

STATE - LOCAL AGREEMENT FOR ADMINISTERING THE  
MYAKKA RIVER WILD AND SCENIC RIVER PROTECTION ZONE

Between  
Florida Department of Environmental Protection  
And  
Florida Department of Community Affairs  
And  
Sarasota County

**AGREEMENT**

This Agreement, entered into this 11<sup>th</sup> day of December, 1997, between the Florida Department of Environmental Protection (DEP), the Florida Department of Community Affairs (DCA) and Sarasota County (County), a political subdivision of the State of Florida, provides a basis for the management of the Myakka River Wild and Scenic Protection Zone (Protection Zone) in the unincorporated area of Sarasota County. This Agreement is required by the Myakka River Wild and Scenic Designation and Preservation Act, section 258.501, Florida Statutes (F.S.), as amended, hereinafter referred to as the "Act", and included herewith as Exhibit A.

**Part I - Purpose and Intent**

The purpose of this Agreement is to establish formal, interagency coordination mechanisms and procedures for the County's administration of the Protection Zone in accordance with paragraphs 258.501 (4)(b) and (9)(c), F.S. The Protection Zone consists of an area 220-feet wide along the designated River Area whose approximate boundary has been delineated and approved by staff of the County, DCA, Southwest Florida Water Management District and DEP on maps included herewith as Exhibit B. It is acknowledged by all parties to this Agreement that the maps will be used as a means of identifying the approximate location of the Protection Zone. It is further understood that the approximate wetland area and protection zone is subservient to any wetland lines established on parcels or tracts pursuant to Chapter 373, F.S., and Chapter 62-340, Florida Administrative Code. The agreement includes responsibilities for participating agencies, and guidelines and standards to be used by DEP and DCA for monitoring the regulation of activities by the County, included in paragraph 3.12, herein.

The review and regulation of activities by the County in the Protection Zone will be conducted, under existing County authority, to ensure conformance with the Act, the Myakka River Wild and Scenic River Management Plan (Plan), and this Agreement. Activities will be regulated in the Protection Zone so as to minimize potential adverse environmental and visual impacts on the resource values in the River Area, and to minimize adverse impacts to landowners' use of land for residential purposes. The Plan, approved by the Governor and Cabinet on May 22, 1990, lists the resource values and their priority management concerns, guiding principles, objectives and actions. The County has incorporated the Plan by reference in its State-mandated comprehensive plan, **Apoxsee**, through adoption of Policy 5.2.<sup>3</sup>~~A~~. in the Environment Chapter which is available from Sarasota County Long Range Planning Division. *me*

## **Part II - General Provisions**

- 2.01. This Agreement will be in effect in perpetuity, unless provided otherwise by law, amended or revoked.
- 2.02. This is the entire Agreement between the parties and no verbal or written assurance or promise is effective or binding unless included in this document.
- 2.03. This Agreement includes no provisions for compensation, reimbursement for any expenses or remuneration for management of the Protection Zone by the County.
- 2.04. Nothing in this Agreement shall be construed to relieve any party from adhering to State law, and in the event of a change in any statute inconsistent with this Agreement, the statute shall take precedence.
- 2.05. This Agreement may be amended with approval by all parties pursuant to management considerations, or amendments to the Act or management plan. Any alterations, variations, changes, modifications or waivers of provisions in this Agreement shall only be valid when they have been mutually agreed upon in writing, executed by each of the parties hereto, and included in this Agreement.



2.06. No delay or omission to exercise any right, power or remedy accruing to any party upon breach or default by any party under this Agreement, shall impair any such right, power or remedy of any party; nor shall such delay or omission be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

2.07. This Agreement is neither intended nor shall it be construed to grant any rights, privileges or interest to any third party without the mutual written agreement of the parties hereto.

2.08. No person, on the grounds of race, creed, color, national origin, age, sex, or handicap, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.

2.09. Each party shall bear its own costs and attorneys fees for all expenses incurred in this matter including execution of this agreement and its implementation.

2.10. If any part of this Agreement is judicially determined to be invalid or unenforceable, the other provisions of this Agreement will remain in full force and effect.

2.11. This agreement, including Exhibits, shall become effective upon execution by the last party to execute this Agreement.

2.12. Nothing in this Agreement shall operate to divest the County of any authority or jurisdiction to enact appropriate ordinances, so long as they are in conformance with the Act, the Plan, and this Agreement and all other applicable state laws.

### **Part III - Agencies' Responsibilities**

#### **Responsibilities of the County**

##### **The County Shall:**

3.01. Adopt an ordinance that sets forth the County's legal responsibilities, activities that will be regulated, and procedures for regulating activities in the Protection Zone. If necessary, the

County shall amend the County's land development regulations and other appropriate ordinances within one year after the adoption date of this Agreement so that regulations that affect the Protection Zone conform to, or are more stringent than, the Act, the Plan and this Agreement.

3.02. Amend the County's land development regulations and other appropriate ordinances concerning activities in the Protection Zone by way of a County ordinance adopted pursuant to paragraph 3.01. The ordinance will prohibit certain activities, and require others to undergo review and either be denied or permitted with or without conditions, to minimize potential adverse physical and visual impacts on resource values in the River Area but minimize impacts on private landowners' use of land for residential purposes. The resource values of concern are those that are identified in the Plan. Activities that should be considered for prohibition include, but are not limited to, landfills, clear cuttings, major new infrastructure facilities, major activities that would alter historic water or flood flows, multifamily residential construction, commercial and industrial development, and mining and major excavations. However, appurtenant structures for these activities may be permitted by the County if such structures do not have adverse visual or measurable adverse environmental impacts to resource values in the River Area.

3.03. Upon the effective date of amendments to the Act, the Plan, or this Agreement, the County will amend **Apoxsee**, within one year, to be consistent with, or more stringent than, the amended Act, Plan, and this Agreement.

3.04. Upon the effective date of amendments to the Act, the Plan, or this Agreement, the County will amend, within one year, its land development regulations and other appropriate ordinances, to be consistent with, or more stringent than, the Act, the Plan, and this Agreement. If amendments to the Act set a specific time frame for adoption of amendments to the land development regulations or other appropriate ordinances, that time frame will prevail over the time frame set in this paragraph.



3.05. Coordinate with the Myakka River Management Coordinating Council, DCA and DEP when proposed County policies relating to administration of the Protection Zone and or affecting the River Area are being considered for enactment or amendment.

3.06. Provide to DCA and DEP notices and copies of all proposed amendments to **Apoxsee**, pursuant to Section 163.3184, F.S.; and provide for review and comment all proposed amendments to County land development regulations, and other appropriate ordinances related to administration of the Protection Zone, pursuant to Section 258.501, F.S.

3.07. In accordance with Section 258.501, F.S., the County will notify DEP and DCA of permit applications required by the ordinance established under paragraph 3.02, herein, and that are identified in the ordinance as requiring review by DEP and DCA.

3.08. Provide to DEP and DCA an annual report on the County's actions in the Protection Zone pursuant to paragraphs 3.01, 3.02, 3.06 and 3.07, herein, within 90 days of the end of the calendar year.

