

### **18-21.003 Definitions.**

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) "Accretion" means the process of gradual and imperceptible additions of sand, sediment, or other material to riparian lands made by the natural action of water which results in dry lands formerly covered by water.

(2) "Activity" means any use of sovereignty lands which requires board approval for consent of use, lease, easement, sale, or transfer of interest in such sovereignty lands or materials. Activity includes, but is not limited to, the construction of docks, piers, boat ramps, board walks, mooring pilings, dredging of channels, filling, removal of logs, sand, silt, clay, gravel or shell, and the removal or planting of vegetation on sovereignty lands.

(3) "Applicant" means any person making application for a lease, sale, or other form of conveyance of an interest in sovereignty lands or any other necessary form of governmental approval for an activity on sovereignty lands.

(4) "Approved upland residential units" means the number of residential units given final approval by a local government for one parcel of land riparian to the affected waterbody. For the purpose of this rule, conceptual approval shall not be deemed to constitute final approval.

(5) "Artificial accretion" means the addition of sand, sediment, or other material to riparian lands caused by man-made projects and operations which results in dry lands formerly covered by water.

(6) "Artificial erosion" means the slow and imperceptible loss or washing away of sand, sediment, or other material from property caused by man-made projects and operations.

(7) "Avulsion" means the sudden or perceptible loss of or addition to land by the action of water or the sudden or perceptible change in the bed of a lake or the course of a stream.

(8) "Aquaculture" means the cultivation of animal or plant life in an aquatic environment.

(9) "Benthic communities" means any sovereignty submerged land where any of the following associations of indigenous interdependent plants and animals occur: grass beds, algal beds, sponge beds, octocoral patches or beds, hard coral patches or reefs, and tidal swamps, including mangroves, identified in any reports submitted pursuant to paragraph 18-21.004(2)(c), F.A.C., Communities is intended to reflect identifiable assemblages of organisms as opposed to scattered or single individuals.

(10) "Board" means the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

(11) "Channel" means a trench, the bottom of which is normally covered entirely by water, with the upper edges of its sides normally below water.

(12) "Coastal barrier islands" means a depositional geologic feature consisting of unconsolidated sedimentary materials in an island configuration which is subject to direct attack by wave, tidal, and wind energies originating from the Atlantic Ocean or Gulf of Mexico, and which serves to protect landward aquatic habitats, such as bays and estuaries, and the interior uplands of the mainland from oceanic wave, tidal, and wind forces.

(13) "Coastal island" means a coastline geological feature lying above mean high water that is completely separated from the coastal mainland by marine or estuarine waters, including those parcels of land which become insular due to natural causes, and is composed of any substrate material, including spoil material. This specifically includes, in addition to exposed coastal islands:

(a) All islands within aquatic preserves except for Lake Jackson, Rainbow River, and Wekiva River Aquatic Preserves; and

(b) Other islands within confined or semi-confined marine or estuarine waters with an open connection to the Atlantic Ocean or Gulf of Mexico such as bays, lagoons or inlets. Except for coastal islands within the specified aquatic preserves, it does not include islands or portions of islands within rivers leading into marine and estuarine waters more than one mile upstream of a line drawn at the river mouth from headland to

headland.

(14) "Department" means the State of Florida Department of Environmental Protection, as administrator for the board.

(15) "Division" means the Division of State Lands which performs all staff duties and functions related to the administration of lands, title to which is or will be vested in the board pursuant to Section 253.002, F.S.

(16) "Dock" means a fixed or floating structure, including access walkways, terminal platforms, catwalks, mooring pilings, lifts, davits and other associated water-dependent structures, used for mooring and accessing vessels.

(17) "Easement" means a non-possessory interest in sovereignty lands created by a grant or agreement which confers upon the applicant the limited right, liberty, and privilege to use said lands for a specific purpose and for a specific time.

(18) "Economic demand" means the Projections of Marina Need by County as determined by the Department of Environmental Protection.

(19) "Energy production" means the exploration for, and extraction of, hydrocarbons, including necessary transmission through pipelines, or the water-oriented activities related to the generation of electricity.

(20) "Factual or physical exploration results" means all data and information, excluding interpreted data, gathered as the result of any and all operations conducted under this use agreement by whatever means.

(21) "Fastland" means that portion of a coastal island above the upper limit of tidal wetland vegetation, or, if such vegetation is not present, that portion of the island above the mean high water line.

(22) "Fill" means materials from any source, deposited by any means onto sovereignty lands, either for the purpose of creating new uplands or for any other purpose, including spoiling of dredged materials.

**(23) "First come, first served" means any water dependent facility operated on the sovereign lands of the state the services of which are open to the general public with no qualifying requirements such as club membership, stock ownership, or equity interest, with no longer than one-year rental terms, and with no automatic renewal rights or conditions. This is intended to cover services offered to various types, classes or groups of public users and such services need not be comprehensive. The service offered may be a specialty service such as boat repair, seafood purchasing, marine slip rentals or shipping terminals as long as all services offered are open to the general types, classes, or groups of public users with no qualifying requirements such as club membership or stock ownership or equity interest.**

(24) "Geophysical testing" means the use of gravity, seismic, and similar geophysical techniques to obtain information and data on oil, gas or other mineral resources. Seismic techniques include air guns, sparker, sniffer, waterguns, mini-sleeve systems, steam injection, percussion sampling, electronic equipment, jet and dart methods, and other non-explosive energy sources. No explosives shall be used when conducting geophysical testing on or above sovereignty submerged lands.

(25) "Incidental Crossings" means the laying of geophysical recording cable on state-owned creek, stream, river or lake bottoms for the purpose of conducting geophysical surveys pursuant to geophysical permits issued by the Department.

**(26) "Income" means the gross revenue derived directly or indirectly from the use of sovereignty submerged lands such as slip rental, lease or sublease fees; dock or pier admission fees; club memberships, stock ownership or equity interest in activities where an increased revenue is attributable to the use of the sovereignty submerged lands or "sales" of slips. However, gross revenue shall not include pass-through fees such as fees for utility services, sale of the facility or sales of products not occurring on sovereignty submerged lands. Gross revenue shall include all future payments made for the transfer of the interest in a slip originally obtained from the Board's lessee, including transfer of slip rights by slip sublessees, slip "sellers", slip interest transfers, new club memberships, and other similar transactions.**

