the designated brownfield area operated at the source location; and
3. Did not cause, contribute to, or exacerbate the release or threat of release of any hazardous substance through any act or omission.

(l) When a property, including a brownfield site, escheats to a county, the county is not subject to any liability imposed by this chapter or chapter 403 for preexisting soil or groundwater contamination due solely to its ownership. However, this paragraph does not affect the rights or liabilities of any past or future owners of the escheated property and does not affect the liability of any governmental entity for the results of its actions that create or exacerbate a pollution source. The county and the Department of Environmental Protection may enter into a written agreement for the performance, funding, and reimbursement of the investigative and remedial acts necessary for a property that escheats to the county.

(3) REOPENERS.—Upon completion of site rehabilitation in compliance with ss. 376.77-376.85, no additional site rehabilitation shall be required unless it is demonstrated:

- (a) That fraud was committed in demonstrating site conditions or completion of site rehabilitation;
- (b) That new information confirms the existence of an area of previously unknown contamination which exceeds the site-specific rehabilitation levels established in accordance with s. 376.81, or which otherwise poses the threat of real and substantial harm to public health, safety, or the environment in violation of the terms of ss. 376.77-376.85;
- (c) That the remediation efforts failed to achieve the site rehabilitation criteria established under s. 376.81;
- (d) That the level of risk is increased beyond the acceptable risk established under s. 376.81 due to substantial changes in exposure conditions, such as a change in land use from nonresidential to residential use. Any person who changes the land use of the brownfield site thus causing the level of risk to increase beyond the acceptable risk level may be required by the department to undertake additional remediation measures to

assure that human health, public safety, and the environment are protected to levels consistent with s. 376.81; or

(e) That a new release occurs at the brownfield site subsequent to a determination of eligibility for participation in the brownfield program established under s. 376.80.

(4) **ADDITIONAL LIABILITY PROTECTION FOR LENDERS.—**

(a) The Legislature declares that, in order to achieve the economic redevelopment and site rehabilitation of brownfield sites in accordance with this act, it is imperative to encourage financing of real property transactions involving brownfield site rehabilitation plans. Accordingly, lenders, including those serving as a trustee, personal representative, or in any other fiduciary capacity, in connection with a loan, are entitled to the liability protection established in subsection (2) if they have not caused or contributed to a release of a contaminant at the brownfield site.

(b) Lenders who hold indicia of ownership of a parcel within a brownfield area primarily to protect a security interest or who own a parcel within a brownfield area as a result of foreclosure or a deed in lieu of foreclosure of a security interest and who seek to sell, transfer, or otherwise divest the parcel via sale at the earliest practicable time are not liable for the release or discharge of a contaminant from the parcel; for the failure of the person responsible for brownfield site rehabilitation to comply with the brownfield site rehabilitation agreement; or for future site rehabilitation activities required pursuant to a reopener provision established in subsection (3) where the lender has not divested the borrower of, or otherwise engaged in, decisionmaking control of the site rehabilitation or site operations or undertaken management activities beyond those required to protect its financial interest while making a good faith effort to sell the site as soon as practicable and when an act or omission of the lender has not otherwise caused or contributed to a release of a contaminant at the brownfield site.

(c) The economic incentives that were granted to a person responsible for site rehabilitation by state or local governments shall not accrue to a lender who obtains ownership of the brownfield site by one of the methods described in this subsection. The economic incentives are abated during the lender's ownership, but they may be transferred and reinstated upon the sale of the brownfield site.

History.—s. 6, ch. 97-277; s. 5, ch. 98-75; s. 182, ch. 99-13; s. 13, ch. 2000-317; s. 3, ch. 2004-40; s. 71, ch. 2007-5; s. 6, ch. 2008-239; s. 3, ch. 2014-114; s. 6, ch. 2025-116.

## Chapter 377

### Energy Resources

#### Enforceable Policies

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

- 377.01 Governor to enter into interstate compact to conserve oil and gas.
- 377.03 Extension of compact.
- 377.04 Official report of state.
- 377.06\* Public policy of state concerning natural resources of oil and gas.
- 377.07 Division of Resource Management; powers, duties, and authority.
- 377.075 Division of Technical Services; geological functions.
- 377.10 Certain persons not to be employed by division.
- 377.18 Common sources of oil and gas.
- 377.19 Definitions.
- 377.20 Waste prohibited.
- 377.21\* Jurisdiction of division.
- 377.22\* Rules and orders.
- 377.23 Monthly reports to division.
- 377.24\* Notice of intention to drill well; permits; abandoned wells and dry holes.
- 377.2407 Natural gas storage facility permit application to inject gas into and recover gas from a natural gas storage reservoir.
- 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.
- 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.
- 377.2434\* Property rights to injected natural gas.
- 377.2435\* Rule adoption relating to natural gas storage.
- 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.
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- 377.31 Evidence of rules and orders.
- 377.32 Issuance of subpoenas; service, etc.
- 377.33 Injunctions against division.
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- 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.
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- 377.601 Legislative intent.
- 377.6015\* Department of Agriculture and Consumer Services; powers and duties.
- 377.602 Definitions.
- 377.603 Energy data collection; powers and duties of the department.
- 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 Agriculture and Consumer Services.
- 377.704 Appropriation of funds from settlement of petroleum overcharge litigation.
- 377.705 Solar Energy Center; development of solar energy standards.
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- 377.709 Funding by electric utilities of local governmental solid waste facilities that generate electricity.
- 377.71 Definitions; Southern States Energy Compact.
- 377.711 Florida party to Southern States Energy Compact.
- 377.712 Florida participation.
- 377.805\* Energy efficiency and conservation clearinghouse.
- 377.810\* Natural gas fuel fleet vehicle rebate program.

377.814\* Municipal Solid Waste-to-Energy Program.

377.815\* Alternative fueling stations and electric vehicle charging stations.

\*Sections 377.06, .21, .22, .24(9), .242(1)(a)5, .2434, .2435, .6015, .707, .805, .810, .814 and .815 are not considered enforceable policies for federal consistency purposes.

## Chapter 377 Energy Resources

### **377.24 Notice of intention to drill well; permits; abandoned wells and dry holes.—**

- (1) Before drilling a well in search of oil or gas, or before storing gas in or recovering gas from a natural gas storage reservoir, the person who desires to drill for, store, or recover gas, or drill for oil or gas, shall notify the division upon such form as it may prescribe and shall pay a reasonable fee set by rule of the department not to exceed the actual cost of processing and inspecting for each well or reservoir. The drilling of any well and the storing and recovering of gas are prohibited until such notice is given, the fee is paid, and the permit is granted.
- (2) An application for the drilling of a well in search of oil or gas, or for the storing of gas in and recovering of gas from a natural gas storage reservoir, in this state must include the address of the residence of the applicant, or applicants, which must be the address of each person involved in accordance with the records of the Division of Resource Management until such address is changed on the records of the division after written request.
- (3) Each abandoned well and each dry hole shall be plugged promptly in the manner and within the time required by regulations to be prescribed by the Department of Environmental Protection, and the owner of such well shall give notice upon such form as the division may prescribe, of the drilling of each dry hole and of the owner's intention to abandon. No well shall be abandoned without prior approval of the division.
- (4) Application for permission to drill or abandon any well may be denied by the division for only just and lawful cause.
- (5) No permit to drill a gas or oil well shall be granted within the corporate limits of any municipality, unless the governing authority of the municipality shall have first duly approved the application for such permit by resolution.
- (6) No permit to drill a gas or oil well shall be granted at a location in the tidal waters of the state, abutting or immediately adjacent to the corporate limits of a municipality or within 3 miles of such corporate limits extending from the line of mean high tide into such waters, unless the governing authority of the municipality shall have first duly approved the application for such permit by resolution.
- (7) No permit to drill a gas or oil well shall be granted on any improved beach, located outside of an incorporated town or municipality, or at a location in the tidal waters of the state abutting or immediately adjacent to an improved beach, or within 3 miles of an improved beach extending from the line of mean high tide into such tidal waters, unless the county commissioners of the county in which such beach is located shall have first duly approved the application for such permit by resolution.
- (8) For the purposes of this section and law, an improved beach, situated outside of the corporate limits of any municipality or town, shall be and is hereby defined to be any beach adjacent to or abutting upon the tidal waters of the state and having not less than 10 hotels, apartment buildings, residences or other structures, used for residential purposes, on or to any given mile of such beach.
- (9) Without exception, after July 1, 1989, no permit to drill a well in search of oil or gas shall be granted south of 26°00'00" north latitude off Florida's west coast and south of 27°00'00" north latitude off Florida's east coast, within the boundaries of Florida's

territorial seas as defined in 43 U.S.C. 1301. After July 31, 1990, no permit to drill a well in search of oil or gas shall be granted north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301.

(10) Notwithstanding any law or rule to the contrary, the drilling, exploration, or production of oil, gas, or other petroleum products is prohibited in counties designated as rural areas of opportunity under s. 288.0656 if the proposed site is within 10 miles of a national estuarine research reserve.

History.—s. 18, ch. 22819, 1945; ss. 25, 35, ch. 69-106; s. 68, ch. 79-65; s. 3, ch. 87-183; s. 6, ch. 89-175; s. 2, ch. 90-72; s. 8, ch. 91-286; s. 6, ch. 95-150; s. 10, ch. 2013-205; s. 1, ch. 2025-193.

### **377.242 Permits for drilling or exploring and extracting through well holes or by other means.—**

(1) The department is vested with the power and authority:

(a) To issue permits for the drilling for, exploring for, or production of oil, gas, or other petroleum products which are to be extracted from below the surface of the land, including submerged land, only through the well hole drilled for oil, gas, and other petroleum products.

1. A structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed:

a. On any submerged land within any bay or estuary.

b. Within 1 mile seaward of the coastline of the state.

c. Within 1 mile of the seaward boundary of any state, local, or federal park or aquatic or wildlife preserve or on the surface of a freshwater lake, river, or stream.

d. Within 1 mile inland from the shoreline of the Gulf of America ~~Mexico~~, the Atlantic Ocean, or any bay or estuary or within 1 mile of any freshwater lake, river, or stream unless the department is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout. For purposes of this sub-subparagraph, the department's determination of whether a resource is adequately protected must balance the measures in place to protect the natural resources with the potential harm to the natural resources. This balancing test should assess the potential impact of an accident or a blowout on the natural resources of such bodies of water and shore areas, including ecological functions and any water quality impacts. The balancing test must consider the ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife use, time lag, and the potential costs of restoration.

2. Without exception, after July 1, 1989, a structure intended for the drilling for, or production of, oil, gas, or other petroleum products may not be permitted or constructed south of 26°00'00" north latitude off Florida's west coast and south of 27°00'00" north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301. After July 31, 1990, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or

constructed north of 26°00'00" north latitude off Florida's west coast to the western boundary of the state bordering Alabama as set forth in s. 1, Art. II of the State Constitution, or located north of 27°00'00" north latitude off Florida's east coast to the northern boundary of the state bordering Georgia as set forth in s. 1, Art. II of the State Constitution, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. s. 1301.

3. Sub-subparagraphs 1.a. and d. do not apply to permitting or construction of structures intended for the drilling for, or production of, oil, gas, or other petroleum products pursuant to an oil, gas, or mineral lease of such lands by the state under which lease any valid drilling permits are in effect on the effective date of this act. In the event that such permits contain conditions or stipulations, such conditions and stipulations shall govern and supersede sub-subparagraphs 1.a. and d.

4. The prohibitions of subparagraph 1. do not include "infield gathering lines," provided no other placement is reasonably available and all other required permits have been obtained.

(b) To issue permits to explore for and extract minerals which are subject to extraction from the land by means other than through a well hole.

(c) To issue permits to establish natural gas storage facilities or construct wells for the injection and recovery of any natural gas for storage in natural gas storage reservoirs.

(2) Each permit shall contain an agreement by the permitholder that the permitholder will not prevent inspection by division personnel at any time. The provisions of this section prohibiting permits for drilling or exploring for oil in coastal waters do not apply to any leases entered into before June 7, 1991.

History.—s. 1, ch. 61-299; ss. 25, 35, ch. 69-106; s. 3, ch. 72-394; s. 69, ch. 79-65; s. 3, ch. 80-283; s. 2, ch. 83-176; s. 7, ch. 89-175; s. 3, ch. 90-72; s. 9, ch. 91-286; s. 75, ch. 96-323; s. 13, ch. 2013-205; s. 46, ch. 2025-8.

### **377.2431 Conditions for granting permits for natural gas storage facilities.—**

(1) A natural gas storage facility permit shall authorize the construction and operation of a natural gas storage facility and must be issued for the life of the facility, subject to recertification every 10 years.

(2) Before issuing or recertifying a permit, the department shall require satisfactory evidence of the following:

(a) The applicant has implemented, or is in the process of implementing, programs for the control and mitigation of pollution related to oil, petroleum products or their byproducts, and other pollutants.

(b) The applicant or operator has acquired a lawful right to drill, explore, or develop a natural gas storage reservoir from owners of at least 75 percent of the storage rights within the natural gas storage reservoir; or the applicant or operator has obtained a certificate of public convenience and necessity for the natural gas storage reservoir from the Federal Energy Regulatory Commission pursuant to the Natural Gas Act, 15 U.S.C. ss. 717 et seq.

(c) The applicant has used all reasonable means to identify known wells that have been drilled into or through the natural gas storage reservoir or the reservoir protective area to determine the status of the wells and whether inactive or abandoned wells have been properly plugged. For any well that has not been properly plugged, before

conducting injection operations and after issuance of the permit, the applicant must plug or recondition the well to ensure the integrity of the storage reservoir or the reservoir protective area.

(d) The applicant has tested the quality of water produced by all water supply wells within the lateral boundary of the natural gas storage facility and complied with all requirements under s. 377.2432. The applicant shall provide to the department and the owner of the water supply well a written copy of the water quality data collected under this paragraph.

(e) A determination has been made whether native gas or oil will be severed from below the soil or water of this state in the recovery of injected gas. If native gas or oil will be severed, the applicant or operator must acquire a lawful right to develop the native gas or oil before injecting gas into the natural gas storage reservoir.

(3) The applicant shall maintain records of well pressures recorded monthly, and monthly volumes of gas injected into and withdrawn from the reservoir. These records shall be maintained at the natural gas storage facility and shall be made available for inspection by the department at any reasonable time.

(4)(a) The maximum storage pressure for a natural gas storage reservoir shall be the highest shut-in bottom hole pressure found to exist during the production history of the reservoir, unless a higher pressure is established by the department based on testing of caprock and pool containment. The methods used for determining the higher pressure must be approved by the department.

(b) If the shut-in bottom hole pressure of the original discovery or of the highest production is not known, or a higher pressure has not been established through a method approved by the department pursuant to paragraph (a), the maximum storage reservoir pressure must be limited to a freshwater hydrostatic gradient.

(5) A permit may not be issued for a natural gas storage facility that includes a natural gas storage reservoir located beneath an underground source of drinking water unless the applicant demonstrates that the injection, storage, or recovery of natural gas will not cause or allow natural gas to migrate into the underground source of drinking water; in any offshore location in the Gulf of ~~America~~ Mexico, the Straits of Florida, or the Atlantic Ocean; or in any solution-mined cavern within a salt formation.

(6) A natural gas storage facility permit issued by the department must contain a condition that requires the permittee to obtain the lawful right to develop a natural gas storage reservoir from the owners of 100 percent of the storage rights within the natural gas storage reservoir.

History.—s. 14, ch. 2013-205; s. 47, ch. 2025-8.