#### **Responsibilities of DEP**

##### The DEP Shall:

3.09. Maintain a full-time position or designate an employee within the Division of Recreation and Parks, District 4, subject to legislative appropriations, or other lawfully available funding, in order to provide liaison with the County and the Myakka River Management Coordinating Council and to review and respond to the annual report.

3.10. Provide technical assistance, from staff of the Division of Recreation and Parks, as requested, to the County in its preparation of amendments to **Apoxsee**, the land development regulations, and other ordinances relevant to regulation of activities in the Protection Zone.

3.11. Assist DCA in the compliance review of **Apoxsee**. Provide for review and comment on County land development regulations and other ordinances relevant to administration of the Protection Zone.

3.12. Monitor, using the performance standards and guidelines for DEP and DCA established in this paragraph, local government decisions on activities proposed to be conducted in the Protection Zone and identified in the annual report (required under paragraph 3.08, herein) for consistency with the Act, the Plan, this Agreement, **Apoxsee**, land development regulations and other ordinances that have been revised subject to this Agreement.

**Performance Standards and Guidelines for Monitoring the Regulation of  
Activities by Sarasota County in the  
Myakka River Wild and Scenic Protection Zone**

The DEP and DCA are charged under Section 258.501(6)(a) and (9)(c), F.S., with using performance standards and guidelines to review and monitor the regulation of activities by the County in the Protection Zone. The performance standards and guidelines enumerated below are adopted for use by DEP and DCA in monitoring the County's administration of the Protection Zone.

**Performance Standards**

1. **Apoxsee** will be amended, as necessary, within one year after the effective date of the Agreement to incorporate policies concerning the County's responsibility for regulating activities in the Protection Zone. Thereafter, **Apoxsee** will be updated as necessary, within one year after adoption of amendments to the Act, Plan or the Agreement.
2. When the County adopts amendments to chapters or sections of **Apoxsee** not specifically concerning the Protection Zone, such amendments should not be inconsistent with the regulatory program for the Protection Zone or the intent of protecting the sensitive resources within the Protection Zone .
3. The County will ensure that proposed amendments to the land development regulations as well as other ordinances that affect the Protection Zone are consistent with the Act, Plan and Agreement.



4. The specific elements of the Act, Plan and Agreement to be used by the County, DEP, and DCA in monitoring conformance of the County's regulatory program for the Protection Zone include:

#### **Guidelines**

##### Myakka River Wild and Scenic Designation and Preservation Act

Paragraph 258.501(5)(c)(12), F.S.

Paragraphs 258.501(6)(b) and (c), F.S.

Paragraph 258.501(8)(b), F.S.

Paragraph 258.501(9)(c), F.S.

Paragraph 258.501(11), F.S.

Paragraph 258.501(12), F.S.

Paragraph 258.501(13), F.S.

##### Myakka Wild and Scenic River Management Plan

Chapter 4. Resource Values, Issues, and Problems (all sections)

Chapter 5. River Management Program (all sections)

Chapter 6. Plan Implementation (all sections)

#### Agreement

Part III - Agencies' Responsibilities. Responsibilities of the County, Paragraphs 3.01 - 3.08.

3.13. Advise the County Administrator's Office of any legislative or administrative action pending or taken by the County that is evaluated by staff of DEP to be inconsistent with the provisions of the Agreement, Act, the Plan, ***Apoxsee*** or land development regulations as amended pursuant to the Agreement.

#### **Responsibilities of DCA**

##### The DCA Shall:

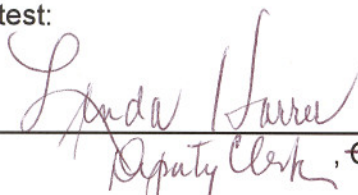
3.14. Provide technical assistance, as requested, to the County in its preparation of amendments to the local government comprehensive plan, ***Apoxsee***, land development regulations, and other ordinances relevant to administration of the Protection Zone.

3.15. Conduct a review of proposed amendments to **Apoxsee**, the land development regulations and other ordinances relevant to administration of the Protection Zone pursuant to paragraphs 3.01, 3.02, 3.03 and 3.04, herein, for consistency with the Act, the Plan and this Agreement.

3.16. Monitor, using the guidelines and performance standards for DEP and DCA established in paragraph 3.12, herein, of this Agreement, local government decisions on activities proposed to be conducted in the Protection Zone and identified in the annual report (see paragraph 3.08., herein) for consistency with the Act, the Plan, this Agreement, **Apoxsee**, land development regulations and other ordinances that have been revised subject to this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, the day and year first above written.

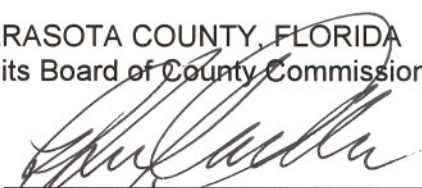
Attest:

  
\_\_\_\_\_, County Clerk

Approved as to form and legality:

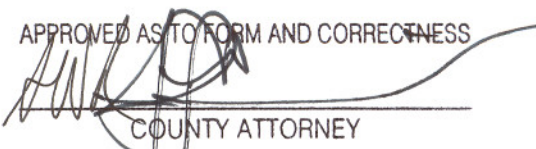
\_\_\_\_\_, General Counsel

SARASOTA COUNTY, FLORIDA  
by its Board of County Commissioners

By   
\_\_\_\_\_, Chairman of the Board of  
County Commissioners

Date 12/16/97

APPROVED AS TO FORM AND CORRECTNESS

  
\_\_\_\_\_, COUNTY ATTORNEY



Attest:

Paula P. Fina  
\_\_\_\_\_, Department Clerk

Approved as to form and legality:

[Signature]  
\_\_\_\_\_, ASSISTANT General Counsel

Attest:

Cheryl M. Garcia  
Deputy, Department Clerk

Approved as to form and legality:

[Signature]  
Suzanne B. Brantley, ASSISTANT General Counsel

STATE OF FLORIDA, DEPARTMENT OF  
COMMUNITY AFFAIRS

By [Signature]  
\_\_\_\_\_, Charles G. Pattison, Director  
Division of Resources Planning  
and Management

Date 1/22/98

STATE OF FLORIDA, DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

By [Signature]  
\_\_\_\_\_, Fran P. Mainella, CLP  
Director  
Division of Recreation and Parks

Date 2/10/98

Exhibit A

**Myakka River Wild and Scenic Designation and Preservation Act**

Section 258.501, Florida Statutes, as amended



enforce the standards and criteria established in a resource inventory and management plan adopted by the board, if the board determines that such a delegation is in the public interest.

(a) Such delegation shall be made only if the board determines that the local government's program for administering and enforcing the adopted standards and criteria:

1. Adopts, by ordinance, standards and criteria no less restrictive than those in the management plan approved by the board pursuant to the provisions of rule 18-20.013(2), Florida Administrative Code; provided, however nothing contained in this subsection shall expand the powers, jurisdiction, or authority granted pursuant to this chapter. When a local government's program proposes to include standards and criteria that are more restrictive than those in the management plan approved by the board, such standards and criteria shall not be effective until they have been approved by the board as being consistent with the provisions of this chapter.

