

CHAPTER 62B-55
MODEL LIGHTING ORDINANCE FOR MARINE TURTLE PROTECTION

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62B-55.002 Definitions.

- (1) through (2) No change.
- (3) ~~“Bug” type bulb means any yellow colored light bulb that is marketed as being specifically treated in such a way so as to reduce the attraction of bugs to the light.~~
- (4) ~~“Coastal construction activities” means any work or activity that is likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.~~
- (5) ~~“County” means Bay, Brevard, Broward, Charlotte, Citrus, Collier, Dade, Dixie, Duval, Escambia, Flagler, Franklin, Gulf, Hernando, Indian River, Jefferson, Lee, Levy, Manatee, Martin, Monroe, Nassau, Okaloosa, Palm Beach, Pasco, Pinellas, St. Johns, St. Lucie, Santa Rosa, Sarasota, Suwanee, Taylor, Volusia, Wakulla, and Walton Counties.~~
- (6) ~~“Cumulatively illuminated” means illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.~~
- (7) ~~“Department” means the Florida Department of Environmental Protection.~~
- (8) ~~“Directly illuminated” means illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to an observer on the beach.~~
- (9) ~~“Dune” means a mound or ridge of loose sediments, usually sand sized, lying landward of the beach and deposited by any natural or artificial mechanism.~~
- (10) ~~“Frontal dune” means the first natural or man made 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.~~
- (11) ~~“Ground level barrier” means any vegetation, natural feature or artificial structure rising from the ground which prevents beachfront lighting from shining directly onto the beach dune system.~~
- (12) ~~“Hatchling” means any species of marine turtle, within or outside of a nest, that has recently hatched from an egg.~~
- (13) ~~“Indirectly illuminated” means illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to an observer on the beach.~~
- (3)(14) ~~“Local government” means any county listed in Rule 62B-55.003, F.A.C., subsection (4), above, and any municipality, community development district, or special taxing district within those counties.~~
- (4)(15) ~~“Marine turtle” is any turtle, including all life stages from egg to adult, of the species means any marine dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead), *Chelonia mydas* (green), *Dermochelys coriacea* (leatherback), *Eretmochelys imbricata* (hawksbill), and *Lepidochelys kempi* (Kemp’s ridley). For purposes of this rule, marine turtle is synonymous with sea turtle.~~
- (16) ~~“Nest” means an area where marine turtle eggs have been naturally deposited or subsequently relocated.~~
- (17) ~~“Nesting season” means the period from May 1 through October 31 of each year for all counties except Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward. Nesting season for Brevard, Indian River, St. Lucie, Martin, Palm Beach, and Broward counties means the period from March 1 through October 31 of each year.~~
- (18) ~~“Nighttime” means the locally effective time period between sunset and sunrise.~~
- (19) ~~“Person” means individuals, firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.~~
- (20) ~~“Tinted glass” means any glass treated to achieve an industry approved, inside to outside light transmittance value of 45% or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.~~

Rulemaking Authority 161.163 FS. Law Implemented 161.163 FS. History—New 3-30-93, Formerly 16B-55.002, Amended _____.

62B-55.004 General Guidance to Local Governments.

The State of Florida Model Sea Turtle Lighting Ordinance (effective XX), which is hereby adopted and incorporated by reference and is available at [https://XXXX\(DOS\)](https://XXXX(DOS)) and <https://floridadep.gov/rcp/beaches>, provides guidelines for local government regulations that control artificial lighting to protect sea turtles.

(1) ~~The responsibility for protecting nesting female and hatchling marine turtles should be a joint responsibility of local government and the department. Local governments are encouraged to adopt, implement, and enforce the guidelines provided herein to assist in that responsibility. Local governments that have adopted less stringent regulations should consider amending existing ordinances to provide greater protection to nesting marine turtles and hatchlings. In the process of implementing these guidelines, the following management goals should also be considered by local governments:~~

~~(a) Public Awareness. Any person submitting an application for coastal construction activities within the jurisdictional boundaries of the local government should be informed of the existence of and requirements within the local government's ordinances concerning artificial lighting and marine turtle protection.~~

~~(b) Local Government—Department Communication. Upon adoption of these guidelines, a system of communication between the local government and the department should be developed if it does not already exist. Protection of marine turtle nesting habitat, nesting females, and hatchlings is greatly enhanced when local governments manage their beaches and coastal activities in a manner consistent with prudent marine turtle conservation strategies. The department is ready to assist local governments by providing such conservation information and other technical assistance.~~

~~(c) Inter-Governmental Cooperation. Upon adoption of these guidelines, local governments should develop a system for receiving copies of permits issued by the department, the Department of Environmental Protection, or the United States Army Corps of Engineers for any coastal construction within the local government's jurisdiction. Activities permitted by these agencies should be assessed for compliance with the local government's lighting ordinance.~~

~~(d) Enforcement. Local governments should develop a process for the consistent and effective enforcement of adopted guidelines. This process should include at least one compliance inspection of the beach conducted at night prior to the commencement of the main portion of the marine turtle nesting season and one compliance inspection conducted during the marine turtle nesting season.~~

~~(2) The department considers the provisions of this chapter to be minimum guidelines for the protection of nesting habitat, nesting females, and hatchling marine turtles from the negative effects of artificial lighting. More stringent standards for marine turtle protection may be adopted by local governments. Prior to adoption of any additional standards, local governments are encouraged to consult with the department to ensure that the proposed standards are consistent with the guidelines set forth herein and with all other applicable department rules.~~

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62B-55.005 Prohibition of Activities Disruptive to Marine Turtles.

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62B-55.006 Model Standards for New Beachfront Lighting.

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62B-55.007 Model Standards For Existing Beachfront Lighting.

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62B-55.008 Proposed Enforcement and Penalties.

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