## Chapter 379

### Fish and Wildlife Conservation

#### Enforceable Policies

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\*Sections 379.1026, .107, .206, .207, .212, .213, .214, .2202, .223, .2231, .2251, .2255, .2256, .2273, .2293, .2311, .2433, .359, .362 and .4041 are not considered enforceable policies for federal consistency purposes.

## Chapter 379 – Fish and Wildlife Conservation

### 379.101 Definitions.—

In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

- (1) “Authorization” means a number issued by the Fish and Wildlife Conservation Commission, or its authorized agent, which serves in lieu of a license or permits and affords the privilege purchased for a specified period of time.
- (2) “Beaches” and “shores” shall mean the coastal and intracoastal shoreline of this state bordering upon the waters of the Atlantic Ocean, the Gulf of ~~America~~ Mexico, the Straits of Florida, and any part thereof, and any other bodies of water under the jurisdiction of the State of Florida, between the mean high-water line and as far seaward as may be necessary to effectively carry out the purposes of this act.
- (3) “Closed season” shall be that portion of the year wherein the laws or rules of Florida forbid the taking of particular species of game or varieties of fish.
- (4) “Coastal construction” includes any work or activity which is likely to have a material physical effect on existing coastal conditions or natural shore processes.
- (5) “Commercial harvester” means any person, firm, or corporation that takes, harvests, or attempts to take or harvest saltwater products for sale or with intent to sell; that is operating under or is required to operate under a license or permit or authorization issued pursuant to this chapter; that is using gear that is prohibited for use in the harvest of recreational amounts of any saltwater product being taken or harvested; or that is harvesting any saltwater product in an amount that is at least two times the recreational bag limit for the saltwater product being taken or harvested.
- (6) “Commission” shall mean the Fish and Wildlife Conservation Commission.
- (7) “Common carrier” shall include any person, firm, or corporation, who undertakes for hire, as a regular business, to transport persons or commodities from place to place offering his or her services to all such as may choose to employ the common carrier and pay his or her charges.
- (8) “Coon oysters” are oysters found growing in bunches along the shore between high-water mark and low-water mark.
- (9) “Department” shall mean the Department of Environmental Protection.
- (10) “Erosion control,” “beach preservation,” and “hurricane protection” shall include any activity, work, program, project, or other thing deemed necessary by the Department of Environmental Protection to effectively preserve, protect, restore, rehabilitate, stabilize, and improve the beaches and shores of this state, as defined above.
- (11) “Exhibit” means to present or display upon request.
- (12) “Finfish” means any member of the classes Agnatha, Chondrichthyes, or Osteichthyes.
- (13) “Fish and game” means all fresh and saltwater fish, shellfish, crustacea, sponges, wild birds, and wild animals.
- (14) “Fish management area” means a pond, lake, or other water within a county, or within several counties, designated to improve fishing for public use, and established and specifically circumscribed for authorized management by the commission and the board of county commissioners of the county in which such waters lie, under agreement

between the commission and an owner with approval by the board of county commissioners or under agreement with the board of county commissioners for use of public waters in the county in which such waters lie.

(15) "Fish pond" means a body of water that does not occur naturally and that has been constructed and is maintained primarily for the purpose of fishing.

(16) "Food fish" shall include mullet, trout, redfish, sheepshead, pompano, mackerel, bluefish, red snapper, grouper, black drum, jack crevalle, and all other fish generally used for human consumption.

(17) "Fresh water," except where otherwise provided by law, means all lakes, rivers, canals, and other waterways of Florida, to such point or points where the fresh and salt waters commingle to such an extent as to become unpalatable and unfit for human consumption because of the saline content, or to such point or points as may be fixed by order of the commission by and with the consent of the board of county commissioners of the county or counties to be affected by such order. The Steinhatchee River shall be considered fresh water from its source to mouth.

(18) "Freshwater fish" means all classes of pisces that are native to fresh water.

(19) "Fur-bearing animals" means muskrat, mink, raccoon, otter, civet cat, skunk, red and gray fox, and opossum.

(20) "Game" means deer, bear, squirrel, rabbits, and, where designated by commission rules, wild hogs, ducks, geese, rails, coots, gallinules, snipe, woodcock, wild turkeys, grouse, pheasants, quail, and doves.

(21) "Guide" shall include any person engaged in the business of guiding hunters or hunting parties, fishers or fishing parties, for compensation.

(22) "Marine fish" means any saltwater species of finfish of the classes Agnatha, Chondrichthyes, and Osteichthyes and marine invertebrates of the classes Gastropoda and Bivalvia, the subphylum Crustacea, or the phylum Echinodermata; however, the term does not include nonliving shells or echinoderms.

(23) "Molest," in connection with any fishing trap or its buoy or buoy line, means to touch, bother, disturb, or interfere or tamper with, in any manner.

(24) A "natural oyster or clam reef" or "bed" or "bar" shall be considered and defined as an area containing not less than 100 square yards of the bottom where oysters or clams are found in a stratum.

(25) "Nongame" means all species and populations of native wild vertebrates and invertebrates in the state that are not defined as game.

(26) "Nonresident alien" shall mean those individuals from other nations who can provide documentation from the Bureau of Citizenship and Immigration Services evidencing permanent residency status in the United States. For the purposes of this chapter, a "nonresident alien" shall be considered a "nonresident."

(27) "Open season" shall be that portion of the year wherein the laws of Florida for the preservation of fish and game permit the taking of particular species of game or varieties of fish.

(28) "Private hunting preserve" includes any area set aside by a private individual or concern on which artificially propagated game or birds are taken.

(29) "Reef bunch oysters" are oysters found growing on the bars or reefs in the open bay and exposed to the air between high and low tide.

(30) "Resident" or "resident of Florida" means:

(a) For purposes of part VII, a citizen of the United States who has continuously resided in this state for 1 year before applying for a hunting, fishing, or other license. However, for purposes of ss. 379.363, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and 379.3762, the term means a citizen of the United States who has continuously resided in this state for 6 months before applying for a hunting, fishing, or other license.

(b) For purposes of part VI:

1. A member of the United States Armed Forces who is stationed in the state and his or her family members residing with such member; or

2. A person who has declared Florida as his or her only state of residence as evidenced by a valid Florida driver license or identification card that has both a Florida address and a Florida residency verified by the Department of Highway Safety and Motor Vehicles, or, in the absence thereof, one of the following:

a. A current Florida voter information card;

b. A sworn statement manifesting and evidencing domicile in Florida in accordance with s. 222.17;

c. Proof of a current Florida homestead exemption; or

d. For a child younger than 18 years of age, a student identification card from a Florida school or, if accompanied by his or her parent at the time of purchase, the parent's proof of residency.

(31) "Resident alien" means a person who has continuously resided in this state for at least 1 year and can provide documentation from the Bureau of Citizenship and Immigration Services evidencing permanent residency status in the United States. For the purposes of this chapter, a "resident alien" is considered a "resident."

(32) "Restricted species" means any species of saltwater products which the state by law, or the Fish and Wildlife Conservation Commission by rule, has found it necessary to so designate. The term includes a species of saltwater products designated by the commission as restricted within a geographical area or during a particular time period of each year. Designation as a restricted species does not confer the authority to sell a species pursuant to s. 379.361 if the law or rule prohibits the sale of the species.

(33) "Salt water," except where otherwise provided by law, shall be all of the territorial waters of Florida excluding all lakes, rivers, canals, and other waterways of Florida from such point or points where the fresh and salt waters commingle to such an extent as to become unpalatable because of the saline content, or from such point or points as may be fixed for conservation purposes by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission, with the consent and advice of the board of county commissioners of the county or counties to be affected.

(34) "Saltwater fish" means:

(a) Any saltwater species of finfish of the classes Agnatha, Chondrichthyes, or Osteichthyes and marine invertebrates of the classes Gastropoda and Bivalvia, the subphylum Crustacea, or the phylum Echinodermata; however, the term does not include nonliving shells or echinoderms; and

(b) All classes of pisces, shellfish, sponges, and crustaceans native to salt water.

(35) "Saltwater license privileges," except where otherwise provided by law, means any license, endorsement, certificate, or permit issued pursuant to this chapter.

(36) "Saltwater products" means any species of saltwater fish, marine plant, or echinoderm, except shells, and salted, cured, canned, or smoked seafood.

(37) "Shellfish" shall include oysters, clams, and whelks.

(38) "Take" means taking, attempting to take, pursuing, hunting, molesting, capturing, or killing any wildlife or freshwater or saltwater fish, or their nests or eggs, by any means, whether or not such actions result in obtaining possession of such wildlife or freshwater or saltwater fish or their nests or eggs.

(39) "Transport" shall include shipping, transporting, carrying, importing, exporting, receiving or delivering for shipment, transportation or carriage or export.

History.—s. 2, ch. 28145, 1953; s. 1, ch. 63-40; s. 1, ch. 65-140; ss. 25, 35, ch. 69-106; s. 127, ch. 71-377; s. 1, ch. 78-56; s. 76, ch. 79-164; s. 1, ch. 85-234; s. 1, ch. 87-116; s. 4, ch. 88-412; s. 1, ch. 89-270; s. 4, ch. 90-310; s. 4, ch. 93-223; s. 192, ch. 94-356; s. 979, ch. 95-148; s. 1, ch. 96-300; s. 2, ch. 98-203; s. 1, ch. 98-227; s. 94, ch. 99-245; s. 7, ch. 2003-143; s. 34, ch. 2004-5; s. 1, ch. 2006-304; s. 3, ch. 2008-247; s. 8, ch. 2010-185; s. 3, ch. 2013-194; s. 12, ch. 2014-136; s. 9, ch. 2022-142; s. 48, ch. 2025-8.  
Note.—Former s. 370.01.

### **379.2254 Gulf States Marine Fisheries Compact; implementing legislation.—**

(1) FORM.—The Governor of this state is hereby authorized and directed to execute the compact on behalf of the State of Florida with any one or more of the States of Alabama, Mississippi, Louisiana and Texas, and with such other state as may enter into a compact, legal joining therein in the form substantially as follows:

#### **GULF STATES MARINE FISHERIES COMPACT**

The contracting states solemnly agree:

#### **ARTICLE I**

Whereas the gulf coast states have the proprietary interest in and jurisdiction over fisheries in the waters within their respective boundaries, it is the purpose of this compact to promote the better utilization of the fisheries, marine, shell and anadromous, of the seaboard of the Gulf of ~~America~~ Mexico, by the development of a joint program for the promotion and protection of such fisheries and the prevention of the physical waste of the fisheries from any cause.

#### **ARTICLE II**

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the States of Florida, Alabama, Mississippi, Louisiana and Texas have ratified it and the Congress has given its consent subject to article I, s. 10 of the Constitution of the United States. Any state contiguous to any of the aforementioned states or riparian upon waters which flow into waters under the jurisdiction of any of the aforementioned states and which are frequented by anadromous fish or marine species may become a party hereto as hereinafter provided.

### ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Gulf States Marine Fisheries Commission. One shall be the head of the administrative agency of such state charged with the conservation of the fishery resources to which this compact pertains or, if there be more than one officer or agency, the official of that state named by the governor thereof. The second shall be a member of the legislature of such state designated by such legislature or in the absence of such designation, such legislator shall be designated by the governor thereof, provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such state, the second member shall be appointed in such manner as may be established by law. The third shall be a citizen who shall have a knowledge of and interest in the marine fisheries, to be appointed by the governor. This commission shall be a body corporate with the powers and duties set forth herein.

### ARTICLE IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the gulf coast. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdiction to promote the preservation of these fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fishery resources of the aforementioned states.

To that end the commission shall draft and recommend to the governors and the legislatures of the various signatory states, legislation dealing with the conservation of the marine, shell and anadromous fisheries of the gulf seaboard. The commission shall from time to time present to the governor of each compacting state its recommendations relating to enactments to be presented to the legislature of the state in furthering the interest and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the states party hereto with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable.

The commission shall have power to recommend to the states party hereto the stocking of the waters of such states with fish and fish eggs or joint stocking by some or all of the states party hereto and when two or more states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

### ARTICLE V

The commission shall elect from its number a chair and vice chair and shall appoint and at its pleasure remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place but must meet at least once a year.

#### ARTICLE VI

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting states which have an interest in such species. The commission shall define which shall be an interest.

#### ARTICLE VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Gulf States Marine Fisheries Commission cooperating with the research agencies in each state for that purpose. Representatives of the said fish and wildlife service shall attend the meetings of the commission. An advisory committee to be representative of the commercial salt water fishers and the salt water anglers and such other interests of each state as the commissioners deem advisable may be established by the commissioners from each state for the purpose of advising those commissioners upon such recommendations as it may desire to make.

#### ARTICLE VIII

When any state other than those named specifically in article II of this compact shall become a party hereto for the purpose of conserving its anadromous fish or marine species in accordance with the provisions of article II, the participation of such state in the action of the commission shall be limited to such species of fish.

#### ARTICLE IX

Nothing in this compact shall be construed to limit the powers or the proprietary interest of any signatory state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by a signatory state imposing additional conditions and restrictions to conserve its fisheries.

#### ARTICLE X

It is agreed that any two or more states party hereto may further amend this compact by acts of their respective legislatures subject to approval of Congress as provided in

article I, s. 10, of the Constitution of the United States, to designate the Gulf States Marine Fisheries Commission as a joint regulating authority for the joint regulation of specific fisheries affecting only such states as shall be compact, and at their joint expense. The representatives of such states shall constitute a separate section of the Gulf States Marine Fisheries Commission for the exercise of the additional powers so granted but the creation of such section shall not be deemed to deprive the states so compacting of any of their privileges or powers in the Gulf States Marine Fisheries Commission as constituted under the other articles of this compact.

#### ARTICLE XI

Continued absence of representation or of any representative on the commission from any state party hereto shall be brought to the attention of the governor thereof.

#### ARTICLE XII

The operating expenses of the Gulf States Marine Fisheries Commission shall be borne by the states party hereto. Such initial appropriations as are set forth below shall be made available yearly until modified as hereinafter provided:

Florida.....	\$3,500
Alabama.....	1,000
Mississippi.....	1,000
Louisiana.....	5,000
Texas.....	2,500
Total.....	\$13,000

The proration and total cost per annum of \$13,000, above-mentioned, is estimated only, for initial operations, and may be changed when found necessary by the commission and approved by the legislatures of the respective states. Each state party hereto agrees to provide in the manner most acceptable to it, the travel costs and necessary expenses of its commissioners and other representatives to and from meetings of the commission or its duly constituted sections or committees.

#### ARTICLE XIII

This compact shall continue in force and remain binding upon each compacting state until renounced by act of the legislature of such state, in such form as it may choose; provided that such renunciation shall not become effective until 6 months after the effective date of the action taken by the legislature. Notice of such renunciation shall be

given to the other states party hereto by the secretary of state of the compacting state so renouncing upon passage of the act.