2. Provides for the enforcement of such requirements by appropriate administrative and judicial processes.

3. Provides for administrative organization, staff, and financial and other resources necessary to effectively and efficiently enforce such requirements.

4. Provides for improved management and enforcement of the standards and criteria in the resource inventory and management plans and of the rules adopted by the board pertaining to state-owned lands.

(b) Such delegation may not include the authority to grant approval for the sale, lease, easement, or other uses of state-owned sovereignty lands that require approval by the board as provided by the board's rules on October 1, 1989. This provision shall not preclude agreements between the board and local governments that may provide that the local government shall process applications and present recommendations for final action to the board.

(c) The board shall give prior notice of its intention to enter into an agreement as described in this subsection, as provided by s. 253.115. The Division of State Lands of the Department of Environmental Protection shall update its rules annually to include a list of the management agreements adopted pursuant to this subsection. The list shall identify the parties to, and the date and location of, each agreement, and shall specify the nature of the authority delegated by the agreement.

(d) The board may designate the local government as its enforcement arm for purposes of s. 258.46, and the local government shall have the authority to directly enforce the provisions of that section or to rely on the enforcement provisions of the local ordinance implementing the management plan. The governing body of the local government shall seek approval from the Division of State Lands before seeking the elevated penalties associated with direct enforcement of s. 258.46 in lieu of penalties associated with violation of its ordinance. Nothing in this subsection shall affect the authority of the division to enforce the provisions of this act.

(e) Each year on the anniversary of any delegation pursuant to this subsection, the staff of the department

shall present to the board an evaluation of decisions made by the local governments during the previous year. The board shall, upon reviewing this evaluation, either act to renew the delegation, act to retract the delegation, or act to renew the delegation with specific directives to the local government to take corrective action concerning any deficiencies in its processing or application of the standards and criteria in the rules approved by the board or a management plan adopted for the preserves.

(f) Nothing contained in this subsection shall affect the powers, duties, or procedures set forth in chapter 403.

**History.**—s. 1, ch. 75-172; s. 6, ch. 89-25; ss. 100, 497, ch. 94-356; s. 85, ch. 95-143.

**258.44 Effect of preserves.**—Neither the establishment nor the management of the aquatic preserves under the provisions of this act shall operate to infringe upon the traditional riparian rights of upland property owners adjacent to or within the preserves. Reasonable improvement for ingress and egress, mosquito control, shore protection, public utility expansion, surface water drainage, installation and maintenance of oil and gas transportation facilities, and similar purposes may be permitted by the trustees subject to the provisions of any other applicable laws under the jurisdiction of other agencies.

**History.**—s. 1, ch. 75-172.

**258.45 Provisions not superseded.**—The provisions of this act shall not supersede, but shall be subject to, the provisions of ss. 403.501-403.518.

**History.**—ss. 3, 6, ch. 75-172; s. 48, ch. 90-331.

**258.46 Enforcement; violations; penalty.**—The provisions of this act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with the provisions of s. 403.412. However, any violation by any person, natural or corporate, of the provisions of this act or any rule or regulation issued hereunder shall be further punishable by a civil penalty of not less than \$500 per day or more than \$5,000 per day of such violation.

**History.**—s. 5, ch. 75-172.

### PART III

#### WILD AND SCENIC RIVERS

258.501 Myakka River; wild and scenic segment.

**258.501 Myakka River; wild and scenic segment.**—

(1) **SHORT TITLE.**—This section may be cited as the "Myakka River Wild and Scenic Designation and Preservation Act."

(2) **LEGISLATIVE DECLARATION.**—The Legislature finds and declares that a certain segment of the Myakka River in Manatee, Sarasota, and Charlotte Counties possesses outstandingly remarkable ecological, fish and wildlife, and recreational values which are unique in the State of Florida. These values give significance to the river as one which should be permanently preserved and enhanced for the citizens of the State of Florida, both present and future. The permanent management



and administration of the river involves a complex interaction of state, regional, and local interests which require balancing and coordination of purpose. It is the intention of the Legislature to provide for the permanent preservation of the designated segment of the Myakka River by way of development of a plan for permanent administration by agencies of state and local government which will ensure the protection necessary but retain that degree of flexibility, responsiveness, and expertise which will accommodate all of the diverse interests involved in a manner best calculated to be in the public interest.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Activity" means the doing of any act or the failing to do any act, whether by a natural person or a corporation.

(b) "Agreement" means the interagency operating agreement between the department, the Department of Community Affairs, and Sarasota County or the City of North Port.

(c) "Coordinating council" means the council created by subsection (7).

(d) "Department" means the Department of Environmental Protection.

(e) "Division" means the Division of Recreation and Parks of the Department of Environmental Protection.

(f) "Major infrastructure facility" means a manmade structure which serves the common needs of the population, such as a central sewage disposal system, potable water system, potable water well serving a system, solid waste disposal site or retention area, stormwater system, utility, causeway, marina, bridge, or roadway.

(g) "Person" means an individual, corporation, governmental agency or institution thereof, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or other legal entity.

(h) "Resource value" means any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the coordinating council.

(i) "River area" means that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor including the maximum upland extent of wetlands vegetation as determined by the former Department of Environmental Regulation pursuant to chapter 403 and chapters 17-3 and 17-312, Florida Administrative Code.

(j) "Wild and scenic protection zone" means an area which extends 220 feet landward from the river area.

(4) DESIGNATION OF WILD AND SCENIC RIVER.—

(a) The corridor of land surrounding and beneath the Myakka River between river mile 7.5 and river mile 41.5 is hereby designated as a Florida wild and scenic river for the purposes of this section and is subject to all of the provisions of this section. Such designated portion is more particularly described as that portion of the Myakka River located between State Road 780 in Sarasota County and the Sarasota-Charlotte County line.

(b) The governments of Sarasota County and the City of North Port shall manage the Myakka River wild and scenic protection zone under their existing authori-

ties for comprehensive planning, the regulation of land development activities, and other necessary or appropriate ordinances and in conformance with this section, the management plan required under subsection (5), and the agreements adopted by the department and the Department of Community Affairs with the city and county pursuant to this section.

(5) DEVELOPMENT OF MANAGEMENT PLAN.—

(a) The department and the coordinating council shall jointly develop a proposed management plan for the designated segment of the Myakka River, subject to and consistent with the provisions of this section.

(b) The development of the proposed management plan shall be by public hearing and shall include participation by all appropriate state agencies and by all appropriate or interested local governments and private organizations.

(c) The proposed management plan shall include provision for:

1. Permanent protection and enhancement of the ecological, fish and wildlife, and recreational values within the river area, primary emphasis being given to protecting agricultural, aesthetic, scenic, historic, archaeological, and scientific features.

2. Continuation of land uses and developments on private lands within the river area which are in existence on January 1, 1986.

3. Periodic studies to determine the quantity and mixture of recreation and other public uses which can be permitted without adverse impact on the resource values of the river area.

4. Regulation, control, and distribution of public access where necessary to protect and enhance the resource values of the river area.

5. Consideration of need for basic facilities to absorb user impact on the river area, including necessary toilet or refuse containers, but, if found to be necessary, located in order to minimize their intrusive impact.

6. Restriction of motorized travel by land vehicle or boat where necessary to protect the resource values in the river area.

