

**9J-5.012 F.A.C.
COASTAL MANAGEMENT**

c. This chapter shall not be interpreted or applied to:

i. Mandate that local governments require existing facilities to be retrofitted to meet stormwater discharge water quality standards or stormwater management level of service standards.

ii. Eliminate any presumption provided by state or regional law or regulation that stormwater management systems which satisfy appropriate state or regional regulatory design and performance criteria also satisfy applicable stormwater discharge water quality standards.

iii. Prevent local governments from providing that compliance with adequate locally or regionally established level of service standards other than the design and performance criteria of Chapter 17-25, F.A.C., shall also be presumed to satisfy the stormwater discharge water quality standards.

iv. Prevent local governments from incorporating by reference stormwater management water quality standard exemptions to the extent they appear in state or regional stormwater management water quality laws or regulations.

v. Mandate that local governments conduct water quality sampling or testing of stormwater discharge receiving waters to implement the standards described in this subsection.

Specific Authority 163.3177(9), (10) FS.

Law Implemented 163.3177(1), (5), (6)(c), (8), (9), (10) FS.

History—New 3-6-86, Amended 10-20-86, 5-18-94, 3-21-99.

9J-5.012 Coastal Management.

The purpose of this element is to plan for and where appropriate restrict development activities where such activities would damage or destroy coastal resources, and protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(1) Local governments required by law to prepare a coastal management element are listed in the document entitled "Local Governments Required to Include Coastal Management Elements in their Comprehensive Plans," dated

July 1, 1986, and available from the Department upon request. The local governments listed in the document and any other communities that incorporate subsequent to July 1, 1986, and meet the criteria in Chapter 380.24, Florida Statutes, shall include a coastal management element in their comprehensive plans.

(2) Coastal Management Data And Analysis Requirements. The element shall be based upon the following data and analyses requirements pursuant to subsection 9J-5.005(2).

(a) Existing land uses in the coastal planning area shall be inventoried. Conflicts among shoreline uses shall be analyzed and the need for water-dependent and water-related development sites shall be estimated. Any areas in need of redevelopment shall be identified. An analysis of the economic base of the coastal planning area based on the future land use element shall be included. A map or map series showing existing land uses and detailing existing water-dependent and water-related uses shall be prepared.

(b) Inventories and analyses of the effect of the future land uses as required to be shown on the future land use map or map series on the natural resources in the coastal planning area shall be prepared including: vegetative cover, including wetlands; areas subject to coastal flooding; wildlife habitats; and living marine resources. Maps shall be prepared of vegetative cover, wildlife habitat, areas subject to coastal flooding, and other areas of special concern to local government.

(c) An inventory and analysis of the impacts of development and redevelopment proposed in the future land use element on historic resources and sites in the coastal planning area shall be included along with a map of areas designated for historic preservation.

(d) An inventory and analysis shall be prepared of estuarine pollution conditions and actions needed to maintain estuaries including: an assessment of general estuarine conditions and identification of known existing point and non-point source pollution problems; an assessment of the impact of the development and redevelopment proposed in the future land use element and the impacts of facilities proposed in the traffic circulation and general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge elements upon water quality, circulation patterns, and accumulation of contaminants in sediments; identification of actions needed to remedy existing pollution problems; and identification of existing state, regional

and local regulatory programs which will be used to maintain or improve estuarine environmental quality.

(e) The following natural disaster planning concerns shall be inventoried or analyzed:

1. Hurricane evacuation planning based on the hurricane evacuation plan contained in the local peacetime emergency plan shall be analyzed and shall consider the hurricane vulnerability zone, the number of persons requiring evacuation, the number of persons requiring public hurricane shelter, the number of hurricane shelter spaces available, evacuation routes, transportation and hazard constraints on the evacuation routes, and evacuation times. The projected impact of the anticipated population density proposed in the future land use element and any special needs of the elderly, handicapped, hospitalized, or other special needs of the existing and anticipated populations on the above items shall be estimated. The analysis shall also consider measures that the local government could adopt to maintain or reduce hurricane evacuation times.