(2) MEMBERS OF COMMISSION; TERM OF OFFICE.—In pursuance of article III of said compact, there shall be three members (hereinafter called commissioners) of the Gulf States Marine Fisheries Commission (hereafter called commission) from the State of Florida. The first commissioner from the State of Florida shall be the Executive Director of the Fish and Wildlife Conservation Commission, ex officio, and the term of any such ex officio commissioner shall terminate at the time he or she ceases to hold said office of Executive Director of the Fish and Wildlife Conservation Commission, and his or her successor as commissioner shall be his or her successor as executive director. The second commissioner from the State of Florida shall be a legislator appointed on a rotating basis by the President of the Senate or the Speaker of the House of Representatives, beginning with the appointment of a member of the House of Representatives, and the term of any such commissioner shall terminate at the time he or she ceases to hold said legislative office. The Governor (subject to confirmation by the Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of and interest in the marine fisheries problem. The term of said commissioner shall be 3 years and the commissioner shall hold office until a successor shall be appointed and qualified. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled by appointment by the Governor (subject to confirmation by the Senate) for the unexpired term. The Executive Director of the Fish and Wildlife Conservation Commission, as ex officio commissioner, may delegate, from time to time, to any deputy or other subordinate in his or her department or office, the power to be present and participate, including voting, as his or her representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date of the appointment of the appointive commissioner, provided the said compact shall then have gone into effect in accordance with article II of the compact; otherwise they shall begin upon the date upon which said compact shall become effective in accordance with said article II. Any commissioner may be removed from office by the Governor upon charges and after a hearing.

(3) COMMISSION; POWERS.—There is hereby granted to the commission and the commissioners thereof all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the State of Florida are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the State of Florida to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of the State of Florida are hereby authorized and directed at convenient times and upon request of the said commission to furnish the said commission with information and data possessed by them or any of them and to aid said commission by loan of personnel or other means lying within their legal rights respectively.

(4) **POWERS OF COMMISSION SUPPLEMENTAL.**—Any powers herein granted to the commissioner shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said commission by other laws of the State of Florida or by the laws of the States of Alabama, Mississippi, Louisiana, Texas and Florida or by the Congress or the terms of said compact.

(5) **ACCOUNTS TO BE KEPT BY COMMISSION; EXAMINATION.**—The commission shall keep accurate accounts of all receipts and disbursements and shall report to the Governor and the Legislature of the State of Florida on or before the 10th day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1 of that year and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the State of Florida which may be necessary to carry out the intent and purposes of the compact between the signatory states.

The Department of Financial Services is authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts, disbursements and such other items referring to its financial standing as such department deems proper and to report the results of such examination to the governor of such state.

History.—s. 2, ch. 28145, 1953; ss. 12, 35, ch. 69-106; s. 131, ch. 71-377; s. 10, ch. 77-85; s. 239, ch. 94-356; s. 999, ch. 95-148; s. 254, ch. 99-245; s. 4, ch. 2001-272; s. 383, ch. 2003-261; s. 37, ch. 2008-247; s. 49, ch. 2025-8.

Note.—Former s. 370.20.

**379.244 Crustacea, marine animals, fish; regulations; general provisions.—**

(1) **OWNERSHIP OF FISH, SPONGES, ETC.**—All fish, shellfish, sponges, oysters, clams, and crustacea found within the rivers, creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets, and other bodies of water within the jurisdiction of the state, and within the Gulf of ~~America~~ Mexico and the Atlantic Ocean within the jurisdiction of the state, excluding all privately owned enclosed fish ponds not exceeding 150 acres, are the property of the state and may be taken and used by its citizens and persons not citizens, subject to the reservations and restrictions imposed by these statutes. No water bottoms owned by the state shall ever be sold, transferred, dedicated, or otherwise conveyed without reserving in the people the absolute right to fish thereon, except as otherwise provided in these statutes.

(2) **TAKING SALTWATER SPECIES FOR EXPERIMENTAL, AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.**—Notwithstanding any other provisions of general or special law to the contrary, the Fish and Wildlife Conservation Commission may authorize, upon such terms, conditions, and restrictions as it may prescribe by rule, any properly accredited person to harvest or possess native or nonnative saltwater species for experimental, scientific, education, and exhibition purposes or to harvest or possess reasonable quantities of aquacultural species for brood stock. Such authorizations may allow collection of specimens without regard to, and not limited to, size, seasonal closure, collection method, reproductive state, or bag limit. Authorizations issued under the provisions of this section may be suspended or revoked by the Fish and Wildlife Conservation Commission if it finds that the person has

violated this section, Fish and Wildlife Conservation Commission rules or orders, or terms or conditions of the authorization or has submitted false or inaccurate information in his or her application.

History.—s. 2, ch. 28145, 1953; ss. 25, 35, ch. 69-106; s. 284, ch. 71-136; s. 1, ch. 78-70; s. 1, ch. 80-90; s. 221, ch. 81-259; s. 8, ch. 85-234; s. 557, ch. 95-148; s. 12, ch. 98-333; s. 3, ch. 99-390; s. 76, ch. 2008-247; s. 9, ch. 2010-185; s. 50, ch. 2025-8.

Note.—Former s. 370.10.

### **1379.248 Sponges; regulation.—**

(1) **NONRESIDENT LICENSE; SPONGE FISHING.**—Any nonresident of the state, who desires to engage in the business or occupation of sponge fishing, either for that person or any other person, shall, before entering into said business or occupation, procure a nonresident saltwater products license issued in the name of an individual or to a valid boat registration pursuant to s. 379.361.

(2) **USE AND SIZE OF HOOKS.**—Any person engaged in gathering sponges by use of a hook shall use a hook 5 inches wide for the purpose of removing sponges from the bottom, and no hook of other dimensions may be used.

(3) **TAKING, POSSESSING COMMERCIAL; SIZE.—**

(a) No person may take, by any means or method, from the waters of the Gulf of ~~America Mexico~~, the straits of this state or the other waters within the territorial limits of this state, any commercial sponges, measuring, when wet, less than 5 inches in their maximum diameter.

(b) To make effective the foregoing subsection it is further provided that no person may land, cure, deliver, offer for sale, sell, or have in his or her possession, within the territorial limits of this state, or upon any boat, vessel, or vehicle, other than those operated interstate by common carriers, within the territorial limits of this state, any commercial sponges measuring, when wet, less than 5 inches in their maximum diameter.

(c) The presence of commercial sponges within the territorial limits of this state, or upon any boat, vessel, or vehicle, other than those operated interstate by common carriers, within the territorial limits of this state, measuring, when wet, less than 5 inches in their maximum diameter, shall be evidence that the person having such sponges in his or her possession has violated this section.

(4) **POWERS OF THE COMMISSION.**—The commission is authorized and empowered to make, promulgate, and put into effect all rules and regulations which the commission may consider and decide to be necessary to accomplish the purpose of this chapter for the taking and cultivation of sponges, including the power and authority to determine and fix, in its discretion, the seasons and period of time within which public state grounds may be closed to the taking, possessing, buying, selling, or transporting of sponges from the sponge cultivation districts herein provided for and to regulate and prescribe the means and methods to be employed in the harvesting thereof; however, notice of all rules, regulations, and orders, and all revisions and amendments thereto, prescribing closed seasons or prescribing the means and methods of harvesting sponges adopted by the commission shall be published in a newspaper of general circulation in the conservation district affected within 10 days from the adoption thereof, in addition to any notice required by chapter 120.

(5) COOPERATION WITH UNITED STATES FISH AND WILDLIFE SERVICE.—The commission shall cooperate with the United States Fish and Wildlife Service, under existing federal laws, rules and regulations, and is authorized to accept donations, grants and matching funds from said federal government under such conditions as are reasonable and proper, for the purposes of carrying out this chapter, and the commission is further authorized to accept any and all donations including funds and loan of vessels.

(6) PENALTY.—Any person violating any of the foregoing provisions shall, for the second offense, be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and by the confiscation of all boats, tackle and equipment used in the commission of such violation.

History.—s. 2, ch. 28145, 1953; ss. 10, 25, 35, ch. 69-106; s. 299, ch. 71-136; s. 23, ch. 78-95; s. 6, ch. 83-134; s. 2, ch. 84-121; ss. 15, 17, ch. 85-234; s. 5, ch. 86-219; ss. 17, 19, ch. 86-240; ss. 8, 12, ch. 89-98; s. 4, ch. 89-116; s. 564, ch. 95-148; s. 111, ch. 99-245; s. 80, ch. 2008-247; s. 51, ch. 2025-8.

<sup>1</sup>Note.—Section 6, ch. 83-134, as amended by s. 2, ch. 84-121; by s. 5, ch. 86-219; and by s. 19, ch. 86-240, repealed the then-existing section effective July 1, 1984, and further provided that if the Governor and Cabinet had not adopted appropriate rules by July 1, 1984, this section would remain in force until such rules were effective. Section 9, ch. 83-134, provided that, prior to the adoption of rules amending, readopting, or repealing those provisions set forth in s. 6, the Marine Fisheries Commission would hold a public hearing thereon, and no such amendment, re adoption, or repeal would be acted upon until it had been determined, based upon appropriate findings of fact, that such action would not adversely affect the resource. The Marine Fisheries Commission was transferred to the Fish and Wildlife Conservation Commission by s. 3, ch. 99-245.

Note.—Former s. 370.17.

## 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.
- 380.0553 Brevard Barrier Island 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.
- 380.0651 Statewide guidelines, standards, and exemptions.
- 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.
380.093*	Resilient Florida Grant Program; comprehensive statewide flood vulnerability and sea level rise data set and assessment; Statewide Flooding and Sea Level Rise Resilience Plan; regional resilience entities.
380.0933*	Florida Flood Hub for Applied Research and Innovation.
380.0935*	Resilient Florida Trust Fund.
380.0937*	Public financing of construction projects within areas at risk due to sea level rise.
380.11	Enforcement; procedures; remedies.
380.115	Vested rights and duties; changes in statewide 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 at 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 380.0666, .093, .0933, .0935, .0937, .23(3)(d) and .507 are not considered enforceable policies for federal consistency purposes.

## Chapter 380 – Land and Water Management

### **380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.—**

(1) **SHORT TITLE.**—This act shall be known and cited as the “Apalachicola Bay Area Protection Act.”

(2) **LEGISLATIVE INTENT.**—It is hereby declared that the intent of the Legislature is:

(a) To protect the water quality of the Apalachicola Bay Area to ensure a healthy environment and a thriving economy for the residents of the area and the state.

(b) To financially assist Franklin County and its municipalities in upgrading and expanding their sewerage systems.

(c) To protect the Apalachicola Bay Area’s natural and economic resources by implementing and enforcing comprehensive plans and land development regulations.

(d) To assist Franklin County and its municipalities with technical and advisory assistance in formulating additional land development regulations and modifications to comprehensive plans.

(e) To monitor activities within the Apalachicola Bay Area to ensure the long-term protection of all the area’s resources.

(f) To promote a broad base of economic growth which is compatible with the protection and conservation of the natural resources of the Apalachicola Bay Area.

(g) To educate the residents of the Apalachicola Bay Area in order to protect and preserve its natural resources.

(h) To provide affordable housing in close proximity to places of employment in the Apalachicola Bay Area.

(i) To protect and improve the water quality of the Apalachicola Bay Area through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet state requirements.

(3) **DESIGNATION.**—Franklin County, as described in s. 7.19, less all federally owned lands, less all lands lying east of the line formed by the eastern boundary of State Road 319 running from the Ochlockonee River to the intersection of State Road 319 and State Road 98 and thence due south to the Gulf of ~~America Mexico~~, and less any lands removed under subsection (4), is hereby designated an area of critical state concern on June 18, 1985. State road, for the purpose of this section, shall be defined as in s. 334.03. For the purposes of this act, this area shall be known as the Apalachicola Bay Area.

(4) **REMOVAL OF DESIGNATION.**—The state land planning agency may recommend to the Administration Commission the removal of the designation from all or part of the area specified in subsection (3), if it determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the Apalachicola Bay Area, continue to carry out the legislative intent set forth in subsection (2), and are in compliance with the principles for guiding development set forth in subsection (7). If the Administration Commission concurs with the recommendations of the state land planning agency to remove any area from the designation, it shall, within 45 days after receipt of the recommendation,

initiate rulemaking to remove the designation. The state land planning agency shall make recommendations to the Administration Commission annually.

(5) APPLICATION OF CHAPTER 380 PROVISIONS.—Section 380.05(1)-(5), (8), (9), (12), (15), (17), and (21), shall not apply to the area designated by this act for so long as the designation remains in effect. Except as otherwise provided in this act, s. 380.045 shall not apply to the area designated by this act. All other provisions of this chapter shall apply, including ss. 380.07 and 380.11, except that the “local development regulations” in s. 380.05(13) shall include the regulations set forth in subsection (8) for purposes of s. 380.05(13), and the plan or plans submitted pursuant to s. 380.05(14) shall be submitted no later than February 1, 1986. All or part of the area designated by this act may be redesignated pursuant to s. 380.05 as if it had been initially designated pursuant to that section.

(6) VESTED RIGHTS OF DEVELOPER.—If a developer has by his or her actions in reliance on prior regulations obtained vested or other legal rights including rights obtained by approval of a development of regional impact or a substantial deviation thereof pursuant to s. 380.06 that would have prevented a local government from changing those regulations in a way adverse to the developer’s interests, nothing in this act authorizes any governmental agency to abridge those rights.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Apalachicola Bay Area shall coordinate their plans and conduct their programs and regulatory activities consistently with the following principles for guiding the development of the area:

(a) Land development shall be guided so that the basic functions and productivity of the Apalachicola Bay Area’s natural land and water systems will be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area.

(b) Land development shall be consistent with a safe environment, adequate community facilities, a superior quality of life, and a desire to minimize environmental hazards.

(c) Growth and diversification of the local economy shall be fostered only if it is consistent with protecting the natural resources of the Apalachicola Bay Area through appropriate management of the land and water systems.

(d) Aquatic habitats and wildlife resources of the Apalachicola Bay Area shall be conserved and protected.

(e) Water quantity shall be managed to conserve and protect the natural resources and the scenic beauty of the Apalachicola Bay Area.

(f) The quality of water shall be protected, maintained, and improved for public water supplies, the propagation of aquatic life, and recreational and other uses which are consistent with these uses.

(g) No wastes shall be discharged into any waters of the Apalachicola Bay Area without first being given the degree of treatment necessary to protect the water uses as set forth in paragraph (f).

(h) Stormwater discharges shall be managed in order to minimize their impacts on the bay system and protect the uses as set forth in paragraph (f).

(i) Coastal dune systems, specifically the area extending landward from the extreme high-tide line to the beginning of the pinelands of the Apalachicola Bay Area, shall be protected.

(j) Public lands shall be managed, enhanced, and protected so that the public may continue to enjoy the traditional use of such lands.

(8) COMPREHENSIVE PLAN ELEMENTS AND LAND DEVELOPMENT REGULATIONS.—

(a) Local governments to administer plan elements and regulations.—The following comprehensive plan elements and land development regulations shall be administered by local governments within their jurisdiction in the Apalachicola Bay Area, as part of their local comprehensive plan and land development regulations. If a local government within the Apalachicola Bay Area has a provision in its local comprehensive plan or its land development regulations which conflicts with a provision of this paragraph or has no comparable provision, the provision of this paragraph shall control.

1. Comprehensive plan.—Chapter 1 of Volume I, and chapters 4, 5, 7, and 9 of Volume II of the Franklin County Comprehensive Land Use Plan adopted by Ordinance No. 81-4 on June 22, 1981, by the Franklin County Board of County Commissioners and filed with the Secretary of State on June 30, 1981, are incorporated by reference and adopted herein.

2. Zoning ordinances.—Ordinance No. 81-5 adopted June 22, 1981, by the Franklin County Board of County Commissioners and filed with the Secretary of State on June 30, 1981, and the following amendments are incorporated by reference and adopted herein:

a. Ordinance 82-4, adopted June 18, 1982, and filed with the Secretary of State on July 28, 1982.

b. Ordinance 83-4, adopted July 19, 1983, and filed with the Secretary of State on July 25, 1983.

c. Ordinance 83-7, adopted October 4, 1983, and filed with the Secretary of State on October 6, 1983.

d. Ordinance 84-2, adopted April 24, 1984, and filed with the Secretary of State on April 27, 1984.

