## Attachment 37: Definitions and Acronyms

### Definitions

All terms used in this guidance document have the meanings set forth in Chapter 62-780, F.A.C., or applicable provisions of Chapter 376, Fla. Stat.

The following additional terms are defined for the purpose of this guidance document:

**Conservation Easement**. A “right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance; or maintaining existing land uses “and which prohibit or limit certain uses. See Section 704.06, Fla. Stat.

**Deed Restriction**. A clause in a deed included by the seller that restricts future use of the land in a manner specified in the deed.

**Easement.** An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose (for example, for access).

**Encumbrance.** A lien on the title applicable to a particular parcel of real property.

**Encumbrance Map**. A scaled and labeled map, diagram, or survey showing the locations of all encumbrances identified in the Title Report relative to the proposed areas to be restricted by the restrictive covenant. (See Attachment 14 for example).

**Engineering Controls (EC)**. “Engineering control” means use of existing features (such as buildings) or modifications to a site to reduce or eliminate the potential for migration of, or exposure to, contaminants. Examples of modifications include physical or hydraulic control measures, capping, point‑of‑use treatments, or slurry walls. See Section 62-780.200(14), F.A.C.

**Institutional Control (IC)**. “[T]he restriction on use or access to a site to eliminate or minimize exposure to petroleum products' chemicals of concern, drycleaning solvents, or other contaminants. Such restrictions may include, but are not limited to, deed restrictions, restrictive covenants or conservation easements.” See Sections 376.301(22) and 376.79(10), Fla. Stat.

**Institutional Control Registry (ICR)**. A registry of real properties prepared by FDEP to assist with tracking those properties upon which an institutional control has been imposed pursuant to the provisions contained in Chapters 376 or 403, F.S. and to allow the public and local governments to monitor the status of those controls. See Section 376.303(6), F.S. The Registry website address is
<https://floridadep.gov/waste/waste/content/institutional-controls-registry>.

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**Interim Institutional Control**. An institutional control that is entered into between the property owner and the FDEP prior to completion of the cleanup work.

**Joinder and Consent**. A written agreement by which one holding an interest in or encumbrance on real property (such as a party to a lease or an easement holder) agrees to the execution and recordation of an interest in the real property.

**Lessee (tenant)**. One who has a possessory interest in real property under a lease.

**Lessor (landlord).** An entity who makes real property available for use by another party for a period of time with a lease and who retains title to or ownership.

**Lienor (lien holder)**. A party that holds a legally enforceable right (lien) on real property such as a mortgage.

**Minimum Technical Standards (MTS).** The Minimum Technical Standards for preparation of a survey set forth in Chapter 5J-17.050-.052, F.A.C.

**Mortgagee (mortgage holder)**. The creditor or lender that holds a mortgage interest on real property.

**Ownership and Encumbrance Report.** A report prepared by a title insurance company that reflects all parties having a recorded interest in the property, including owners, tenants under recorded leases, lienors, and easement holders, based on a title search that commences with the instrument constituting the root of title under Florida’s Marketable Record Title Act.

**Restrictive Covenant (RC)**. A private agreement, in a deed or other written instrument that restricts the use or occupancy of real property, and the uses to which the property may be put.

**Subordination**. An agreement by which one who holds an otherwise senior interest (such as a mortgage) agrees to subordinate that interest to a normally lesser (usually later recorded) interest.

**State Plane Coordinate (SPC) System**. The system of plane coordinates which has been established by the National Ocean Service for defining and stating the positions or locations of points on the surface of the earth within the state using the zones established by the National Ocean Service in NOAA Manual NOS NGS 5, State Plane Coordinate System of 1983. The appropriate projection and zone designation shall be indicated and included in any description using the Florida State Plane Coordinate System. See Section 177.031(19), Fla. Stat.

**Survey**. A Specific Purpose Survey, Boundary Survey or Descriptions and Sketches to Accompany Descriptions, as defined under Chapter 5J-17, F.A.C. prepared using the Minimum Technical Standards defined in Chapter 5J-17, F.A.C.

**Title Report**. An Ownership and Encumbrance Report, a title insurance commitment or title insurance policy, that reflects all parties having a recorded interest in the property, including owners, tenants under recorded leases, lienors, and easement holders, based on a title search that commences with the instrument constituting the root of title under Florida’s Marketable Record Title Act.

[**18-1.004**](https://www.flrules.org/gateway/ruleNo.asp?id=18-1.004) **Title.**

(1) Initial Title Report. In order for the Division to obtain appraisals, a **title report, including an adequate legal description of the property to be acquired sufficient to inform the Division** and the fee appraisers of the **status of ownership, encumbrances, exceptions, reservations, previous ownership history, and tax assessment history shall be obtained**. If an acquiring agency has initiated the acquisition or the acquisition is for the benefit of an acquiring agency, then the title report shall be furnished to the Division by the acquiring agency.

### Acronyms

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| **DWM** | FDEP Division of Waste Management |
| **EC** | Engineering Controls |
| **F.A.C.** | Florida Administrative Code |
| **F.S.** | Florida Statutes |
| **GCTL** | Groundwater Cleanup Target Level |
| **GPS** | Global Positioning System |
| **IC** | Institutional Control  |
| **ICECAP** | Institutional Control/Engineering Control Audit Program |
| **ICR** | FDEP’s Institutional Control Registry |
| **ICPG** | Institutional Controls Procedures Guidance |
| **MOA** | Memorandum of Agreement |
| **MOU** | Memorandum of Understanding |
| **OGC** | FDEP’s Office of General Counsel |
| **PRP** | Petroleum Restoration Program  |
| **RC** | Restrictive Covenant |
| **SRCO** | Site Rehabilitation Completion Order |
| **SPC** | State Plane Coordinates system |
| **SCTL** | FDEP’s Soil Cleanup Target Level |
| **WCP** | Waste Cleanup Program |