2. Post-disaster redevelopment including: existing and proposed land use in coastal high-hazard areas; structures with a history of repeated damage in coastal storms; coastal or shore protection structures; infrastructure in coastal high-hazard areas; and beach and dune conditions. Measures which could be used to reduce exposure to hazards shall be analyzed, including relocation, structural modification, and public acquisition.

3. Coastal high-hazard areas shall be identified and the infrastructure within the coastal high-hazard area shall be inventoried. The potential for relocating threatened infrastructure shall be analyzed.

(f) Beach and dune systems shall be inventoried and analyzed, including past trends in erosion and accretion, the effects upon the beaches or dunes of coastal or shore protection structures, and identification of existing and potential beach renourishment areas. The analysis shall also identify measures which could be used to protect or restore beaches or dunes.

(g) Public access facilities shall be inventoried, including: all public access points to the beach or shoreline through public lands, private property open to the general public, or other legal means; parking facilities for beach or shoreline access; coastal roads

and facilities providing scenic overlooks; marinas; boat ramps; public docks; fishing piers; or other traditional shoreline fishing areas. The capacity of and need for the above facilities shall be analyzed. Public access facilities shall be shown on the map or map series required by Paragraph (2)(a) as water-dependent uses or facilities. These inventories and analyses shall be coordinated with the recreation and open space element and any countywide marina siting plan if adopted by the local government.

(h) Existing infrastructure in the coastal planning area shall be inventoried, including: roadways, bridges or causeways, sanitary sewer facilities, potable water facilities, man-made drainage facilities, public coastal or shore protection structures, and beach renourishment projects. The demand upon, capacity of, and area served by the existing infrastructure shall be analyzed. Analyses shall be prepared which estimate future needs for those facilities listed above, and which shall address the fiscal impact in terms of estimated costs, funding sources and phasing of any needed improvements.

(3) Requirements for Coastal Management Goals, Objectives, and Policies.

(a) The coastal management element shall contain one or more goal statements which establish the long term end toward which regulatory and management efforts are directed. These shall reflect the stated intent of the Legislature in enacting Section 163.3178, Florida Statutes, which is that local governments in their comprehensive plans restrict development activities that would damage or destroy coastal resources, and protect human life and limit public expenditures in areas subject to destruction by natural disasters.

(b) The element shall contain one or more specific objectives for each goal statement which address the requirements of Paragraph 163.3177(6)(g) and Section 163.3178, Florida Statutes, and which:

1. Protect, conserve, or enhance remaining coastal wetlands, living marine resources, coastal barriers, and wildlife habitat;

2. Maintain or improve estuarine environmental quality;

3. Provide criteria or standards for prioritizing shoreline uses, giving priority to water-dependent uses;

4. Protect beaches or dunes, establish construction standards which minimize the impacts of

man-made structures on beach or dune systems, and restore altered beaches or dunes:

5. Limit public expenditures that subsidize development permitted in coastal high-hazard areas subsequent to the element's adoption except for restoration or enhancement of natural resources;
6. Direct population concentrations away from known or predicted coastal high-hazard areas;
7. Maintain or reduce hurricane evacuation times;
8. Prepare post-disaster redevelopment plans which will reduce or eliminate the exposure of human life and public and private property to natural hazards;
9. Increase the amount of public access to the beach or shorelines consistent with estimated public needs;
10. Provide for protection, preservation, or sensitive reuse of historic resources; and
11. Establish level of service standards, areas of service and phasing of infrastructure in the coastal planning area.

(c) The element shall contain one or more policies for each objective and shall identify regulatory or management techniques for:

1. Limiting the specific impacts and cumulative impacts of development or redevelopment upon wetlands, water quality, water quantity, wildlife habitat, living marine resources, and beach and dune systems;
2. Restoration or enhancement of disturbed or degraded natural resources including beaches and dunes, estuaries, wetlands, and drainage systems; and programs to mitigate future disruptions or degradations;
3. General hazard mitigation including regulation of building practices, floodplains, beach and dune alteration, stormwater management, sanitary sewer and septic tanks, and land use to reduce the exposure of human life and public and private property to natural hazards; and incorporating the recommendations of the hazard mitigation annex of the local peacetime emergency plan and applicable existing interagency hazard mitigation reports. Incorporating recom-

mendations from interagency hazard mitigation reports shall be at the discretion of the local government:

4. Hurricane evacuation including methods to relieve deficiencies identified in the hurricane evacuation analysis, and procedures for integration into the regional or local evacuation plan;
5. Post-disaster redevelopment including policies to: distinguish between immediate repair and cleanup actions needed to protect public health and safety and long-term repair and redevelopment activities; address the removal, relocation, or structural modification of damaged infrastructure as determined appropriate by the local government but consistent with federal funding provisions and unsafe structures; limiting redevelopment in areas of repeated damage; and, policies for incorporating the recommendations of interagency hazard mitigation reports, as deemed appropriate by the local government, into the local government's comprehensive plan when the plan is revised during the evaluation and appraisal process;
6. Identifying areas needing redevelopment, including eliminating unsafe conditions and inappropriate uses as opportunities arise;
7. Designating coastal high-hazard areas and limiting development in these areas;
8. The relocation, mitigation or replacement, as deemed appropriate by the local government, of infrastructure presently within the coastal high-hazard area when state funding is anticipated to be needed.
9. Establishing priorities for shoreline land uses, providing for siting water-dependent and water-related uses, establishing performance standards for shoreline development, and establishing criteria for marina siting, including criteria consistent with the countywide marina siting plan if adopted by the local government, which address: land use compatibility, availability of upland support services, existing protective status or ownership, hurricane contingency planning, protection of water quality, water depth, environmental disruptions and mitigation actions, availability for public use, and economic need and feasibility;
10. Providing, continuing, and replacing adequate physical public access to beaches and shorelines; enforcing public access to beaches

renourished at public expense; enforcing the public access requirements of the Coastal Zone Protection Act of 1985; and providing transportation or parking facilities for beach and shoreline access:

11. Historic resource protection, including historic site identification and establishing performance standards for development and sensitive reuse of historic resources;

12. The orderly development and use of deepwater ports, if applicable, including how the local government shall cooperate with the deepwater port to resolve problems in transportation, land use, natural and man-made hazards, and protection of natural resources. Include a procedure to resolve inconsistencies between the local government comprehensive plan and the deepwater port master plan through the dispute resolution process as provided under s. 186.509, Florida Statutes, which is to be utilized in the event the local government and a deepwater port are unable to resolve the inconsistencies;

13. Ensuring that required infrastructure is available to serve the development or redevelopment in the coastal planning area at the densities proposed by the future land use plan, consistent with coastal resource protection and safe evacuation, by assuring that funding for infrastructure will be phased to coincide with the demands generated by development or redevelopment;

14. Protecting estuaries which are within the jurisdiction of more than one local government, including methods for coordinating with other local governments to ensure adequate sites for water-dependent uses, prevent estuarine pollution, control surface water runoff, protect living marine resources, reduce exposure to natural hazards, and ensure public access; and

15. Demonstrating how the local government will coordinate with existing resource protection plans such as resource planning and management plans, aquatic preserve management plans, and estuarine sanctuary plans.

(4) Local governments within the coastal area that participate in a countywide marina siting plan shall include the marina siting plan as part of this element.

(5) Port Master Plans for Deepwater Ports. A port master plan shall be prepared by or for each deepwater port for the purposes of coordinating the activities of the port

with the plans of the appropriate local government; determination of compliance does not imply conceptual approval by the State for permitting purposes.

(a) Deepwater ports shall prepare a port master plan and submit it to the appropriate local government for incorporation as a part of the coastal management element at least six months prior to the due date of the local government's comprehensive plan established pursuant to law. This port master plan shall be incorporated as a part of the coastal management element, and be consistent with the goals, objectives, and policies of the coastal management element. The port master plan of a deepwater port, as it appears in the coastal management element, shall be reviewed for compliance with the criteria below. Failure of a deepwater port which is not a part of the local government to submit a deepwater port master plan shall not cause the local government to be subject to the sanctions in Sections 163.3184 or 163.3167, Florida Statutes, nor cause the regional planning council to prepare the missing port master plan. In this case the deepwater port shall not have its in-water facilities exempted from the provisions of Section 380.06, Florida Statutes, and the port shall be subject to the sanctions in Sections 163.3184 and 163.3167, Florida Statutes. The failure of a deepwater port which is an agency of a local government to prepare a deepwater port master plan may result in the sanctions in Section 163.3184, Florida Statutes, being applied and the missing deepwater port master plan being prepared by the regional planning council. Regardless of whether a deepwater port has prepared a port master plan, any port development shall be consistent with the goals, objectives and policies of the coastal management element of the jurisdiction in which the development occurs.