3. Subdivision regulations.—Ordinance No. 74-1 adopted November 15, 1974, by the Franklin County Board of County Commissioners and filed with the Secretary of State on December 4, 1974, and December 5, 1974, and the following amendment are incorporated by reference and adopted herein: Ordinance 79-5, filed with the Secretary of State on May 30, 1979.

4. Flood plain management ordinance.—Ordinance No. 83-5 adopted on July 7, 1983, by the Franklin County Board of County Commissioners and filed with the Secretary of State on July 15, 1983, is incorporated by reference and adopted herein.

5. Septic tank ordinance.—Ordinance 79-8 adopted on June 22, 1979, by the Franklin County Board of County Commissioners and filed with the Secretary of State on June 27, 1979, is incorporated by reference and adopted herein.

6. Construction; electrical connection.—Ordinance No. 73-5A adopted July 3, 1973, by the Franklin County Board of County Commissioners and filed with the Secretary of State on March 6, 1981, is incorporated by reference and adopted herein.

7. Alligator Point Water Resource District Act.—Ordinance No. 76-7 adopted on November 16, 1976, by the Franklin County Board of County Commissioners and filed with the Secretary of State on March 6, 1981, is incorporated by reference and adopted herein.

8. Coastal area building codes.—Ordinance No. 84-1 establishing building codes for coastal areas adopted by the Franklin County Board of County Commissioners on February 8, 1984, and filed with the Secretary of State on February 2, 1984, is incorporated by reference and adopted herein.

9. Standard building code.—Ordinance adopting the 1976 Standard Building Code, Ordinance No. 83-1, adopted January 18, 1983, by the Franklin County Board of County Commissioners and filed with the Secretary of State January 20, 1983, is incorporated by reference and adopted herein.

10. Local planning agency.—Ordinance No. 77-6 adopted on June 21, 1977, by the Franklin County Board of County Commissioners and filed with the Secretary of State on June 22, 1977, is incorporated by reference and adopted herein.

11. Coastal high-hazard zones.—Ordinance No. 80-5 adopted on May 29, 1980, by the Franklin County Board of County Commissioners and filed with the Secretary of State on May 30, 1980, is incorporated by reference and adopted herein.

(b) Conflicting regulations.—In the event of any inconsistency between subparagraph (a)1. and subparagraphs (a)2.-11., subparagraph (a)1. shall control. Further, in the event of any inconsistency between subsection (7) and paragraph (a) of this subsection and a development order issued pursuant to s. 380.06, which has become final prior to June 18, 1985, or between subsection (7) and paragraph (a) and an amendment to a final development order, which amendment has been requested prior to April 2, 1985, the development order or amendment thereto shall control. However, any modification to paragraph (a) enacted by a local government and approved by the state land planning agency pursuant to subsection (9) may provide whether it shall control over an inconsistent provision of a development order or amendment thereto. A development order or any amendment thereto referred to in this paragraph shall not be subject to approval by the state land planning agency pursuant to subsection (9).

(c) Effect of existing plans and regulations.—Legally adopted comprehensive plans and land development regulations other than those listed in this subsection shall remain in full force and effect unless inconsistent with the principles for guiding development set forth in subsection (7), the elements of the comprehensive plan listed in this subsection, or the land development regulations listed in this subsection.

(d) Developments of regional impact.—A local government shall approve a development subject to the provisions of s. 380.06 only if it also complies with the provisions of this subsection.

(9) MODIFICATION TO PLANS AND REGULATIONS.—Any land development regulation or element of a local comprehensive plan in the Apalachicola Bay Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon the approval thereof by the state land planning agency. The state land planning agency shall review the proposed change to determine if it complies with the principles for guiding development specified in subsection (7) and must approve or reject the requested change as provided in s. 380.05. Further, the state land planning agency, after consulting with the appropriate

local government, may, from time to time, recommend the enactment, amendment, or rescission of a land development regulation or element of a comprehensive plan. Within 45 days following the receipt of such recommendation by the state land planning agency or enactment, amendment, or rescission by a local government the commission shall reject the recommendation, enactment, amendment, or rescission or accept it with or without modification and adopt, by rule, any changes. Any such local land development regulation or comprehensive plan or part of such regulation or plan may be adopted by the commission if it finds that it is in compliance with the principles for guiding development.

(10) REQUIREMENTS; LOCAL GOVERNMENTS.—

(a) As used in this subsection:

1. “Alternative onsite system” means any approved onsite disposal system used in lieu of a standard subsurface system.
2. “Critical shoreline zone” means all land within a distance of 150 feet landward of the mean high-water line in tidal areas, the ordinary high-water line in nontidal areas, or the inland wetland areas existing along the streams, lakes, rivers, bays, and sounds within the Apalachicola Bay Area.
3. “Pollution-sensitive segment of the critical shoreline” means an area which, due to its proximity to highly sensitive resources, including, but not limited to, productive shellfish beds and nursery areas, requires special regulatory attention.
4. “Low-income family” means a group of persons residing together whose combined income does not exceed 200 percent of the 1985 Poverty Income Guidelines for all states and the District of Columbia, promulgated by the United States Department of Health and Human Services, as published in Volume 50, No. 46 of the Federal Register, pages 9517-18. Income shall be as defined in said guidelines.

(b) Franklin County and the municipalities within it shall, within 60 days after a sewerage system is available for use, notify all owners and users of onsite sewage disposal systems of the availability of such a system and that connection is required within 180 days of the notice. Failure to connect to an available system within the time prescribed shall be a misdemeanor of the second degree, punishable as provided in ss. 775.082 and 775.083. Further, Franklin County and the municipalities within it shall have the right to make the connection if it is not made within the prescribed time and to assess the owner of the real property on which the connection is made for the cost of such connection. Such assessments shall be levied according to law and shall become a lien against the real property, enforced according to law. Franklin County and the municipalities within it shall develop a program and implement ordinances to make available to low-income families the sewer services available upon completion of the proposed sewer projects being funded by this act.

(c)1. The Department of Health shall survey all septic tank soil-absorption systems in the Apalachicola Bay Area to determine their suitability as onsite sewage treatment systems. Within 6 months from June 18, 1985, Franklin County and the municipalities within it, after consultation with the Department of Health and the Department of Environmental Protection, shall develop a program designed to correct any onsite sewage treatment systems that might endanger the water quality of the bay.

2. Franklin County and the municipalities within it shall, within 9 months from June 18, 1985, enact by ordinance procedures implementing this program. These procedures

shall include notification to owners of unacceptable septic tanks and procedures for correcting unacceptable septic tanks. These ordinances shall not be effective until approved by the Department of Health and the Department of Environmental Protection.

(d) Franklin County and the municipalities within it shall, within 12 months from June 18, 1985, establish by ordinance a map of “pollution-sensitive segments of the critical shoreline” within the Apalachicola Bay Area, which ordinance shall not be effective until approved by the Department of Health and the Department of Environmental Protection. Franklin County and the municipalities within it, after the effective date of these ordinances, shall no longer grant permits for onsite wastewater disposal systems in pollution-sensitive segments of the critical shoreline, except for those onsite wastewater systems that will not degrade water quality in the river or bay. These ordinances shall not become effective until approved by the resource planning and management committee. Until such ordinances become effective, the Franklin County Health Department shall not give a favorable recommendation to the granting of a septic tank variance pursuant to section (1) of Ordinance 79-8, adopted on June 22, 1979, by the Franklin County Board of County Commissioners and filed with the Secretary of State on June 27, 1979, or issue a permit for a septic tank or alternative waste disposal system pursuant to Ordinance 81-5, adopted on June 22, 1981, by the Franklin County Board of County Commissioners and filed with the Secretary of State on June 30, 1981, as amended as set forth in subparagraph (8)(a)2., unless the Franklin County Health Department certifies, in writing, that the use of such system will be consistent with paragraph (7)(f) and subsection (8).

(e) Franklin County and the municipalities within it shall, within 9 months from June 18, 1985, enact land development regulations to protect the Apalachicola Bay Area from stormwater pollution, including provisions for development approval, before the issuance of building permits pursuant to chapter 17-25, Florida Administrative Code, Franklin County and the municipalities within it shall, within 90 days following the above deadline, survey existing stormwater management systems and discharges to determine their effect on the bay and develop a comprehensive stormwater management plan to minimize such effects. The plan will include recommendations and financing options for the retrofitting of existing systems. Franklin County and the municipalities within it shall, as part of an overall stormwater management program, inform its citizens about stormwater, its relationship to land use, and its effect upon the resources of the Apalachicola Bay Area.

(f) Franklin County and the municipalities within it shall, beginning 12 months from June 18, 1985, prepare semiannual reports on the implementation of paragraphs (b)-(e) on the environmental status of the Apalachicola Bay Area. The state land planning agency may prescribe additional detailed information required to be reported. Each report shall be delivered to the resource planning and management committee and the state land planning agency for review and recommendations. The state land planning agency shall review each report and consider such reports when making recommendations to the Administration Commission pursuant to subsection (9).

(11) FINANCIAL ASSISTANCE AGREEMENTS.—Beginning in the 2023-2024 fiscal year and continuing through the 2027-2028 fiscal year, the Department of Environmental Protection may expend up to \$5 million each fiscal year for the purpose of entering into financial assistance agreements with the City of Apalachicola to

implement projects that improve surface water and groundwater quality within the Apalachicola Bay Area of Critical State Concern, including the construction of stormwater management facilities and central sewage collection facilities, installation of onsite sewage treatment and disposal systems, direct and indirect potable reuse, and other water quality and water supply projects. This subsection expires on June 30, 2028.

History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, ch. 85-360; s. 1, ch. 93-135; s. 51, ch. 93-206; s. 343, ch. 94-356; s. 1028, ch. 95-148; s. 57, ch. 96-321; s. 31, ch. 98-176; s. 72, ch. 99-8; s. 185, ch. 99-13; s. 15, ch. 2001-62; s. 6, ch. 2016-148; s. 5, ch. 2018-159; s. 1, ch. 2023-227; s. 52, ch. 2025-8.

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

Units of local government abutting the Gulf of ~~America~~ Mexico or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community, shall develop a coastal zone protection element pursuant to s. 163.3177. Such units of local government shall be eligible to receive technical assistance from the state in preparing coastal zone protection elements and shall be the only units of local government eligible to apply to the department for available financial assistance. Local government participation in the coastal management program authorized by this act shall be voluntary. All permitting and enforcement of dredged-material management and other related activities subject to permit under the provisions of chapters 161 and 253 and part IV of chapter 373 for deepwater ports identified in s. 403.021(9)(b) shall be done through the department consistent with the provisions of s. 403.021(9).

History.—s. 9, ch. 78-287; s. 11, ch. 94-122; s. 142, ch. 96-320; s. 2, ch. 2002-277; s. 53, ch. 2025-8.

## Chapter 381

### Public Health: General Provisions

#### Enforceable Policies

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

- 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 fines.
- 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.
- 381.992\* Type 1 diabetes early detection program.

\*Section 381.992 is not proposed as an enforceable policy for federal consistency purposes.

## Chapter 381 Public Health: General Provisions

### **381.992 Type 1 diabetes early detection program.—**

(1) The Department of Health, in collaboration with school districts throughout this state, shall develop informational materials for the early detection of Type 1 diabetes for parents and guardians of students. The informational materials shall be made available to each early learning coalition, school district, and charter school through the department's website.

(2) Within 90 days after July 1, 2025, the department shall develop the materials related to the early detection of Type 1 diabetes and post the information on its website. The department shall develop a standardized methodology for each early learning coalition, school district, and charter school for the notification of the parents or guardians of voluntary prekindergarten, kindergarten, and first grade students, by September 30, 2025, and annually thereafter, of the availability of the Type 1 diabetes early detection materials.

(3) Information provided to parents and guardians shall include, but not be limited to, all of the following:

(a) A description of Type 1 diabetes.

(b) A description of the risk factors and warning signs associated with Type 1 diabetes.

(c) A description of the process for screening students for early detection of Type 1 diabetes using a blood autoantibody test.

(d) A recommendation for further evaluation for students displaying warning signs associated with Type 1 diabetes or positive early detection screening results.

History.—s. 1, ch. 2025-46.

## Chapter 403

### Environmental Control

#### Enforceable Policies

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

403.011	Short title.
403.021	Legislative declaration; public policy.
403.031	Definitions.
403.051	Meetings; hearings and procedure.
403.061*	Department; powers and duties.
403.0611	Alternative methods of regulatory permitting; department duties.
403.0615	Water resources restoration and preservation.
403.0616*	Real-time water quality monitoring program.
403.0617*	Innovative nutrient and sediment reduction and conservation pilot project program.
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.
403.0643	Applicability of rules when reclaimed water is injected into specified receiving groundwater.
403.0645	Reclaimed water use at state facilities.
403.067	Establishment and implementation of total maximum daily loads.
403.0671*	Basin management action plan wastewater reports.
403.0673*	Water quality improvement grant program.
403.0674	Biosolids grant program.
403.0675*	Progress reports.
403.072	Pollution Prevention Act.
403.073	Pollution prevention; state goal; agency programs; public education.
403.074	Technical assistance by the department.
403.0741*	Grease waste removal and disposal.
403.075	Legislative findings.
403.0752	Ecosystem management agreements.
403.076*	Short title.
403.077	Public notification of pollution.
403.078*	Effect on other law.
403.081	Performance by other state agencies.
403.085	Sanitary sewage disposal units; advanced and secondary waste treatment; industrial waste treatment.
403.0855	Biosolids management.
403.086	Sewage disposal facilities; advanced and secondary waste treatment.

- 403.08601\* Leah Schad Memorial Ocean Outfall Program.
- 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.
- 403.0874\* Air Pollution Control Trust Fund.
- 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; procedure; 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.
- 403.1832\* Grants and Donations Trust Fund.
- 403.1834 State bonds to finance or refinance facilities; exemption from taxation.
- 403.1835 Water pollution control financial assistance.
- 403.1837 Florida Water Pollution Control Financing Corporation.
- 403.1838 Small Community Sewer Construction Assistance Act.
- 403.191 Construction in relation to other law.
- 403.201 Variances.
- 403.231 Department of Legal Affairs to represent the state.
- 403.251 Safety clause.

- 403.411 Geoengineering and weather modification activities prohibited; penalty.
- 403.4115\*\* Reporting on geoengineering and weather modification activities on public infrastructure; penalty.
- 403.412 Environmental Protection Act.
- 403.413 Florida Litter Law.
- 403.4131 Litter control.
- 403.41315 Comprehensive illegal dumping, litter, and marine debris control and prevention.
- 403.4132 Litter pickup and removal.
- 403.4133 Adopt-a-Shore Program.
- 403.4135 Litter receptacles.
- 403.414\* Environmental award program.
- 403.415 Motor vehicle noise.
- 403.4151 Exempt motor vehicles.
- 403.4153 Federal preemption.
- 403.4154 Phosphogypsum management program.
- 403.4155 Phosphogypsum management; rulemaking authority.
- 403.501 Short title.
- 403.502 Legislative intent.
- 403.503 Definitions relating to Florida Electrical Power Plant Siting Act.
- 403.504 Department of Environmental Protection; powers and duties enumerated.
- 403.5055 Application for permits pursuant to s. 403.0885.
- 403.506 Applicability, thresholds, and certification.
- 403.5063 Notice of intent to file application.
- 403.5064 Application; schedules.
- 403.5065 Appointment of administrative law judge; powers and duties.
- 403.5066 Determination of completeness.
- 403.50663\* Informational public meetings.
- 403.50665 Land use consistency.
- 403.507 Preliminary statements of issues, reports, project analyses, and studies.
- 403.508 Land use and certification hearings, 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 and review.
- 403.5115 Public notice.
- 403.5116 County and municipal authority unaffected by ch. 75-22.
- 403.512 Revocation or 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.

