

1 A bill to be entitled
2 An act relating to protection of the Eastern Gulf Test
3 and Training Range; creating s. 377.713, F.S.;
4 providing legislative findings and intent; defining
5 terms; prohibiting a person from constructing,
6 installing, operating, maintaining, or expanding a
7 covered oil and gas facility near specified areas;
8 prohibiting certain facilities from crossing state
9 waters or submerged lands; prohibiting the Board of
10 Trustees of the Internal Improvement Trust Fund or
11 state or local agencies from issuing an authorization
12 for specified prohibited activities; prohibiting
13 certain agreements from authorizing certain
14 infrastructure developments if a specified entity is
15 the owner or lessor of the property or facility;
16 prohibiting state grants or financial assistance from
17 being awarded for certain purposes if a specified
18 entity is the owner or lessor of the property or
19 facility; prohibiting the permitting or construction
20 of heliports or helistops under certain circumstances;
21 prohibiting state aviation grants from being used for
22 certain purposes; providing that specified provisions
23 are enforceable policies of the state's coastal
24 management program; requiring the Department of
25 Environmental Protection to take certain actions

regarding certain federal agency activity; providing an exception; requiring the department to adopt rules and guidance to implement federal-consistency review; providing exceptions; providing construction; providing enforcement; amending s. 253.77, F.S.; prohibiting the Board of Trustees of the Internal Improvement Trust Fund from authorizing certain real estate transactions for specified prohibited activities; requiring state agencies to deny certain applications; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 377.713, Florida Statutes, is created to read:

377.713 Oil and gas facilities; sitings and crossing prohibited east of the Military Mission Line.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that:

1. The Eastern Gulf Test and Training Range (EGTTR) provides unique over-water air and sea space used by the United States Armed Forces to test and provide training on advanced systems vital to national security and particularly relevant to newer systems with higher speeds and extended ranges.

2. The United States Department of Defense and this

51 state's military installations have long relied on the area east
52 of the Military Mission Line (MML) remaining free of fixed
53 offshore energy infrastructure and associated logistics.

54 3. This state exercises jurisdiction over state waters in
55 the Gulf of America extending 9 nautical miles from the
56 coastline and controls sovereign submerged lands therein,
57 administered by the Board of Trustees of the Internal
58 Improvement Trust Fund.

59 4. It is in the public interest to preclude facilities and
60 crossings on state waters and submerged lands which would
61 support offshore oil and gas exploration or production east of
62 the MML.

63 (b) It is the intent of the Legislature to prevent
64 encroachment from shore-based and near-shore oil and gas
65 facilities and crossings that would support offshore exploration
66 or production east of the MML, consistent with state authority
67 over lands, waters, and funding and with federal law.

68 (2) DEFINITIONS.—

69 (a) "Covered oil and gas facility" means any facility,
70 fixture, or improvement used to stage, fuel, provision, crew-
71 change, repair, maintain, or otherwise support offshore oil or
72 natural gas exploration or production, including docks, wharves,
73 piers, berths, moorings, dolphins, loading arms, offshore or
74 nearshore transfer buoys, storage tanks, fuel farms, warehouses,
75 maintenance shops, laydown yards, heliports or helistops, and

76 any pipeline, flowline, gathering line, export line, riser,
77 umbilical, or power or communications cable, and any associated
78 crossings, attachments, or appurtenances.

79 (b) "Federal-consistency review" means the process by
80 which the state may review certain federal activities affecting
81 land or water uses or natural resources of its coastal zone for
82 consistency with its comprehensive management program,
83 including:

84 1. Activities conducted by or on behalf of a federal
85 government agency;

86 2. Federal licenses or permits;

87 3. Permits issued under the Outer Continental Shelf Lands
88 Act for offshore minerals exploration or development; and

89 4. Federally funded activities.

90 (c) "Military Mission Line" means the north-south line at
91 longitude 86°41' W in the Gulf of America.

92 (d) "Sovereign submerged lands" means those lands,
93 including, but not limited to, tidal lands, islands, sand bars,
94 shallow banks, and lands waterward of the ordinary or mean high
95 water line, beneath navigable fresh water or beneath tidally
96 influenced waters, to which this state acquired title on March
97 3, 1845, by virtue of statehood, and which have not been
98 heretofore conveyed or alienated.

99 (e) "State waters" means the waters of the Gulf of America
100 within 9 nautical miles in the Gulf of America and 3 nautical

101 miles off the Atlantic coast and the lands underlying such
102 waters and all inland rivers, lakes, streams, and wetlands
103 extending to their natural boundaries.