7. Agricultural and forestry practices similar in nature to those in the river area on January 1, 1986.

8. Resource management practices for the protection, conservation, rehabilitation, or enhancement of river area resource values.

9. Monitoring of existing water quality.

10. Continuance of existing drainage and water management practices, unless such existing practices will adversely affect, degrade, or diminish existing water quality or existing resource values in the river area, and allowance of new water resource management practices which will not have an adverse impact on resource values in the river area.

11. Review and regulation of all activities conducted or proposed to be conducted within the river area which will or may have an adverse impact on any of the resource values in the river area as provided in this section.

12. Review and regulation, by Sarasota County and the City of North Port under their respective authorities, of activities within the wild and scenic protection zone; and subsequent prohibition, or approval with or without



conditions, of such activities in order to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes.

(d) To the extent not inconsistent with this section, the proposed management plan may also include any other provisions deemed by the department to be necessary or advisable for the permanent protection of the river as a component of the Florida Wild and Scenic Rivers System.

**(6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—**

(a) Sarasota County and the City of North Port shall amend their comprehensive plans so that the parts of such plans that affect the wild and scenic protection zone conform to, or are more stringent than, this section, the river management plan, and management guidelines and performance standards to be developed and contained within agreements to be adopted by the department, the Department of Community Affairs, and the city and county. The guidelines and performance standards must be used by the department and the Department of Community Affairs to review and monitor the regulation of activities by the city and county in the wild and scenic protection zone. Amendments to those comprehensive plans must include specific policies and guidelines for minimizing adverse impacts on resources in the river area and for managing the wild and scenic protection zone in conformance with this section, the river management plan, and the agreement. Such comprehensive plans must be amended within 1 year after the adoption date of the agreement, and thereafter, within 6 months following an amendment to this section, the river management plan, or the agreement, as may be necessary. For the purposes established in this subsection, such amendments need not conform to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(b) Sarasota County and the City of North Port shall adopt or amend, within 1 year after the department and the Department of Community Affairs adopt with the city and with the county agreements for regulating activities in the wild and scenic protection zone, any necessary ordinances and land development regulations so that those ordinances and regulations conform to the purposes of this section, the river management plan, and the agreement. Thereafter, following any amendment to this section, the river management plan, or the agreement, the city and county must amend or adopt, within 1 year, appropriate ordinances and land development regulations to maintain such local ordinances and regulations in conformance with this section, the river management plan, and the agreement. Those ordinances and regulations must provide that activities must be prohibited, or must undergo review and either be denied or permitted with or without conditions, so as to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes. The resource values of concern are those identified in this section and by the coordinating council in the river management plan. Activities

which may be prohibited, subject to the agreement, include, but are not limited to, landfills, clear cuttings, major new infrastructure facilities, major activities that would alter historic water or flood flows, multifamily residential construction, commercial and industrial development, and mining and major excavations. However, appurtenant structures for these activities may be permitted if such structures do not have adverse visual or measurable adverse environmental impacts to resource values in the river area.

(c) If the Department of Community Affairs determines that the local comprehensive plan or land development regulations, as amended or supplemented by the local government, are not in conformance with the purposes of this section, the river management plan, and the agreement, the Department of Community Affairs shall issue a notice of intent to find the plan not in compliance and such plan shall be subject to the administrative proceedings in accordance with s. 163.3184.

**(7) MANAGEMENT COORDINATING COUNCIL.—**

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(b) The coordinating council shall review and make recommendations on all proposals for amendments or modifications to this section and to the permanent management plan, as well as on other matters which may be brought before the council by the department, any local government, or any member of the council, and shall render its nonbinding advisory opinion to the Southwest Florida Water Management District, the department, and affected local governments.

(c) The council may adopt bylaws to provide for election of such officers as it deems necessary, removal of officers for just cause, meetings, quorum, procedures, and other such matters as its members may deem advisable in the conduct of its business. Such bylaws shall be approved by the department.

(d) Such professional staff as the coordinating council may require shall be provided by the department.

**(8) PRESERVATION OF EXISTING GOVERNMENTAL AUTHORITY.—**

(a) Nothing contained in this section shall operate to divest any agency, water management district, municipality, county, or special district of any authority or jurisdiction in existence on January 1, 1986.

(b) Notwithstanding paragraph (a), Sarasota County and the City of North Port must, in exercising their



authority and jurisdiction over any part of the wild and scenic protection zone, act in conformance with this section, the management plan, and the agreements entered into pursuant to this section.

(9) RULEMAKING AUTHORITY.—

(a) The department is authorized to adopt rules to regulate activities within the river area which have adverse impact on resource values as adopted by the coordinating council within the river area.

(b) The department shall coordinate all activities related to rule adoption and enforcement with the regulatory and management programs of other agencies in order to avoid to the maximum extent possible any conflicts or duplication arising therefrom.

(c) The department and the Department of Community Affairs must enter into agreements with the City of North Port and Sarasota County that provide for guiding and monitoring the regulation of activities by the city and county, in accordance with subsection (6). Such agreements shall include guidelines and performance standards for regulating proposed activities so as to minimize adverse environmental and visual impacts of such activities on the resource values in the river area, and to minimize adverse impacts to landowners' use of land for residential purposes.

(10) PERMITTING AUTHORITY.—

(a) No person or entity shall conduct any activity within the river area which will or may have an adverse impact on any resource value in the river area without first having received a permit from the department.

(b) A permit may be granted only after a finding by the department that the activity for which a permit has been requested will not have an adverse impact on resource values in the river area.

(c) The department may adopt an application fee schedule providing for payment of reasonable fees to defray the cost of processing applications.

(11) NOTIFICATION BY REGULATORY AGENCIES. All state, regional, and local regulatory agencies shall provide to the department notification of applications received by the agency for approval to conduct activities in the river area and protection zone.

(12) LEGAL STATUS OF COMPREHENSIVE PLAN AMENDMENTS.—It is the intent of this section that the city and county amend their comprehensive plans, land development regulations, and other appropriate ordi-

nances and regulations to be in conformance with this section, the river management plan, and guidelines and performance standards to be developed and adopted by agreement pursuant to this section. Such amendments shall have legal status as provided under s. 163.3194 and must be implemented through appropriate local regulations in accordance with s. 163.3201.

(13) STANDING TO ENFORCE AMENDED COMPREHENSIVE PLANS.—It is the intent of this section that any aggrieved or adversely affected person may maintain an action for injunction or other relief against the city or county to prevent any such local government from taking action in regulating activities not consistent with the comprehensive plan, land development regulations, and other appropriate ordinances and regulations, as amended, pursuant to this section and s. 163.3215.

(14) PERMITTED ACTIVITIES.—

(a) Nothing in this section shall be construed to prohibit or regulate any activity taking place outside the river area and the wild and scenic protection zone for which necessary permits and licenses are obtained as required by other provisions of federal, state, or local law.

(b) Nothing in this section shall be construed to prohibit or limit public utilities from improving, maintaining, modifying, or expanding existing facilities or constructing new facilities in the river area or the wild and scenic protection zone, provided the necessary federal, state, and local permits and licenses are obtained.