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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 relating to the Florida Electric Transmission Line Siting Act.
403.523	Department of Environmental Protection; powers and duties.
403.524	Applicability; certification; exemptions.
403.525	Administrative law judge; appointment; powers and duties.
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403.526	Preliminary statements of issues, reports, and project analyses; studies.
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403.5271	Alternate corridors.
403.5272	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	Filing 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.
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403.7046	Regulation of recovered materials.
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403.7049	Determination of full cost for solid waste management; local solid waste management fees.
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- 403.70605 Solid waste collection services in competition with private companies.
- 403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.
- 403.70611\* Requirements relating to solid waste disposal facility permitting.
- 403.7063 Use of private services in solid waste management.
- 403.7065 Procurement of products or materials with recycled content.
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- 403.7071 Management of storm-generated debris.
- 403.70715 Research, development, and demonstration permits.
- 403.7072 Citation of rule.
- 403.708 Prohibition; penalty.
- 403.709\* Solid Waste Management Trust Fund; use of waste tire fees.
- 403.7095\* Solid waste management grant program.
- 403.712 Revenue bonds.
- 403.7125\* Financial assurance.
- 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 onsite; federal facilities managing hazardous waste.
- 403.7215 Tax on gross receipts of commercial hazardous waste facilities.
- 403.722 Permits; hazardous waste disposal, storage, and treatment facilities.
- 403.7222 Prohibition of hazardous waste landfills.
- 403.7223 Waste elimination and reduction assistance program.
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- 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 Placement of signs.
- 403.726 Abatement of imminent hazard caused by hazardous substance.
- 403.7264\* Amnesty days for purging small quantities of hazardous wastes.
- 403.7265 Local hazardous waste collection program.
- 403.727 Violations; defenses, penalties, and remedies.
- 403.728 Qualifications of operation personnel of hazardous waste facilities.
- 403.74 Management of hazardous materials by governmental agencies.
- 403.75 Definitions relating to used oil.
- 403.751 Prohibited actions; used oil.
- 403.753 Public educational program about collection and recycling of used oil.
- 403.7531 Notice by retail dealer.
- 403.754 Registration of persons transporting, processing, burning, or marketing used oil; fees; reports and records.
- 403.7545 Regulation of used oil as hazardous waste.
- 403.757 Coordination with other state agencies.
- 403.758 Enforcement and penalty.
- 403.759 Disposition of fees, fines, and penalties.
- 403.760 Public used oil collection centers.
- 403.761 Incentives program.
- 403.763\* Grants to local governments.
- 403.767 Certification of used oil transporters.
- 403.769 Permits for used oil processing and rerefining facilities.
- 403.7721 Rule of construction; chs. 85-269 and 85-277.
- 403.801 Short title.
- 403.802 Declaration of policy.
- 403.803 Definitions.
- 403.804 Environmental Regulation Commission; powers and duties.
- 403.805\* Secretary; powers and duties; review of specified rules.
- 403.8051 Small Business Air Pollution Compliance Advisory Council; members; duties.
- 403.8052 Small Business Stationary Air Pollution Source Technical and Environmental Compliance Assistance Program.
- 403.8055\* Department adoption of federal standards.
- 403.809 Environmental districts; establishment; managers; functions.
- 403.811 Dredge and fill permits issued pursuant to this chapter and s. 373.414.
- 403.812 Dredge and fill permitting in stormwater management systems.
- 403.813 Permits issued at district centers; exceptions.
- 403.8135 Citation of rule.
- 403.814 General permits; delegation.
- 403.8141 Special event permits.
- 403.815 Public notice; waiver of hearings.
- 403.816 Permits for maintenance dredging of deepwater ports and beach restoration projects.
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403.851	Declaration of policy; intent.
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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.
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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.
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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.
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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.
403.871*	Fees.
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403.88	Classification of water and wastewater treatment facilities and facility operators.
403.885*	Water Projects Grant Program.
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403.891	Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection.
403.892*	Incentives for the use of graywater technologies.
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.
403.928*	Assessment of water resources and conservation lands.
403.9301*	Wastewater services projections.

- 403.9302\* Stormwater management projections.
- 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.
- 403.93344 Seagrass Restoration Technology Development Initiative; Initiative Technology Advisory Council.
- 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.
- 403.9339\* Golf course best management practices certification.
- 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.
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- 403.9408 Determination of completeness.
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- 403.941\* Preliminary statements of issues, reports, and studies.
- 403.9411 Notice; proceedings; parties and participants.
- 403.9412 Alternate corridors.
- 403.9413 Amendment to the application.
- 403.9414 Alteration of time limits.
- 403.9415 Final disposition of application.
- 403.9416 Effect of certification.
- 403.9417 Recording of notice of certified corridor route.
- 403.9418 Modification of certification.
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- 403.942 Superseded laws, regulations, and certification power.
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- 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; amendments to comprehensive plans.

\*Sections 403.061(40), .0616, .0617, .0671, .0673, .0675, .0741, .076, .078, .08601, .0874, .1832, .414, .50663, .70611, .709, .7095, .7125(2)&(3), .7264, .763, .805, .8055, .871, .873, .874, .885, .892, .928, .9301, .9302, .9339 and .941 are not considered enforceable policies for federal consistency purposes.

\*\*Section 403.4115 is not proposed as an enforceable policy for federal consistency purposes.

## Chapter 403 Environmental Control

### **403.067 Establishment and implementation of total maximum daily loads.—**

(1) **LEGISLATIVE FINDINGS AND INTENT.**—In furtherance of public policy established in s. 403.021, the Legislature declares that the waters of the state are among its most basic resources and that the development of a total maximum daily load program for state waters as required by s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. will promote improvements in water quality throughout the state through the coordinated control of point and nonpoint sources of pollution. The Legislature finds that, while point and nonpoint sources of pollution have been managed through numerous programs, better coordination among these efforts and additional management measures may be needed in order to achieve the restoration of impaired water bodies. The scientifically based total maximum daily load program is necessary to fairly and equitably allocate pollution loads to both nonpoint and point sources. Implementation of the allocation shall include consideration of a cost-effective approach coordinated between contributing point and nonpoint sources of pollution for impaired water bodies or water body segments and may include the opportunity to implement the allocation through nonregulatory and incentive-based programs. The Legislature further declares that the Department of Environmental Protection shall be the lead agency in administering this program and shall coordinate with local governments, water management districts, the Department of Agriculture and Consumer Services, local soil and water conservation districts, environmental groups, regulated interests, other appropriate state agencies, and affected pollution sources in developing and executing the total maximum daily load program.

(2) **LIST OF SURFACE WATERS OR SEGMENTS.**—In accordance with s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., the department must submit periodically to the United States Environmental Protection Agency a list of surface waters or segments for which total maximum daily load assessments will be conducted. The assessments shall evaluate the water quality conditions of the listed waters and, if such waters are determined not to meet water quality standards, total maximum daily loads shall be established, subject to the provisions of subsection (4). The department shall establish a priority ranking and schedule for analyzing such waters.

(a) The list, priority ranking, and schedule cannot be used in the administration or implementation of any regulatory program. However, this paragraph does not prohibit any agency from employing the data or other information used to establish the list, priority ranking, or schedule in administering any program.

(b) The list, priority ranking, and schedule prepared under this subsection shall be made available for public comment, but shall not be subject to challenge under chapter 120.

(c) The provisions of this subsection are applicable to all lists prepared by the department and submitted to the United States Environmental Protection Agency pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq., including those submitted prior to the effective date of this act, except as provided in subsection (4).

(d) If the department proposes to implement total maximum daily load calculations or allocations established prior to the effective date of this act, the department shall adopt those calculations and allocations by rule by the secretary pursuant to ss. 120.536(1) and 120.54 and paragraph (6)(c).

(3) ASSESSMENT.—

(a) Based on the priority ranking and schedule for a particular listed water body or water body segment, the department shall conduct a total maximum daily load assessment of the basin in which the water body or water body segment is located using the methodology developed pursuant to paragraph (b). In conducting this assessment, the department shall coordinate with the local water management district, the Department of Agriculture and Consumer Services, other appropriate state agencies, soil and water conservation districts, environmental groups, regulated interests, and other interested parties.

(b) The department shall adopt by rule a methodology for determining those waters which are impaired. The rule shall provide for consideration as to whether water quality standards codified in chapter 62-302, Florida Administrative Code, are being exceeded, based on objective and credible data, studies and reports, including surface water improvement and management plans approved by water management districts and pollutant load reduction goals developed according to department rule. Such rule also shall set forth:

1. Water quality sample collection and analysis requirements, accounting for ambient background conditions, seasonal and other natural variations;
2. Approved methodologies;
3. Quality assurance and quality control protocols;
4. Data modeling; and
5. Other appropriate water quality assessment measures.

(c) If the department has adopted a rule establishing a numerical criterion for a particular pollutant, a narrative or biological criterion may not be the basis for determining an impairment in connection with that pollutant unless the department identifies specific factors as to why the numerical criterion is not adequate to protect water quality. If water quality nonattainment is based on narrative or biological criteria, the specific factors concerning particular pollutants shall be identified prior to a total maximum daily load being developed for those criteria for that surface water or surface water segment.

(4) APPROVED LIST.—If the department determines, based on the total maximum daily load assessment methodology described in subsection (3), that water quality standards are not being achieved and that technology-based effluent limitations and other pollution control programs under local, state, or federal authority, including Everglades restoration activities pursuant to s. 373.4592 and the National Estuary Program, which are designed to restore such waters for the pollutant of concern are not sufficient to result in attainment of applicable surface water quality standards, it shall confirm that determination by issuing a subsequent, updated list of those water bodies or segments for which total maximum daily loads will be calculated. In association with this updated list, the department shall establish priority rankings and schedules by which water bodies or segments will be subjected to total maximum daily load calculations. If a surface water or water segment is to be listed under this subsection,

the department must specify the particular pollutants causing the impairment and the concentration of those pollutants causing the impairment relative to the water quality standard. This updated list shall be approved and amended by order of the department subsequent to completion of an assessment of each water body or water body segment, and submitted to the United States Environmental Protection Agency. Each order shall be subject to challenge under ss. 120.569 and 120.57.

(5) REMOVAL FROM LIST.—At any time throughout the total maximum daily load process, surface waters or segments evaluated or listed under this section shall be removed from the lists described in subsection (2) or subsection (4) upon demonstration that water quality criteria are being attained, based on data equivalent to that required by rule under subsection (3).

(6) CALCULATION AND ALLOCATION.—

(a) Calculation of total maximum daily load.

1. Prior to developing a total maximum daily load calculation for each water body or water body segment on the list specified in subsection (4), the department shall coordinate with applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources to determine the information required, accepted methods of data collection and analysis, and quality control/quality assurance requirements. The analysis may include mathematical water quality modeling using approved procedures and methods.

2. The department shall develop total maximum daily load calculations for each water body or water body segment on the list described in subsection (4) according to the priority ranking and schedule unless the impairment of such waters is due solely to activities other than point and nonpoint sources of pollution. For waters determined to be impaired due solely to factors other than point and nonpoint sources of pollution, no total maximum daily load will be required. A total maximum daily load may be required for those waters that are impaired predominantly due to activities other than point and nonpoint sources. The total maximum daily load calculation shall establish the amount of a pollutant that a water body or water body segment may receive from all sources without exceeding water quality standards, and shall account for seasonal variations and include a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality. The total maximum daily load may be based on a pollutant load reduction goal developed by a water management district, provided that such pollutant load reduction goal is promulgated by the department in accordance with the procedural and substantive requirements of this subsection.

(b) Allocation of total maximum daily loads. The total maximum daily loads shall include establishment of reasonable and equitable allocations of the total maximum daily load between or among point and nonpoint sources that will alone, or in conjunction with other management and restoration activities, provide for the attainment of the pollutant reductions established pursuant to paragraph (a) to achieve water quality standards for the pollutant causing impairment. The allocations may establish the maximum amount of the water pollutant that may be discharged or released into the water body or water body segment in combination with other discharges or releases.

Allocations may also be made to individual basins and sources or as a whole to all basins and sources or categories of sources of inflow to the water body or water body segments. An initial allocation of allowable pollutant loads among point and nonpoint sources may be developed as part of the total maximum daily load. However, in such cases, the detailed allocation to specific point sources and specific categories of nonpoint sources shall be established in the basin management action plan pursuant to subsection (7). The initial and detailed allocations shall be designed to attain the pollutant reductions established pursuant to paragraph (a) and shall be based on consideration of the following:

1. Existing treatment levels and management practices;
2. Best management practices established and implemented pursuant to paragraph (7)(c);
3. Enforceable treatment levels established pursuant to state or local law or permit;
4. Differing impacts pollutant sources and forms of pollutant may have on water quality;
5. The availability of treatment technologies, management practices, or other pollutant reduction measures;
6. Environmental, economic, and technological feasibility of achieving the allocation;
7. The cost benefit associated with achieving the allocation;
8. Reasonable timeframes for implementation;
9. Potential applicability of any moderating provisions such as variances, exemptions, and mixing zones; and
10. The extent to which nonattainment of water quality standards is caused by pollution sources outside of Florida, discharges that have ceased, or alterations to water bodies prior to the date of this act.

(c) Adoption of rules. The total maximum daily load calculations and allocations established under this subsection for each water body or water body segment shall be adopted by rule by the secretary pursuant to ss. 120.536(1), 120.54, and 403.805. Where additional data collection and analysis are needed to increase the scientific precision and accuracy of the total maximum daily load, the department is authorized to adopt phased total maximum daily loads that are subject to change as additional data becomes available. Where phased total maximum daily loads are proposed, the department shall, in the detailed statement of facts and circumstances justifying the rule, explain why the data are inadequate so as to justify a phased total maximum daily load. The rules adopted pursuant to this paragraph are not subject to approval by the Environmental Regulation Commission and are not subject to the provisions of s. 120.541(3). As part of the rule development process, the department shall hold at least one public workshop in the vicinity of the water body or water body segment for which the total maximum daily load is being developed. Notice of the public workshop shall be published not less than 5 days nor more than 15 days before the public workshop in a newspaper of general circulation in the county or counties containing the water bodies or water body segments for which the total maximum daily load calculation and allocation are being developed.

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) Basin management action plans.—

1. In developing and implementing the total maximum daily load for a waterbody, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the waterbody. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, when appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.
2. A basin management action plan must equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be those practices developed pursuant to paragraph (c). When appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.
3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies at least 5 days, but not more than 15 days, before the public meeting. A basin management action plan does not supplant or otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial allocation.
4. Each new or revised basin management action plan must include all of the following:
  - a. The appropriate management strategies available through existing water quality protection programs to achieve total maximum daily loads, which may provide for phased implementation to promote timely, cost-effective actions as provided for in s. 403.151.
  - b. A description of best management practices adopted by rule.