104 (3) PROHIBITIONS ON STATE WATERS AND SOVEREIGN SUBMERGED
105 LANDS EAST OF THE MML.—

106 (a) A person may not construct, install, operate,
107 maintain, or expand a covered oil and gas facility on, in, over,
108 or across state waters or sovereign submerged lands east of the
109 MML.

110 (b) A pipeline, flowline, umbilical, cable, or similar
111 linear facility that would serve, connect to, or facilitate
112 offshore oil or natural gas exploration or production east of
113 the MML may not cross state waters or sovereign submerged lands.

114 (c) The Board of Trustees of the Internal Improvement
115 Trust Fund or any state or local agency may not issue a lease,
116 easement, right-of-way, consent of use, dredge-and-fill
117 authorization, coastal construction control line permit, or
118 other authorization for any activity prohibited by this
119 subsection.

120 (4) MARKET PARTICIPANT LIMITS ON STATE PROPERTY AND
121 FACILITIES.—Where the state, a state university, a water
122 management district, a port authority, or a state agency acts as
123 owner or lessor of real property or facilities:

124 (a) New or amended leases, concessions, or facility-use
125 agreements may not authorize dedicated build-outs or similar

126 infrastructure primarily for covered oil and gas facilities
127 serving offshore operations east of the MML, including offshore
128 crew-change terminals, helicopter support bases, or fuel and
129 storage dedicated to such operations.

130 (b) State grants or financial assistance may not be
131 awarded for design, construction, or expansion of facilities
132 whose primary purpose is a covered oil and gas facility serving
133 offshore operations east of the MML.

134 (5) AIRPORTS, HELIPORTS, AND HELISTOPS.—

135 (a) Heliports or helistops on state-owned lands east of
136 the MML may not be permitted or constructed if their primary
137 purpose is to stage or support offshore oil or natural gas
138 operations east of the MML.

139 (b) State aviation grants may not be used to plan, design,
140 or construct facilities whose primary purpose is to support
141 offshore oil or natural gas operations east of the MML at
142 public-use airports.

143 (6) CONSISTENCY WITH THE FEDERAL COASTAL ZONE MANAGEMENT
144 ACT.—

145 (a) The policies in this section are declared enforceable
146 policies of the state's approved coastal management program for
147 purposes of 16 U.S.C. s. 1456.

148 (b) The Department of Environmental Protection shall issue
149 objections, consistent with 16 U.S.C. s. 1456, and implement
150 regulations for any federal license or permit activity, outer

151 continental shelf plan, or federal agency activity that is
152 inconsistent with this section, unless the activity is modified
153 to achieve consistency.

154 (c) The department shall adopt rules and guidance to
155 implement federal-consistency review under this section and
156 shall coordinate with affected ports, local governments, and
157 federal agencies.

158 (7) EXCEPTIONS.—This section does not prohibit:

159 (a) Emergency response or pollution-control actions
160 necessary to protect public health, public safety, or the
161 environment.

162 (b) Activities of the United States Department of War.

163 (c) Scientific surveys by governmental entities not
164 conducted for the purpose of hydrocarbon exploration or
165 production.

166 (d) Repair, integrity digs, or decommissioning of pre-
167 existing facilities west of the MML which do not increase
168 capacity to serve operations east of the MML.

169 (8) CONSTRUCTION.—This section may not be construed to do
170 any of the following:

171 (a) Regulate or restrict routes, services, or operations
172 of aircrafts.

173 (b) Impose flight curfews or access limits at public-use
174 airports.

175 (c) Regulate vessel design, construction, manning, or

176 routing preempted by federal law.

177 (9) ENFORCEMENT.—The Secretary of Environmental
178 Protection, or his or her designee, or the Attorney General may
179 seek injunctive relief and assess civil penalties for violations
180 of this section. Each day of a continuing violation constitutes
181 a separate offense.

182 **Section 2. Subsection (5) is added to section 253.77,**
183 **Florida Statutes, to read:**

184 253.77 State lands; state agency authorization for use
185 prohibited without consent of agency in which title vested;
186 concurrent processing requirements.—

187 (5) The Board of Trustees of the Internal Improvement
188 Trust Fund or any state or local agency may not issue a lease,
189 easement, right-of-way, consent of use, dredge-and-fill
190 authorization, coastal construction control line permit, or
191 other authorization for any activity prohibited by this
192 subsection. State agencies with permitting authority shall deny
193 applications for activities that are inconsistent with s.
194 377.713.

195 **Section 3.** This act shall take effect upon becoming a law.