(15) PROHIBITED ACTIVITY.—Airboats are prohibited from operating in the river area north of U.S. Highway 41 (State Road 45), except for uses officially allowed by government agencies.

(16) ENFORCEMENT.—Officers of the department shall have full authority to enforce any rule adopted by the department under this section with the same police powers given them by law to enforce the rules of state parks and the rules pertaining to saltwater areas under the jurisdiction of the Florida Marine Patrol.

(17) PENALTIES.—Violation of this section or of any rule adopted under this section constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Continuing violation after notice constitutes a separate violation for each day so continued.

**History.**—ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, ch. 85-363, s. 30, ch. 86-163; s. 1, ch. 90-173; s. 101, ch. 94-356.

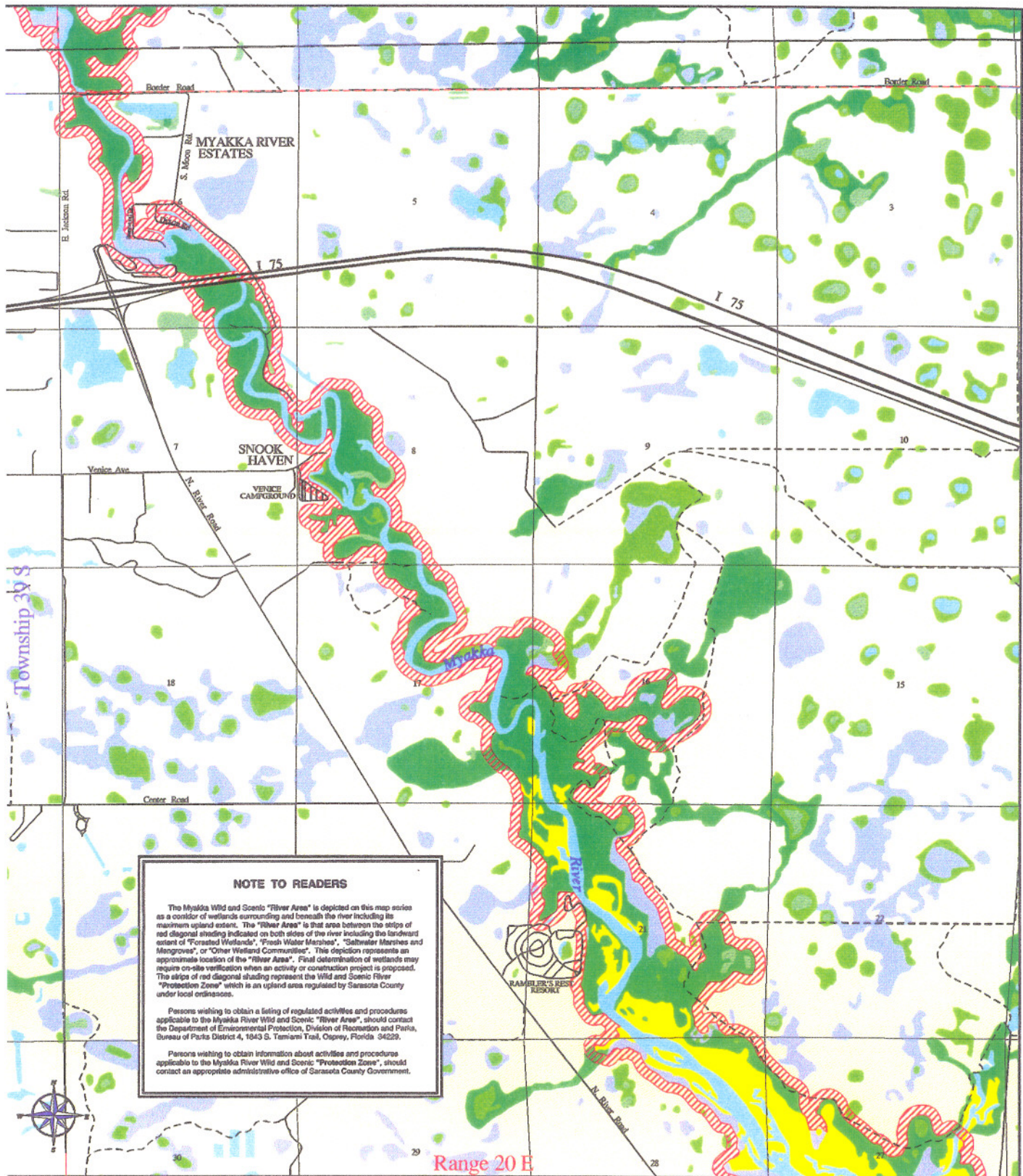
Exhibit B.

**Map of Wild and Scenic River  
River and Protection Zone Areas**

The following map series identifies the administrative area for the State-designated Myakka Wild and Scenic River. Also identified is the approximate area of the Myakka Wild and Scenic River Protection Zone which is depicted as strips of red diagonal shading. The Protection Zone is administered by Sarasota County. The exact boundaries of these areas may be confirmed or adjusted on an individual property basis through on-site verification when an activity or construction project is proposed.



# MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

## Lower Myakka River South of Interstate 75

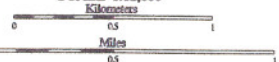
- Major Roads
- Improved Roads
- Unimproved Roads
- Public Owned Land Boundary
- Section-Township-Range Grid
- 7.5 Minute Quadrangle Boundary

September 1996

Not all wetlands are identified on this map. The Wild and Scenic River Area and the Wild and Scenic Protection Zone depicted on these maps represent the approximate location of the River Area and Protection Zone for the administrative purposes set forth in Section 258.501, Florida Statutes. Wetlands are delineated by the Florida Department of Environmental Protection (FDEP) under Chapter 379, Florida Statutes, and Chapter 62-401, Florida Administrative Code.

The wetlands shown depicted on these maps were segregated using the 1990 Land and Resource data prepared by the Southwest Florida Water Management District (SWFWMD) and may differ from the wetland areas established for Federal Government regulatory purposes. Wetland boundaries were refined for the Wild and Scenic River Area, and the Wild and Scenic Protection Zone at the time of the 1990 Land and Resource data including:

SCALE 1:12,000

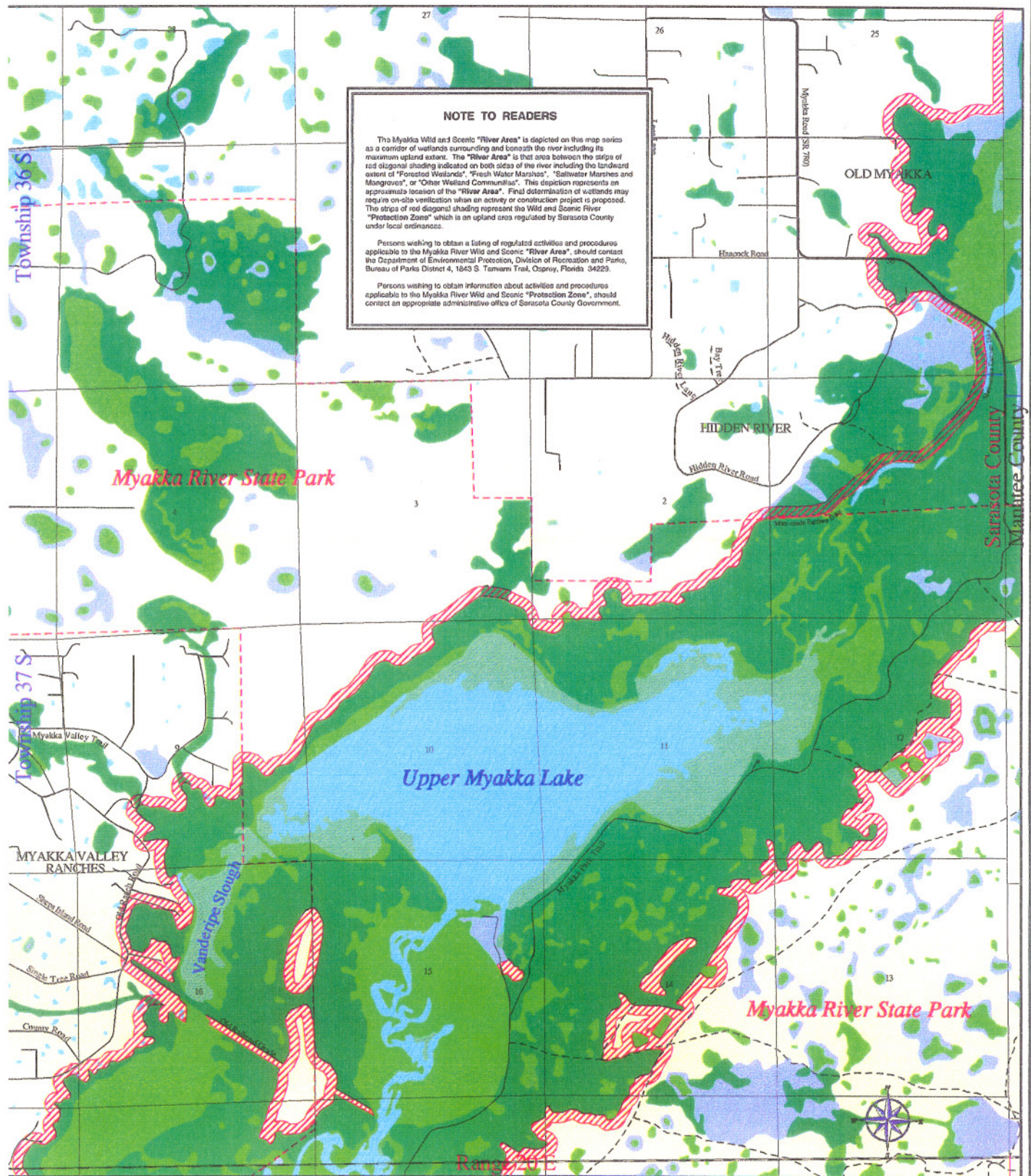


Projection: Albers Equal Area  
Datum: NAD83





# MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

## Upper Myakka Lake Region

- Major Roads
- Improved Roads
- Unimproved Roads
- Public Owned Land Boundary
- Section-Township-Range Grid
- 7.5 Minute Quadrangle Boundary

September 1996

No all wetlands are identified on this map. The Wild and Scenic River Area and the Wild and Scenic Protection Zone depicted on these maps represents the approximate location of the River Area and Protection Zone for use as administrative purposes only. Section 258.50, Florida Statutes. Wetlands are delineated by the Florida Department of Environmental Protection (FDEP) under Chapter 77, Florida Statutes, and Chapter 62-940, Florida Administrative Code.

The wetland areas depicted on these maps were represented using the 1990 Landsat/Landcover data prepared by the Southwest Florida Water Management District (SWFWMD) and may differ from the wetland areas established for Federal Government regulatory purposes. Wetland boundaries were inferred from the Wild and Scenic River Area and the Wild and Scenic Protection Zone as delineated, using data including U.S. Department of Agriculture, National Resources Conservation Service, wetland and riparian, Florida Department of Transportation aerial photography (1977-1999) (1:25000 scale), and U.S. Geological Survey hydrologic data. The wetland areas depicted on the Wild and Scenic River Area and the Wild and Scenic Protection Zone as delineated, may be adjusted based upon site-specific field verification. These maps may be adjusted accordingly.