- c. For the applicable 5-year implementation milestone, a list of projects that will achieve the pollutant load reductions needed to meet the total maximum daily load or the load allocations established pursuant to subsection (6). Each project must include a planning-level cost estimate and an estimated date of completion.
  - d. A list of projects developed pursuant to paragraph (e), if applicable.
  - e. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project, if applicable.
  - f. A planning-level estimate of each listed project's expected load reduction, if applicable.
5. The department shall adopt all or any part of a basin management action plan and any amendment to such plan by secretarial order pursuant to chapter 120 to implement this section.
6. The basin management action plan must include 5-year milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made as appropriate. Any entity with a specific pollutant load reduction requirement established in a basin management action plan shall identify the projects or strategies that such entity will undertake to meet current 5-year pollution reduction milestones, beginning with the first 5-year milestone for new basin management action plans, and submit such projects to the department for inclusion in the appropriate basin management action plan. Each project identified must include an estimated amount of nutrient reduction that is reasonably expected to be achieved based on the best scientific information available. Revisions to the basin management action plan shall be made by the department in cooperation with basin stakeholders. Revisions to the management strategies required for nonpoint sources must follow the procedures in subparagraph (c)4. Revised basin management action plans must be adopted pursuant to subparagraph 5.
7. In accordance with procedures adopted by rule under paragraph (9)(c), basin management action plans, and other pollution control programs under local, state, or federal authority as provided in subsection (4), may allow point or nonpoint sources that will achieve greater pollutant reductions than required by an adopted total maximum daily load or wasteload allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation; however, the generation of water quality credits does not remove the obligation of a source or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.
8. The department's rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or waterbody segments for which a basin

management plan that takes into account future new or expanded activities or discharges has been adopted under this section.

9. In order to promote resilient wastewater utilities, if the department identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the department determines remediation is necessary to achieve the total maximum daily load, a basin management action plan for a nutrient total maximum daily load must include the following:

a. A domestic wastewater treatment plan developed by each local government, in cooperation with the department, the water management district, and the public and private domestic wastewater treatment facilities providing services or located within the jurisdiction of the local government, which addresses domestic wastewater. Private domestic wastewater facilities and special districts providing domestic wastewater services must provide the required wastewater facility information to the applicable local governments. The domestic wastewater treatment plan must:

(I) Provide for construction, expansion, or upgrades necessary to achieve the total maximum daily load requirements applicable to the domestic wastewater treatment facility.

(II) Include the permitted capacity in average annual gallons per day for the domestic wastewater treatment facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a projected timeline of the dates by which the construction of any facility improvements will begin and be completed and the date by which operations of the improved facility will begin; the estimated cost of the improvements; and the identity of responsible parties.

The domestic wastewater treatment plan must be adopted as part of the basin management action plan no later than July 1, 2025. A local government that does not have a domestic wastewater treatment facility in its jurisdiction is not required to develop a domestic wastewater treatment plan unless there is a demonstrated need to establish a domestic wastewater treatment facility within its jurisdiction to improve water quality necessary to achieve a total maximum daily load. A local government is not responsible for a private domestic wastewater facility's compliance with a basin management action plan unless such facility is operated through a public-private partnership to which the local government is a party.

b. An onsite sewage treatment and disposal system remediation plan developed by each local government in cooperation with the department, the Department of Health, water management districts, and public and private domestic wastewater treatment facilities.

(I) The onsite sewage treatment and disposal system remediation plan must identify cost-effective and financially feasible projects necessary to achieve the nutrient load reductions required for onsite sewage treatment and disposal systems. To identify cost-effective and financially feasible projects for remediation of onsite sewage treatment and disposal systems, the local government shall:

(A) Include an inventory of onsite sewage treatment and disposal systems based on the best information available;

(B) Identify onsite sewage treatment and disposal systems that would be eliminated through connection to existing or future central domestic wastewater infrastructure in the jurisdiction or domestic wastewater service area of the local government, that would be replaced with or upgraded to enhanced nutrient-reducing onsite sewage treatment and disposal systems, or that would remain on conventional onsite sewage treatment and disposal systems;

(C) Estimate the costs of potential onsite sewage treatment and disposal system connections, upgrades, or replacements; and

(D) Identify deadlines and interim milestones for the planning, design, and construction of projects.

(II) The department shall adopt the onsite sewage treatment and disposal system remediation plan as part of the basin management action plan no later than July 1, 2025, or as required for Outstanding Florida Springs under s. 373.807.

10. The installation of new onsite sewage treatment and disposal systems constructed within a basin management action plan area adopted under this section, a reasonable assurance plan, or a pollution reduction plan is prohibited where connection to a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). On lots of 1 acre or less within a basin management action plan adopted under this section, a reasonable assurance plan, or a pollution reduction plan where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.

11. When identifying wastewater projects in a basin management action plan, the department may not require the higher cost option if it achieves the same nutrient load reduction as a lower cost option. A regulated entity may choose a different cost option if it complies with the pollutant reduction requirements of an adopted total maximum daily load and meets or exceeds the pollution reduction requirement of the original project.

12. Annually, local governments subject to a basin management action plan or located within the basin of a waterbody not attaining nutrient or nutrient-related standards must provide to the department an update on the status of construction of sanitary sewers to serve such areas, in a manner prescribed by the department.

(b) Total maximum daily load implementation.—

1. The department shall be the lead agency in coordinating the implementation of the total maximum daily loads through existing water quality protection programs.

Application of a total maximum daily load by a water management district must be consistent with this section and does not require the issuance of an order or a separate action pursuant to s. 120.536(1) or s. 120.54 for the adoption of the calculation and allocation previously established by the department. Such programs may include, but are not limited to:

a. Permitting and other existing regulatory programs, including water-quality-based effluent limitations;

b. Nonregulatory and incentive-based programs, including best management practices, cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(22), and public education;

- c. Other water quality management and restoration activities, for example, surface water improvement and management plans approved by water management districts or basin management action plans developed pursuant to this subsection;
  - d. Trading of water quality credits or other equitable economically based agreements;
  - e. Public works including capital facilities; or
  - f. Land acquisition.
2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a total maximum daily load has been developed, including effluent limits for a discharger subject to NPDES permitting, if any, must be included in a timely manner in subsequent NPDES permits or permit modifications for that discharger. The department may not impose limits or conditions implementing an adopted total maximum daily load in an NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted basin management action plan.
- a. Absent a detailed allocation, total maximum daily loads must be implemented through NPDES permit conditions that provide for a compliance schedule. In such instances, a facility's NPDES permit must allow time for the issuance of an order adopting the basin management action plan. The time allowed for the issuance of an order adopting the plan may not exceed 5 years. Upon issuance of an order adopting the plan, the permit must be reopened or renewed, as necessary, and permit conditions consistent with the plan must be established. Notwithstanding the other provisions of this subparagraph, upon request by an NPDES permittee, the department as part of a permit issuance, renewal, or modification may establish individual allocations before the adoption of a basin management action plan.
  - b. For holders of NPDES municipal separate storm sewer system permits and other stormwater sources, implementation of a total maximum daily load or basin management action plan must be achieved, to the maximum extent practicable, through the use of best management practices or other management measures.
  - c. The basin management action plan does not relieve the discharger from any requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit.
  - d. Management strategies in a basin management action plan to be implemented by a discharger subject to permitting by the department must be completed pursuant to the schedule in the basin management action plan. This implementation schedule may extend beyond the 5-year term of an NPDES permit.
  - e. Management strategies and pollution reduction requirements in a basin management action plan for a specific pollutant of concern are not subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a subsequent NPDES permit or permit modification.
  - f. For nonagricultural pollutant sources not subject to NPDES permitting but permitted pursuant to other state, regional, or local water quality programs, the pollutant reduction actions adopted in a basin management action plan must be implemented to the maximum extent practicable as part of those permitting programs.
  - g. A nonpoint source discharger included in a basin management action plan must demonstrate compliance with the pollutant reductions established under subsection (6)

by implementing the appropriate best management practices established pursuant to paragraph (c) or conducting water quality monitoring prescribed by the department or a water management district. A nonpoint source discharger may, in accordance with department rules, supplement the implementation of best management practices with water quality credit trades in order to demonstrate compliance with the pollutant reductions established under subsection (6).

h. A nonpoint source discharger included in a basin management action plan may be subject to enforcement action by the department or a water management district based upon a failure to implement the responsibilities in sub-subparagraph g.

i. A landowner, discharger, or other responsible person who is implementing applicable management strategies specified in an adopted basin management action plan may not be required by permit, enforcement action, or otherwise to implement additional management strategies, including water quality credit trading, to reduce pollutant loads to attain the pollutant reductions established pursuant to subsection (6) and shall be deemed to be in compliance with this section. This subparagraph does not limit the authority of the department to amend a basin management action plan as specified in subparagraph (a)6.

(c) Best management practices.—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (12)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources, and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including site inspection and recordkeeping requirements.

3. When interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph

(12)(b) must be verified at representative sites by the department. The department shall use its best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, when applicable, shall notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, or are authorized by s. 576.045, shall provide a presumption of compliance with state water quality standards and release from s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from s. 376.307(5). The presumption of compliance and release is limited to the research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. When water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. If the reevaluation determines that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Subject to subparagraph 6., the Department of Agriculture and Consumer Services shall provide to the department information obtained pursuant to subparagraph (d)3.

6. Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3., 4., and 5. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt pursuant to this subparagraph shall be released to the department or any water management district provided that the confidentiality specified by this subparagraph for such records is maintained.

7. Subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

(d) Enforcement and verification of basin management action plans and management strategies.—

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus ~~fertilizer~~ application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may use in lieu of the best

management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet the following requirements:

- a. A parcel not more than 25 acres in size;
  - b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located;
  - c. A parcel with water use not exceeding 100,000 gallons per day on average unless the entire use is met using recycled water from wet detention treatment ponds or reuse water;
  - d. A parcel where the agricultural activity on the parcel is not a vegetable crop, an agronomic crop, a nursery, or a dairy operation;
  - e. A parcel not abutting an impaired water body identified in subsection (4); and
  - f. A parcel not part of a larger operation that is enrolled in the Department of Agriculture and Consumer Services best management practices or conducting water quality monitoring prescribed by the department or a water management district.
- Such requirements must specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The Department of Agriculture and Consumer Services is authorized to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule.

5. The Department of Agriculture and Consumer Services shall annually perform onsite inspections of 20 percent for all enrollments that meet the qualifications pursuant to subparagraph 4. by rule within basin management action plan areas, to ensure that practices are being properly implemented. Such inspections must include a collection and review of the identified best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2. All agricultural producers enrolled by rule in a best management practice must annually submit nutrient records, including nitrogen and phosphorus application records for the previous calendar year, to the Department of Agriculture and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

(e) Cooperative agricultural regional water quality improvement element.—

1. The department and the Department of Agriculture and Consumer Services, in cooperation with owners of agricultural operations in the basin, shall develop a cooperative agricultural regional water quality improvement element as part of a basin management action plan where:

a. Agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges; or

b. The department determines that additional measures, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, are necessary to achieve the total maximum daily load.

2. The element will be implemented through the use of cost-effective and technically and financially practical regional agricultural nutrient reduction projects and must include a list of such projects submitted to the department by the Department of Agriculture and Consumer Services which, in combination with the best management practices,

additional measures, and other management strategies, will achieve the needed pollutant load reductions established for agricultural nonpoint sources. Such cooperative regional agricultural nutrient reduction projects may include, but are not limited to, land acquisition in fee or conservation easements on the lands of willing sellers and site-specific water quality improvement or dispersed water management projects. The list of regional projects included in the cooperative agricultural regional water quality improvement element must include a planning-level cost estimate of each project along with the estimated amount of nutrient reduction that such project will achieve.

3. To qualify for participation in the cooperative agricultural regional water quality improvement element, the participant must have already implemented and be in compliance with best management practices or other measures adopted by the Department of Agriculture and Consumer Services pursuant to subparagraph (c)2. The element must be included in the basin management action plan as a part of the next 5-year assessment under subparagraph (a)6.

4. The department or the Department of Agriculture and Consumer Services may submit a legislative budget request to fund projects developed pursuant to this paragraph. In allocating funds for projects funded pursuant to this paragraph, the department shall provide at least 20 percent of its annual appropriation for projects in subbasins with the highest nutrient concentrations within a basin management action plan. Projects submitted pursuant to this paragraph are eligible for funding in accordance with s. 403.0673.

(f) Data collection and research.—

1. The Department of Agriculture and Consumer Services, in cooperation with the University of Florida Institute of Food and Agricultural Sciences and other state universities and Florida College System institutions that have agricultural research programs, shall annually develop research plans and legislative budget requests to:

a. Evaluate and suggest enhancements to the existing adopted agricultural best management practices to reduce nutrient runoff;

b. Develop new best management practices that, if proven effective, the Department of Agriculture and Consumer Services may adopt by rule pursuant to subparagraph (c)2.; and

c. Develop agricultural nutrient runoff reduction projects that willing participants could implement on a site-specific, cooperative basis, in addition to best management practices. The department may consider these projects for inclusion in a basin management action plan. These nutrient runoff reduction projects must reduce the nutrient impacts from agricultural operations on water quality when evaluated with the projects and management strategies currently included in the basin management action plan.

2. To be considered for funding, the University of Florida Institute of Food and Agricultural Sciences and other state universities and Florida College System institutions that have agricultural research programs must submit such plans to the department and the Department of Agriculture and Consumer Services by August 1, 2021, and each May 1 thereafter.

3. The department shall work with the University of Florida Institute of Food and Agricultural Sciences and regulated entities to consider the adoption by rule of best

management practices for nutrient impacts from golf courses. Such adopted best management practices are subject to the requirements of paragraph (c).

(8) WATER QUALITY CREDIT TRADING.—

(a) Water quality credit trading must be consistent with federal law and regulation.

(b) Water quality credit trading must be implemented through permits, including water quality credit trading permits, other authorizations, or other legally binding agreements as established by department rule.

(c) The department shall establish the pollutant load reduction value of water quality credits and is responsible for authorizing their use.

(d) A person who acquires water quality credits (“buyer”) shall timely submit to the department an affidavit, signed by the buyer and the credit generator (“seller”), disclosing the term of acquisition, number of credits, unit credit price paid, and any state funding received for the facilities or activities that generate the credits. The department may not participate in the establishment of credit prices.

(e) Sellers of water quality credits are responsible for achieving the load reductions on which the credits are based and complying with the terms of the department authorization and any trading agreements into which they may have entered.

(f) Buyers of water quality credits are responsible for complying with the terms of the department water discharge permit.

(g) The department shall take appropriate action to address the failure of a credit seller to fulfill its obligations, including, as necessary, deeming the seller’s credits invalid if the seller cannot achieve the load reductions on which the credits were based in a reasonable time. If the department determines duly acquired water quality credits to be invalid, in whole or in part, thereby causing the credit buyer to be unable to timely meet its pollutant reduction obligations under this section, the department shall issue an order establishing the actions required of the buyer to meet its obligations by alternative means and a reasonable schedule for completing the actions. The invalidation of credits does not, in and of itself, constitute a violation of the buyer’s water discharge permit.

(h) The department may authorize water quality credit trading in adopted basin management action plans. Participation in water quality credit trading is entirely voluntary. Entities that participate in water quality credit trades shall timely report to the department the prices for credits, how the prices were determined, and any state funding received for the facilities or activities that generated the credits. The department may not participate in the establishment of credit prices.

(i) Land set-asides and land use modifications not otherwise required by state law or a permit, including constructed wetlands or other water quality improvement projects, that reduce nutrient loads into nutrient impaired surface waters may be used under this subsection.