(b) Inventories and Analyses. The deepwater port shall prepare all applicable inventories and analyses listed in Subsection (2) for the areas they own or administer. Furthermore, the deepwater port shall inventory and analyze: landside transportation needed to support the deepwater port, in-water facilities, maintenance of in-water facilities, management of dredged material, hazardous material handling and cleanup, and handling and cleanup of petroleum products. In addition, the deepwater port shall prepare a map showing the location and boundaries of port owned or administered lands.

(c) Goals, Objectives, and Policies. The deepwater port shall develop goals, objectives, and policies to address the applicable issues listed in Subsection (3). The goals, objectives, and policies shall be con-

sistent with the goals adopted in the remainder of the coastal management element.

(d) Port Maintenance and Expansion. The deepwater port shall set forth its plans for future port expansion for an initial five-year period and in-water facility maintenance for at least a ten-year period, and these plans shall show the economic assumptions used, the foreseeable changes in shipping technologies and port operations, the estimates of types and volumes of commodities to be handled, the needed expansions to in-water and on-land facilities, and the infrastructure required. The plan shall set forth requirements for maintaining in-water facilities and for the management of dredged material from both maintenance and expansion. The plan shall assess the impact of port expansion and maintenance on wetlands, beaches and dunes, submerged lands, floodplains, wildlife habitat, living marine resources, water quality, water quantity, public access, historic resources, and the land use and infrastructure of adjacent areas.

(e) Port Master Plan Integration into the Coastal Management Element. If a port master plan is prepared by a deepwater port, then the appropriate local government shall include the port master plan's goals, objectives, and policies and port maintenance and expansion sections in the coastal management element of its comprehensive plan. The data and analyses shall be summarized as required in Subsection 9J-5.012(2), and shall be submitted in support of the comprehensive plan.

*Specific Authority 163.3177(9), (10) FS.
Law Implemented 163.3177(1), (5), (6)(g), (8), (9), (10), 163.3178 FS.
History—New 3-6-86, Amended 10-20-86, 3-23-94.*

9J-5.013 Conservation Element.

The purpose of the conservation element is to promote the conservation, use and protection of natural resources.

(1) Conservation Data and Analysis Requirements. The element shall be based upon the following data and analyses requirements pursuant to Subsection 9J-5.005(2).

(a) The following natural resources, where present within the local government's boundaries, shall be identified and analyzed:

1. Rivers, bays, lakes, wetlands including estuarine marshes, groundwaters and air, including information on quality of the resource avail-

able from and classified by the Florida Department of Environmental Regulation;

2. Floodplains;

3. Known sources of commercially valuable minerals;

4. Areas known by the local soil and water conservation district to have experienced soil erosion problems; and

5. Areas which are the location of recreationally and commercially important fish or shellfish, wildlife, marine habitats, and vegetative communities including forests, indicating known dominant species present and species listed by federal, state, or local government agencies as endangered, threatened or species of special concern.

(b) For each of the above natural resources, existing commercial, recreational or conservation uses, known pollution problems including hazardous wastes and the potential for conservation, use or protection shall be identified.

(c) Current and projected water needs and sources for the next ten-year period based on the demands for industrial, agricultural, and potable water use and the quality and quantity of water available to meet these demands shall be analyzed. The analysis shall consider existing levels of water conservation, use and protection and applicable policies of the regional water management district.

(2) Requirements for Conservation Goals, Objectives and Policies.

(a) The element shall contain one or more goal statements which establish the long-term end toward which conservation programs and activities are ultimately directed.

(b) The element shall contain one or more specific objectives for each goal statement which address the requirements of Paragraph 163.3177(6)(d), Florida Statutes, and which:

1. Protect air quality;

2. Conserve, appropriately use and protect the quality and quantity of current and projected water sources and waters that flow into estuarine waters or oceanic waters;