SCALE 1:12,000

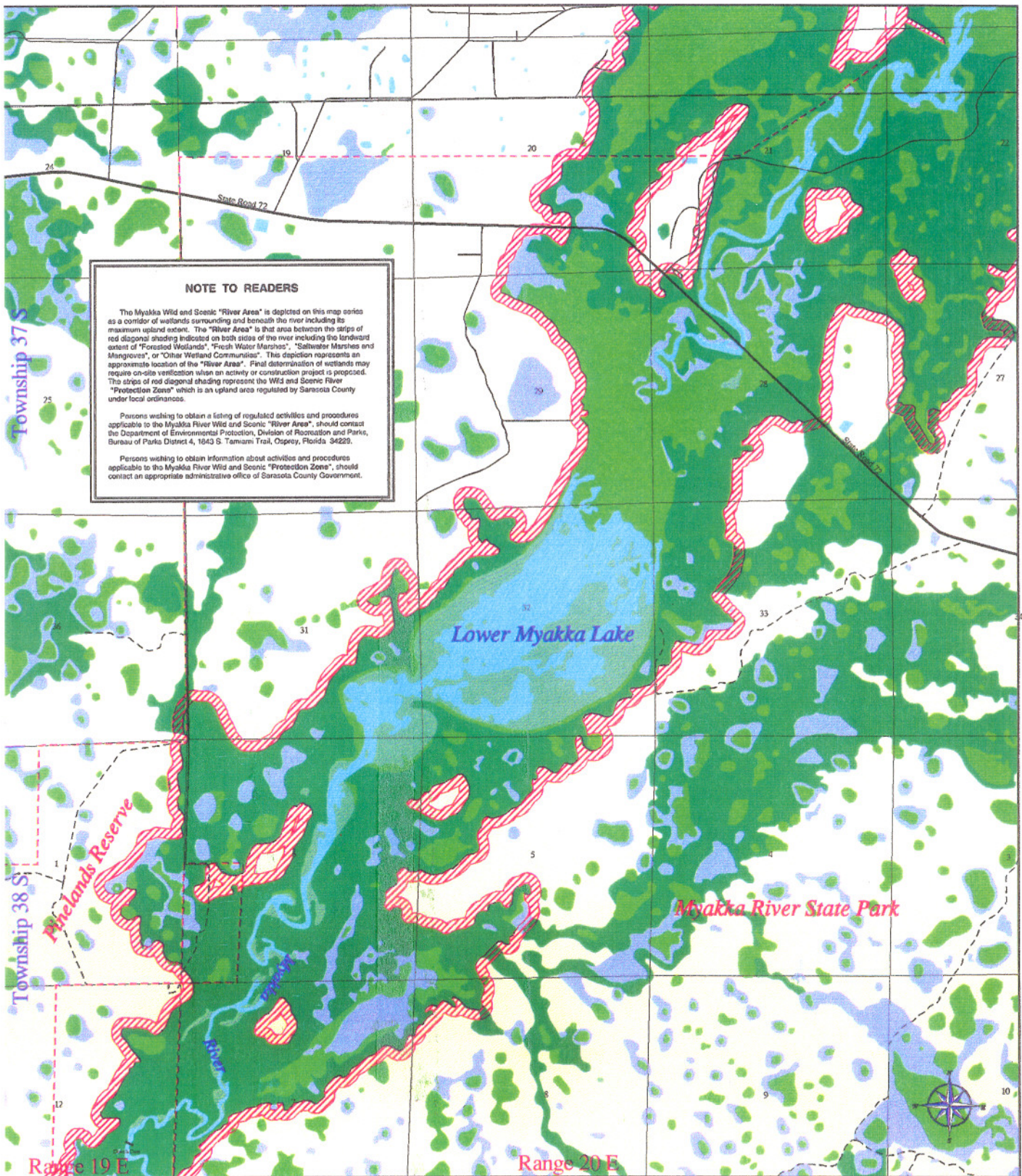
Kilometers  
0 0.5 1  
Miles  
0 0.5 1

Projection: Albers Equal Area  
Datum: NAD83





# MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

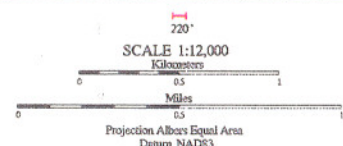
## Lower Myakka Lake Region

- Major Roads
- Improved Roads
- Unimproved Roads
- Public Owned Land Boundary
- Section-Township-Range Grid
- 7.5 Minute Quadrangle Boundary

September 1996

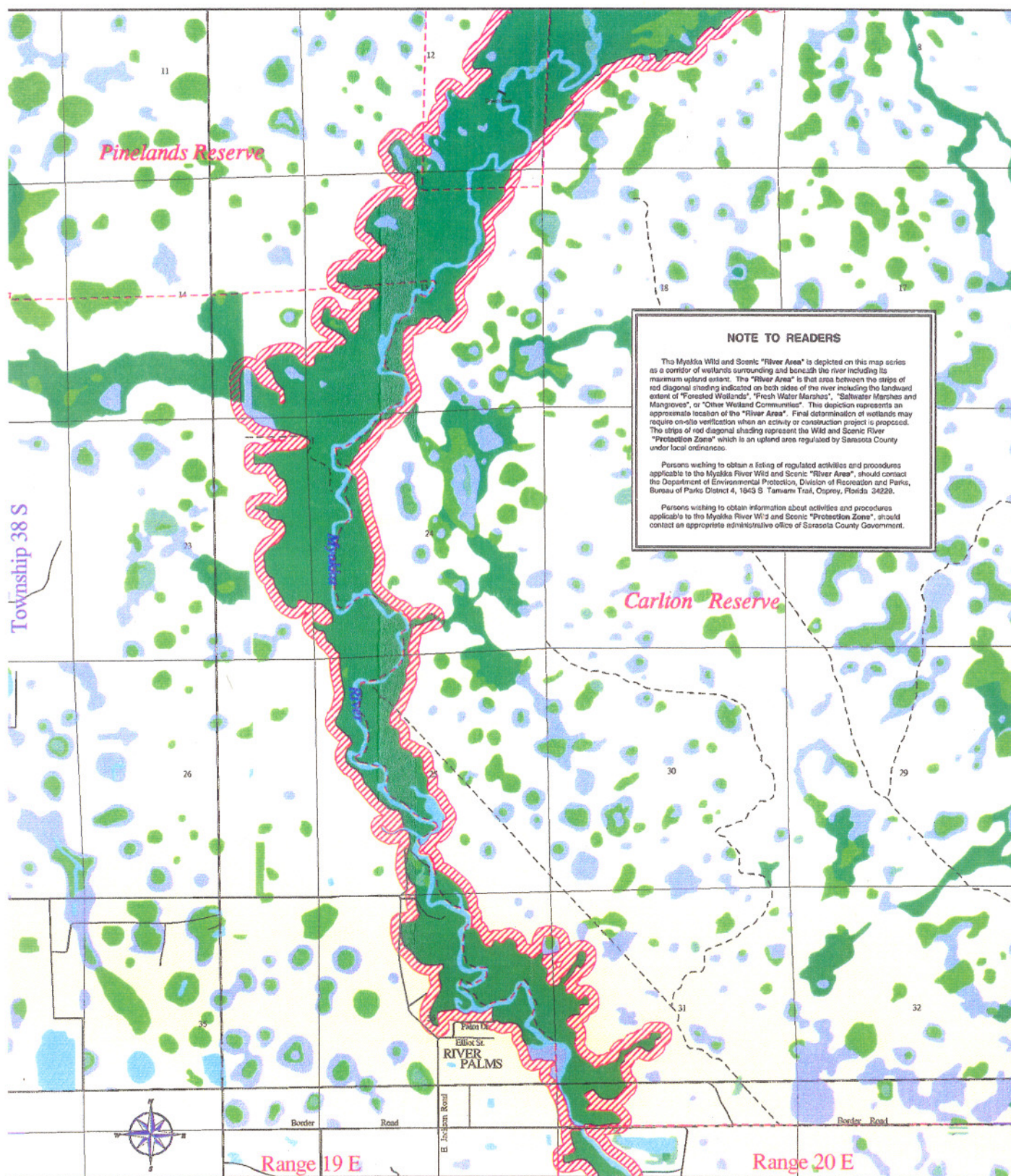
Not all wetlands are identified on this map. The Wild and Scenic River Area and the Wild and Scenic Protection Zone depicted on these maps represents the approximate location of the River Area and Protection Zone for the administrative purposes set forth in Section 280.501, Florida Statutes. Wetlands are delineated by the Florida Department of Environmental Protection (DEP) under Chapter 37, Florida Statutes, and Chapter 62-500, Florida Administrative Code.

The wetland areas depicted on these maps were approximated using the 1990 Landsat Landsat data prepared by the Southwest Florida Water Management District (SWFWMD) and may differ from the wetland areas established for Federal Government regulatory purposes. Wetland boundaries were entered for the Wild and Scenic River Area, and the Wild and Scenic Protection Zone in accordance with the following: U.S. Department of Agriculture, Natural Resources Conservation Service, wetland soil types; Florida Department of Transportation aerial photography (1"=200' to 1"=12,000' scale), and U.S. Geological Survey hydrologic data. The wetland areas depicted on the Wild and Scenic River Area, and the Wild and Scenic Protection Zone in this map, may be adjusted based upon site-specific field verification. These maps may be adjusted accordingly.





# MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



## NOTE TO READERS

The Myakka Wild and Scenic "River Area" is depicted on this map series as a corridor of wetlands surrounding and beneath the river including its maximum upland extent. The "River Area" is that area between the strips of red diagonal shading indicated on both sides of the river including the landward extent of "Forested Wetlands", "Fresh Water Marshes", "Saltwater Marshes and Mangroves", or "Other Wetland Communities". This depiction represents an approximate location of the "River Area". Final determination of wetlands may require on-site verification when an activity or construction project is proposed. The strips of red diagonal shading represent the Wild and Scenic River "Protection Zone" which is an upland area regulated by Sarasota County under local ordinances.