(9) RULES.—The department may adopt rules for:

(a) Delisting water bodies or water body segments from the list developed under subsection (4) pursuant to the guidance under subsection (5).

(b) Administering of funds to implement the total maximum daily load and basin management action planning programs.

(c) Water quality credit trading among the pollutant sources to a water body or water body segment. The rules must provide for the following:

1. The process to be used to determine how credits are generated, quantified, and validated.
2. A publicly accessible water quality credit trading registry that tracks water quality credits, trading activities, and prices paid for credits.
3. Limitations on the availability and use of water quality credits, including a list of eligible pollutants or parameters and minimum water quality requirements and, where appropriate, adjustments to reflect best management practice performance uncertainties and water-segment-specific location factors.
4. The timing and duration of credits and allowance for credit transferability.
5. Mechanisms for determining and ensuring compliance with trading procedures, including recordkeeping, monitoring, reporting, and inspections.

At the time of publication of the draft rules on water quality credit trading, the department shall submit a copy to the United States Environmental Protection Agency for review.

(d) The total maximum daily load calculation in accordance with paragraph (6)(a) immediately upon the effective date of this act, for those eight water segments within Lake Okeechobee proper as submitted to the United States Environmental Protection Agency pursuant to subsection (2).

(e) Implementation of other specific provisions.

(10) APPLICATION.—The provisions of this section are intended to supplement existing law, and may not be construed as altering any applicable state water quality standards or as restricting the authority otherwise granted to the department or a water management district under this chapter or chapter 373. The exclusive means of state implementation of s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. shall be in accordance with the identification, assessment, calculation and allocation, and implementation provisions of this section.

(11) CONSTRUCTION.—This section does not limit the applicability or consideration of any mixing zone, variance, exemption, site specific alternative criteria, or other moderating provision.

(12) IMPLEMENTATION OF ADDITIONAL PROGRAMS.—

(a) The department may not implement, without prior legislative approval, any additional regulatory authority pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part 130, if such implementation would result in water quality discharge regulation of activities not currently subject to regulation.

(b) Interim measures, best management practices, or other measures may be developed and voluntarily implemented pursuant to paragraph (7)(c) for any water body or segment for which a total maximum daily load or allocation has not been established. The implementation of such pollution control programs may be considered by the department in the determination made pursuant to subsection (4).

(13) RULE CHALLENGES.—In order to provide adequate due process while ensuring timely development of total maximum daily loads, proposed rules and orders authorized by this act are ineffective pending resolution of a s. 120.54(3), s. 120.56, s. 120.569, or s. 120.57 administrative proceeding. However, the department may go forward prior to resolution of such administrative proceedings with subsequent agency actions authorized by subsections (2)-(6) if the department can support and substantiate those

actions using the underlying bases for the rules or orders without the benefit of any legal presumption favoring, or in deference to, the challenged rules or orders.

History.—s. 3, ch. 99-223; s. 10, ch. 99-353; s. 3, ch. 2000-130; s. 1, ch. 2001-74; s. 1, ch. 2002-165; s. 17, ch. 2002-295; s. 10, ch. 2003-265; s. 6, ch. 2005-166; s. 13, ch. 2005-291; s. 1, ch. 2006-76; s. 10, ch. 2006-289; s. 1, ch. 2008-189; s. 1, ch. 2013-70; s. 2, ch. 2013-146; s. 44, ch. 2015-2; s. 33, ch. 2016-1; s. 4, ch. 2016-130; s. 13, ch. 2020-150; s. 3, ch. 2022-177; s. 14, ch. 2023-169; s. 11, ch. 2024-180; s. 30, ch. 2025-22.

**~~403.281—Definitions; weather modification law.—~~**

~~As used in this chapter relating to weather modification:~~

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

~~(2) “Person” includes any public or private corporation.~~

~~History.—s. 1, ch. 57-128; ss. 26, 35, ch. 69-106; s. 2, ch. 71-137; s. 156, ch. 71-377; s. 80, ch. 79-65; s. 377, ch. 94-356.~~

~~Note.—Former s. 373.261.~~

**~~403.291—Purpose of weather modification law.—~~**

~~The purpose of this law is to promote the public safety and welfare by providing for the licensing, regulation and control of interference by artificial means with the natural precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere.~~

~~History.—s. 2, ch. 57-128.~~

~~Note.—Former s. 373.271.~~

**~~403.301—Artificial weather modification operation; license required.—~~**

~~No person without securing a license from the department, shall cause or attempt to cause by artificial means condensation or precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere, or shall prevent or attempt to prevent by artificial means the natural condensation or precipitation of rain, snow, hail, moisture or water in any form contained in the atmosphere.~~

~~History.—s. 3, ch. 57-128; ss. 26, 35, ch. 69-106.~~

~~Note.—Former s. 373.281.~~

**~~403.311—Application for weather modification licensing; fee.—~~**

~~(1) Any person desiring to do or perform any of the acts specified in s. 403.301 may file with the department an application for a license on a form to be supplied by the department for such purpose setting forth all of the following:~~

~~(a) The name and post office address of the applicant.~~

~~(b) The education, experience, and qualifications of the applicant, or if the applicant is not an individual, the education, experience, and qualifications of the persons who will be in control and in charge of the operation of the applicant.~~

~~(c) The name and post office address of the person on whose behalf the weather modification operation is to be conducted if other than the applicant.~~

~~(d) The nature and object of the weather modification operation which the applicant proposes to conduct, including a general description of such operation.~~

~~(e) The method and type of equipment and the type and composition of materials that the applicant proposes to use.~~

~~(f) Such other pertinent information as the department may require.~~

~~(2) Each application shall be accompanied by a filing fee in the sum of \$1,000 and proof of financial responsibility as required by s. 403.321.~~

~~History.—s. 4, ch. 57-128; ss. 26, 35, ch. 69-106; s. 18, ch. 88-393.~~

~~Note.—Former s. 373.291.~~

#### **403.321—Proof of financial responsibility.—**

~~(1) No license shall be issued to any person until he or she has filed with the department proof of ability to respond in damages for liability on account of accidents arising out of the weather modification operations to be conducted by him or her in the amount of \$10,000 because of bodily injury to or death of one person resulting from any one incident, and subject to said limit for one person, in the amount of \$100,000 because of bodily injury to or death of two or more persons resulting from any one incident, and in the amount of \$100,000 because of injury to or destruction of property of others resulting from any one incident.~~

~~(2) Proof of financial responsibility may be given by filing with the department a certificate of insurance or a bond in the required amount.~~

~~History.—s. 5, ch. 57-128; ss. 26, 35, ch. 69-106; s. 5, ch. 97-103.~~

~~Note.—Former s. 373.301.~~

#### **403.331—Issuance of license; suspension or revocation; renewal.—**

~~(1) The department shall issue a license to each applicant who:~~

~~(a) By education, skill and experience appears to be qualified to undertake the weather modification operation proposed in his or her application.~~

~~(b) Files proof of financial responsibility as required by s. 403.321.~~

~~(c) Pays filing fee required in s. 403.311.~~

~~(2) Each such license shall entitle the licensee to conduct the operation described in the application for the calendar year for which the license is issued unless the license is sooner revoked or suspended. The conducting of any weather modification operation or the use of any equipment or materials other than those described in the application shall be cause for revocation or suspension of the license.~~

~~(3) The license may be renewed annually by payment of a filing fee in the sum of \$50.~~

~~History.—s. 6, ch. 57-128; ss. 26, 35, ch. 69-106; s. 6, ch. 97-103.~~

~~Note.—Former s. 373.311.~~

#### **403.341—Filing and publication of notice of intention to operate; limitation on area and time.—**

~~Prior to undertaking any operation authorized by the license, the licensee shall file with the department and cause to be published a notice of intention. The licensee shall then confine his or her activities substantially within the time and area limits set forth in the notice of intention.~~

~~History.—s. 7, ch. 57-128; ss. 26, 35, ch. 69-106; s. 7, ch. 97-103.~~

~~Note.—Former s. 373.321.~~

**403.351—Contents of notice of intention.—**

The notice of intention shall set forth all of the following:

- (1) ~~The name and post office address of the licensee.~~
- (2) ~~The name and post office address of the persons on whose behalf the weather modification operation is to be conducted if other than the licensee.~~
- (3) ~~The nature and object of the weather modification operation which licensee proposes to conduct, including a general description of such operation.~~
- (4) ~~The method and type of equipment and the type and composition of the materials the licensee proposes to use.~~
- (5) ~~The area in which and the approximate time during which the operation will be conducted.~~
- (6) ~~The area which will be affected by the operation as nearly as the same may be determined in advance.~~

History.—s. 8, ch. 57-128.

Note.—Former s. 373.331.

**403.361—Publication of notice of intention.—**

~~The licensee shall cause the notice of intention to be published at least once a week for 2 consecutive weeks in a newspaper having general circulation and published within any county wherein the operation is to be conducted and in which the affected area is located, or if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then such notice shall be published in like manner in a newspaper having a general circulation and published within each of such counties. In case there is no newspaper published within the appropriate county, publication shall be made in a newspaper having a general circulation within the county.~~

History.—s. 9, ch. 57-128.

Note.—Former s. 373.341.

**403.371—Proof of publication.—**

~~Proof of publication shall be filed by the licensee with the department 15 days from the date of the last publication of notice. Proof of publication shall be by copy of the notice as published, attached to and made a part of the affidavit of the publisher or foreman of the newspaper publishing the notice.~~

History.—s. 10, ch. 57-128; ss. 26, 35, ch. 69-106.

Note.—Former s. 373.351.

**403.381—Record and reports of operations.—**

- (1) ~~Each licensee shall keep and maintain a record of all operations conducted by him or her pursuant to his or her license showing the method employed, the type and composition of materials used, the times and places of operation, the name and post office address of each person participating or assisting in the operation other than licensee and such other information as may be required by the department and shall report the same to the department at such times as it may require.~~
- (2) ~~The records of the department and the reports of all licensees shall be available for public examination.~~

History.—s. 11, ch. 57-128; ss. 26, 35, ch. 69-106; s. 8, ch. 97-103.  
Note.—Former s. 373.361.

#### **403.391 — Emergency licenses.—**

~~Notwithstanding any provisions of this act to the contrary, the department may grant a license permitting a weather modification operation without compliance by the licensee with the provisions of ss. 403.351-403.371, and without publication of notice of intention as required by s. 403.341 if the operation appears to the department to be necessary or desirable in aid of the extinguishment of fire, dispersal of fog, or other emergency.~~

~~History.—s. 12, ch. 57-128; ss. 26, 35, ch. 69-106.~~

~~Note.—Former s. 373.371.~~

#### **403.401 — Suspension or revocation of license.—**

~~Any license may be revoked or suspended if the department finds that the licensee has failed or refused to comply with any of the provisions of this act.~~

~~History.—s. 13, ch. 57-128; s. 21, ch. 63-512; ss. 26, 35, ch. 69-106; s. 14, ch. 78-95.~~

~~Note.—Former s. 373.381.~~

#### **403.411 Geoengineering and weather modification activities prohibited; penalty.—**

(1) The injection, release, or dispersion, by any means, of a chemical, a chemical compound, a substance, or an apparatus into the atmosphere within the borders of this state for the express purpose of affecting the temperature, weather, climate, or intensity of sunlight is prohibited.

(2) Any person, including any public or private corporation, who conducts conducting a geoengineering or weather modification activity in violation of this section commits operation without first having procured a license, or who shall make a false statement in his or her application for license, or who shall fail to file any report or reports as required by this act, or who shall conduct any weather modification operation after revocation or suspension of his or her license, or who shall violate any other provision of this act, shall be guilty of a felony misdemeanor of the third second degree, punishable as provided in s. 775.082 and by a fine not exceeding \$100,000; or s. 775.083; and, if a corporation, the officers, directors, or employees of the corporation commit shall be guilty of a felony misdemeanor of the third second degree, punishable by a fine not exceeding \$100,000; and, if an aircraft operator or controller, such person commits a felony of the third degree, punishable as provided in s. 775.082 and by a fine not exceeding \$5,000 and up to 5 years in prison as provided in s. 775.083. Each such violation is shall be a separate offense.

(3) All moneys collected pursuant to this section must be deposited in the Air Pollution Control Trust Fund and used only for purposes of air pollution control pursuant to this chapter.

(4)(a) Any person who observes a geoengineering or weather modification activity conducted in violation of this section may report the observed violation to the department online or by telephone, mail, or e-mail.

(b) The department shall establish an e-mail address and an online form for persons to report observed violations pursuant to this subsection. The department shall make the e-mail address and online form publicly accessible on its website.

(c) The department shall establish a method for intake and screening of the reports made pursuant to this subsection. The department shall investigate any report that warrants further review to determine whether there are violations of this section.

(d) The department shall refer reports of observed violations made pursuant to this subsection to the Department of Health or the Division of Emergency Management, if appropriate.

(e) The department shall adopt any rules that are necessary to implement this subsection.

History.—s. 14, ch. 57-128; s. 351, ch. 71-136; s. 9, ch. 97-103; s. 2, ch. 2025-157.

Note.—Former s. 373.391.

#### **403.4115 Reporting on geoengineering and weather modification activities on public infrastructure; penalty.—**

(1) As used in this section, the term:

(a) “Aircraft” means a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment.

(b) “Department” means the Department of Transportation.

(c) “Public infrastructure” means any public-use airport as that term is defined in s. 332.004.

(2) Beginning on October 1, 2025, all operators of public infrastructure shall report monthly to the department, using a method determined by the department:

(a) The physical presence of any aircraft on public property, including any public infrastructure, equipped with any part, component, device, or the like which may be used to support the intentional emission, injection, release, or dispersion of air contaminants into the atmosphere within the borders of this state when such emissions occur for the express purpose of affecting temperature, weather, climate, or the intensity of sunlight.

(b) The landing, takeoff, stopover, or refueling of an aircraft equipped with the components outlined in paragraph (a) on the physical location of the public infrastructure.

(3) The department may not expend any state funds as described in s. 215.31 to support a project or program located on or in support of public infrastructure which is not in compliance with this section until such time as the entity becomes compliant with this section.

(4) Upon receipt of the reports required in subsection (2), the department shall submit aggregated reports to the Department of Environmental Protection and the applicable state law enforcement agency in support of the enforcement of s. 403.411.

(5) The department shall incorporate reporting guidelines in all grant agreements for public-use airports which receive state funds as described in s. 215.31.

(6) The department may adopt rules necessary to implement this section.

History.—s. 3, ch. 2025-157.

**403.814 General permits; delegation.—**

(1) The secretary is authorized to adopt rules establishing and providing for a program of general permits under chapter 253 and this chapter for projects, or categories of projects, which have, either singly or cumulatively, a minimal adverse environmental effect. Such rules shall specify design or performance criteria which, if applied, would result in compliance with appropriate standards adopted by the commission. Except as provided for in subsection (3), any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the department without any agency action by the department.

(2) After giving public notice and, upon the request of any person, holding a public hearing in the area affected, the department may issue a general permit in the Biscayne Bay Aquatic Preserve for the placement of riprap waterward of vertical seawalls or as replacement for vertical seawalls, for the purpose of enhancing the water quality and fish and wildlife habitats of the Biscayne Bay area. No other general permits shall be issued within the preserve. Nothing herein shall be construed to abrogate the rights of any person under the provisions of chapter 120. In addition to the public notice required by this subsection, public notice shall be provided by United States mail to any person who requests, in writing, to have her or his name placed on a mailing list by the department. Notice of activities allowed pursuant to such general permit shall also be mailed, at least monthly, to all persons on the list.