Persons wishing to obtain a listing of regulated activities and procedures applicable to the Myakka River Wild and Scenic "River Area", should contact the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Parks District 4, 1643 S. Tamiami Trail, Osprey, Florida 34229.

Persons wishing to obtain information about activities and procedures applicable to the Myakka River Wild and Scenic "Protection Zone", should contact an appropriate administrative office of Sarasota County Government.

## Myakka River South of Lower Myakka Lake

- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

- Major Roads
- Improved Roads
- Unimproved Roads
- Public Owned Land Boundary
- Section-Township-Range Grid
- 7.5 Minute Quadrangle Boundary

September 1996

No wetlands are identified on this map. The Wild and Scenic River Area and the Wild and Scenic Protection Zone depicted on this map series represent the approximate location of the River Area and Protection Zone for administrative purposes set forth in Section 259.501, Florida Statutes. Wetlands are delineated by the Florida Department of Environmental Protection (DEP) under Chapter 37A, Florida Statutes, and Chapter 60-940, Florida Administrative Code. The wetland area depicted on this map series was approximated using the 1990 Landsat Landsat data prepared by the Southeast Florida Water Management District (SEFWMD) and may differ from the wetland area established for Federal Government regulatory purposes. Wetland boundaries were refined for the Wild and Scenic River Area, and the Wild and Scenic Protection Zone is indicated, using this including U.S. Department of Agriculture, Natural Resources Conservation Service, wetland soil types; Florida Department of Transportation aerial photography (1" = 2000' scale); and U.S. Geological Survey topographic data. The wetland area depicted on the Wild and Scenic River Area, and the Wild and Scenic Protection Zone is indicated, may be adjusted here upon site-specific field verification. These maps may be adjusted accordingly.

SCALE 1:12,000  
Kilometers

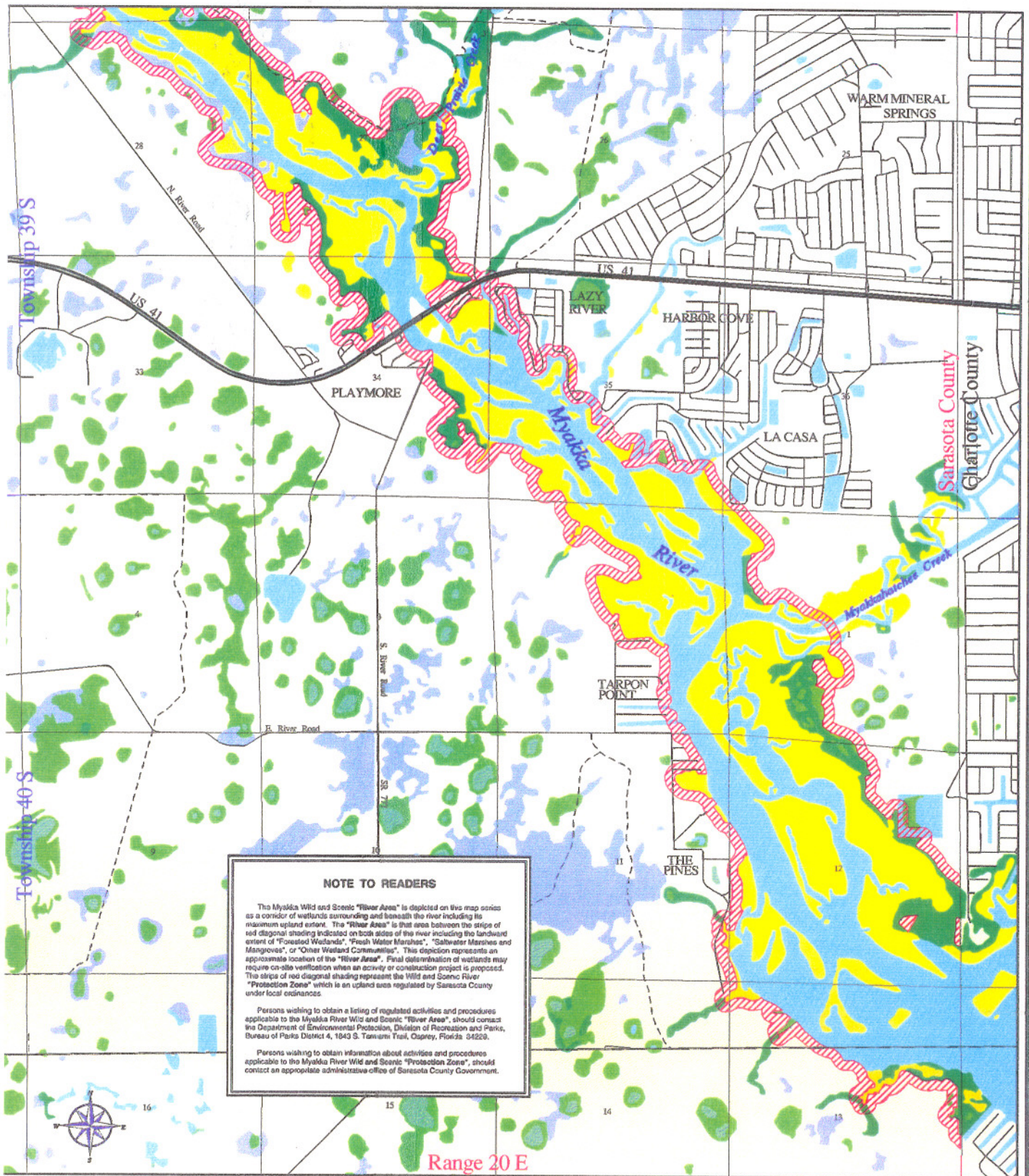
0 0.5 1  
Miles

Projection: Albers Equal Area  
Datum: NAD83





# MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

## Lower Myakka River at Warm Mineral Springs

- Major Roads
- Improved Roads
- Unimproved Roads
- Public Owned Land Boundary
- Section-Township-Range Grid
- 7.5 Minute Quadrangle Boundary

September 1996

All wetlands are identified on this map. The Wild and Scenic River Area and the Wild and Scenic Protection Zone depicted on these maps represent the approximate location of the River Area and Protection Zone for the administrative purposes as set in Section 281.501, Florida Statutes. Wetlands are delineated by the Florida Department of Environmental Protection (FDEP) under Chapter 37A, Florida Statutes, and Chapter 62-940, Florida Administrative Code.

The wetland area depicted on these maps were generated using the 1990 Landsat Landsat data prepared by the Southwest Florida Water Management District (SWFWMD) and was filed from the wetland area established for Federal Government regulatory purposes. Wetland boundaries were refined for the Wild and Scenic River Area, and the Wild and Scenic Protection Zone is a sub-area. National Wetland Inventory Survey, wetland soil types: Florida Department of Transportation aerial photography (1"=12,000 scale), and U.S. Geological Survey hydrologic data. The wetland area depicted on the Wild and Scenic River Area, and the Wild and Scenic Protection Zone is a sub-area, may be adjusted upon site-specific field verification. These maps are to be adjusted accordingly.

SCALE 1:12,000

Kilometers

Miles

Projection: Albers Equal Area

Datum: NAD83