(3) The department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of application for a general permit. If published, such public notice of application shall be published within 14 days after the applicant notifies the department; and, within 21 days after publication of notice, any person whose substantial interests are affected may request a hearing in accordance with ss. 120.569 and 120.57. The failure to request a hearing within 21 days after publication of notice constitutes a waiver of any right to a hearing under ss. 120.569 and 120.57. If notice is published, no person shall begin work pursuant to a general permit until after the time for requesting a hearing has passed or until after a hearing is held and a decision is rendered.

(4) The department is authorized to delegate any of its general permit authority to the district offices of the department or to water management districts.

(5) Notwithstanding the procedures set forth in subsections (1) and (3), the department may specify by rule alternative notice procedures for certain activities which are of a routine and repetitive nature and which are an integral part of agricultural activities or silvicultural activities or are activities of another state agency.

(6) Construction and maintenance of electric transmission or distribution lines in wetlands by electric utilities, as defined in s. 366.02, shall be authorized by general permit provided the following provisions are implemented:

(a) All permanent fill shall be at grade. Fill shall be limited to that necessary for the electrical support structures, towers, poles, guy wires, stabilizing backfill, and at-grade access roads limited to 20-foot widths; and

(b) The permittee may utilize access and work areas limited to the following: a linear access area of up to 25 feet wide between electrical support structures, an access area of up to 25 feet wide to electrical support structures from the edge of the right-of-way,

and a work area around the electrical support structures, towers, poles, and guy wires. These areas may be cleared to ground, including removal of stumps as necessary; and

- (c) Vegetation within wetlands may be cut or removed no lower than the soil surface under the conductor, and 20 feet to either side of the outermost conductor, while maintaining the remainder of the project right-of-way within the wetland by selectively clearing vegetation which has an expected mature height above 14 feet. Brazilian pepper, Australian pine, and melaleuca shall be eradicated throughout the wetland portion of the right-of-way; and
- (d) Erosion control methods shall be implemented as necessary to ensure that state water quality standards for turbidity are met. Diversion and impoundment of surface waters shall be minimized; and
- (e) The proposed construction and clearing shall not adversely affect threatened and endangered species; and
- (f) The proposed construction and clearing shall not result in a permanent change in existing ground surface elevation; and
- (g) Where fill is placed in wetlands, the clearing to ground of forested wetlands is restricted to 4.0 acres per 10-mile section of the project, with no more than one impact site exceeding 0.5 acres. The impact site which exceeds 0.5 acres shall not exceed 2.0 acres. The total forested wetland clearing to the ground per 10-mile section shall not exceed 15 acres. The 10-mile sections shall be measured from the beginning to the terminus, or vice versa, and the section shall not end in a wetland; and
- (h) The general permit authorized by this subsection shall not apply in forested wetlands located within 550 feet from the shoreline of a named water body designated as an Outstanding Florida Water; and
- (i) This subsection also applies to transmission lines and appurtenances certified under part II of this chapter. However, the criteria of the general permit shall not affect the authority of the siting board to condition certification of transmission lines as authorized under part II of this chapter.

Maintenance of existing electric lines and clearing of vegetation in wetlands conducted without the placement of structures in wetlands or other dredge and fill activities does not require an individual or general construction permit. For the purpose of this subsection, wetlands shall mean the landward extent of waters of the state regulated under s. 403.927 and isolated and nonisolated wetlands regulated under part IV of chapter 373. The provisions provided in this subsection apply to the permitting requirements of the department, any water management district, and any local government implementing part IV of chapter 373 or 1part VIII of this chapter.

(7) The department and the water management districts may provide by rule for general permits with special criteria including acreage thresholds authorizing the construction of transmission and distribution lines in forested wetlands located within 550 feet of the shoreline of a named water body designated as an Outstanding Florida Water. If a portion of a project qualifies for the general permit under subsection (6) and another portion of that project qualifies under this subsection, then a single general permit may be issued pursuant to both subsections.

(8) An aquaculture general permit shall be established for the cultivation of aquatic fish and other marine organisms, except alligators, in upland aquaculture facilities when

such facilities have individual production units whose annual production and water discharge meet or exceed the parameters established by the NPDES program. Activities that have individual production units whose annual production and water discharge are less than the parameters established by the NPDES program shall be regulated pursuant to s. 403.0885(5).

(9) An aquaculture general permit under s. 403.088 shall be established for the freshwater cultivation of fish and other aquatic animals, except alligators, in upland aquaculture facilities.

(10) The authority to issue or deny general permits developed by the department pursuant to subsection (8) for aquaculture facilities is hereby delegated to the water management districts when they have regulatory responsibility for the facility pursuant to s. 373.046.

(11) Upon agreement by the applicant, the department, and the applicable water management district, the department and water management district may reassign the regulatory responsibilities described in s. 373.046(5), based on the specific aquaculture operation, to achieve a more efficient and effective permitting process.

(12) A general permit is granted for the construction, alteration, and maintenance of a stormwater management system serving a total project area of up to 10 acres meeting the criteria of this subsection. Such stormwater management systems must be designed, operated, and maintained in accordance with applicable rules adopted pursuant to part IV of chapter 373. There is a rebuttable presumption that the discharge from such systems complies with state water quality standards. The construction of such a system may proceed without any further agency action by the department or water management district if, before construction begins, an electronic self-certification is submitted to the department or water management district which certifies that the proposed system was designed by a Florida registered professional and that the registered professional has certified that the proposed system will meet the following additional requirements:

- (a) The total project area involves less than 10 acres and less than 2 acres of impervious surface;
- (b) Activities will not impact wetlands or other surface waters;
- (c) Activities are not conducted in, on, or over wetlands or other surface waters;
- (d) Drainage facilities will not include pipes having diameters greater than 24 inches, or the hydraulic equivalent, and will not use pumps in any manner;
- (e) The project is not part of a larger common plan, development, or sale; and
- (f) The project does not:
  1. Cause adverse water quantity or flooding impacts to receiving water and adjacent lands;
  2. Cause adverse impacts to existing surface water storage and conveyance capabilities;
  3. Cause a violation of state water quality standards; or
  4. Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to s. 373.042 or a work of the district established pursuant to s. 373.086.

(13)(a) For the purposes of this subsection, the term:

1. “Distributed wastewater treatment system” or “DWTS” means an integrated system approach to treating wastewater consisting of one or more distributed wastewater treatment units.

2. “Distributed wastewater treatment unit” or “DWTU” means an advanced onsite closed-tank wastewater treatment system that is remotely operated and controlled by the permittee using an electronic control system and designed to achieve secondary treatment standards and a minimum of 80 percent total nitrogen removal before discharge to a subsurface application system.

(b) A general permit is granted for the replacement of an existing onsite sewage treatment and disposal system, otherwise subject to s. 381.0065, with a DWTS if the DWTU and DWTS are commonly owned and operated by the permittee. Pursuant to obtaining this permit, the installation of each DWTU may proceed without further action by the department if the permittee submits a notification to the department at least 30 days before installation. Such notification must certify that a Florida registered professional designed the DWTU in accordance with applicable rules adopted pursuant to this chapter and that the proposed DWTU meets all of the following requirements:

1. The design capacity of the DWTU does not exceed 10,000 gallons per day of domestic wastewater or 5,000 gallons per day of commercial wastewater.

2. The DWTU may discharge without disinfection into a slow-rate subsurface application system designed and operated to protect public health and safety and maintain the current separation, and in no case has less than 12 inches of separation, between the bottom surface of the drainfield and the water table elevation at the wettest season of the year.

3. The horizontal setback distance from the DWTU and subsurface application system to property lines, surface waterbodies, potable water wells, and utilities is consistent with rules adopted under this chapter and s. 381.0065.

4. The permittee has legal access to maintain and operate the DWTU and remove the DWTU in case of termination of service.

5. The permittee has submitted a plan for conducting monthly effluent compliance sampling of a representative number of deployed DWTUs, the results of which may be aggregated to determine compliance with performance standards consistent with this subsection and the rules adopted under this chapter.

6. The operation of the DWTU does not:

a. Create saturated conditions on the ground surface;

b. Adversely impact wetlands or other surface waters; or

c. Cause or contribute to a violation of state water quality standards.

(c) The permittee shall:

1. Conduct monthly reporting, annual inspections, recordkeeping, and biosolids management for the DWTU consistent with the rules adopted under this chapter.

2. Schedule staffing and visitation by licensed operators for the DWTU in a manner that is consistent with the rules adopted under this chapter, except that visitation may be accomplished using an electronic control system.

History.—s. 9, ch. 80-66; s. 12, ch. 82-27; s. 7, ch. 84-79; s. 60, ch. 86-186; s. 2, ch. 86-295; s. 1, ch. 93-24; s. 19, ch. 96-247; s. 168, ch. 96-410; s. 1011, ch. 97-103; s. 23, ch. 98-333; s. 18, ch. 2000-364; s. 98, ch. 2008-227; s. 19, ch. 2012-205; s. 7, ch. 2016-130; s. 1, ch. 2025-165.

<sup>1</sup>Note.—Section 18, ch. 95-145, repealed s. 403.939, which constituted the entirety of former part VIII.

**403.852 Definitions; ss. 403.850-403.864.—**

As used in ss. 403.850-403.864:

- (1) “Department” means the Department of Environmental Protection, which is charged with the primary responsibility for the administration and implementation of the Florida Safe Drinking Water Act.
- (2) “Public water system” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system is either a community water system or a noncommunity water system. The term “public water system” includes:
  - (a) Any collection, treatment, storage, and distribution facility or facilities under control of the operator of such system and used primarily in connection with such system.
  - (b) Any collection or pretreatment storage facility or facilities not under control of the operator of such system but used primarily in connection with such system.
- (3) “Community water system” means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (4) “Noncommunity water system” means a public water system that is not a community water system. A noncommunity water system is either a nontransient noncommunity water system or a transient noncommunity water system.
- (5) “Person” means an individual, public or private corporation, company, association, partnership, municipality, agency of the state, district, federal agency, or any other legal entity, or its legal representative, agent, or assigns.
- (6) “Municipality” means a city, town, or other public body created by or pursuant to state law or an Indian tribal organization authorized by law.
- (7) “Federal agency” means any department, agency, or instrumentality of the United States Government.
- (8) “Supplier of water” means any person who owns or operates a public water system.
- (9) “Contaminant” means any physical, chemical, biological, or radiological substance or matter in water.
- (10) “Administrator” means the administrator of the United States Environmental Protection Agency.
- (11) “Federal act” means the Safe Drinking Water Act, Pub. L. No. 93-523.
- (12) “Primary drinking water regulation” means a rule which:
  - (a) Applies to public water systems;
  - (b) Specifies contaminants which, in the judgment of the department, after consultation with the Department of Health, may have an adverse effect on the health of the public;
  - (c) Specifies for each such contaminant either:
    1. A maximum contaminant level if, in the judgment of the department, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or

2. Each treatment technique known to the department which leads to a reduction in the level of the contaminant sufficient to satisfy the requirements of s. 403.853 if, in the judgment of the department, it is not economically or technologically feasible to ascertain the level of such contaminant; and

(d) Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control and testing procedures to assure compliance with such levels and to ensure proper operation and maintenance of the system, and which contains requirements as to:

1. The minimum quality of water which may be taken into the system; and
2. Siting for new facilities for public water systems.

(13) "Secondary drinking water regulation" means a rule which:

(a) Applies to public water systems; and

(b) Specifies the maximum contaminant levels which, in the judgment of the department after public hearings, are requisite to protect the public welfare. Such regulation may apply to any contaminant in drinking water:

1. Which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use; or
2. Which may otherwise adversely affect the public welfare.

Such regulations may vary according to geographic and other circumstances.

(14) "National primary drinking water regulations" means primary drinking water regulations promulgated by the administrator pursuant to the federal act.

(15) "National secondary drinking water regulations" means secondary drinking water regulations promulgated by the administrator pursuant to the federal act.

(16) "Sanitary survey" means an onsite review of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water.

(17) "Nontransient noncommunity water system" means a noncommunity water system that regularly serves at least 25 of the same persons over 6 months per year.

(18) "Transient noncommunity water system" means a noncommunity water system that has at least 15 service connections or regularly serves at least 25 persons daily at least 60 days out of the year but that does not regularly serve 25 or more of the same persons for more than 6 months per year.

(19) "Water quality additive" means any chemical, additive, or substance that is used in a public water system for the purpose of:

(a) Meeting or surpassing primary or secondary drinking water standards;

(b) Preventing, reducing, or removing contaminants; or

(c) Improving water quality.

History.—s. 3, ch. 77-337; s. 1, ch. 82-80; s. 10, ch. 89-324; s. 38, ch. 91-305; s. 426, ch. 94-356; s. 165, ch. 99-8; s. 1, ch. 2001-270; s. 31, ch. 2025-22.

#### **403.859 Prohibited acts.—**

The following acts and the causing thereof are prohibited and are violations of this act:

- (1) Failure by a supplier of water to comply with the requirements of s. 403.857 or dissemination by such supplier of any false or misleading information with respect to notices required pursuant to s. 403.857 or with respect to remedial actions being undertaken to achieve compliance with state primary and secondary drinking water regulations.
- (2) Failure by a supplier of water to comply with regulations adopted pursuant to s. 403.853, with any rule adopted by the department pursuant to this act, or with conditions for variances or exemptions authorized under s. 403.854.
- (3) Failure by any person to comply with any order issued by the department pursuant to this act.
- (4) Failure by a supplier of water to allow any duly authorized representative of the department or of the Department of Health to conduct inspections pursuant to s. 403.858.
- (5) Submission by any person of any false statement or representation in any application, record, report, plan, or other document filed, or required to be filed by this act or rules adopted by the department pursuant to its lawful authority.
- (6) Failure by a supplier of water to comply with the requirements of a permit issued under s. 403.861(7).
- (7) The artificial recharge by the direct pumping of treated or untreated waste into any geologic formation of the Floridan Aquifer or the Biscayne Aquifer containing total dissolved solids of 500 milligrams per liter or less, except such injection of reclaimed water from domestic wastewater treatment reuse facilities if the effluent quality meets the water quality standards established by the Department of Environmental Protection as part of the operation permit to construct the treatment facility.
  - (a) By January 1, 1995, the Department of Environmental Protection shall promulgate by rule effluent standards and conditions for any project proposing wastewater reuse of reclaimed water, for injection of the reclaimed water into the Floridan Aquifer or Biscayne Aquifer. Any injection into a geologic formation of the Floridan Aquifer or Biscayne Aquifer containing total dissolved solids of 500 milligrams per liter or less must meet the requirements of these rules.
  - (b) In the event a facility does not receive, as a part of its operation permit, permission for injection which assures compliance with department rules promulgated pursuant to this subsection, the treated or untreated effluent shall be returned to the wastewater treatment plant from which the effluent was diverted during any testing period required by department rules or to another legally acceptable reuse or disposal alternative. The provisions of this subsection do not apply to treated or untreated effluent currently discharging into the Floridan Aquifer or Biscayne Aquifer on June 22, 1983. However, any expansion of existing facilities on or after the effective date of this act are subject to the requirements of this subsection.
- (8) 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).

History.—s. 10, ch. 77-337; s. 164, ch. 79-400; s. 1, ch. 83-161; s. 3, ch. 94-153; s. 169, ch. 99-8; s. 5, ch. 2001-270; s. 32, ch. 2025-22.