



Erosion Control Line Information

Prior to beach erosion control projects in the State of Florida, an Erosion Control Line (ECL) must be established along the shoreline to define the property boundary between sovereign submerged land and upland ownership. In discharging its statutory duties to establish these boundary lines, coordination activities must occur with the Florida Department of Environmental Protection's Office of Resilience and Coastal Protection (RCP), Division of State Lands (DSL) - Bureau of Survey & Mapping (BSM), Office of General Counsel (OGC), local sponsors, consultants and surveyors. There are several steps one must follow to establish an erosion control line that can be found in the ECL checklist document. To view existing operative erosion control lines, please see the [OCULUS](#) electronic document management system, a FDEP database. To learn about beach restoration project information, see the [Strategic Beach Management Plan \(SBMP\)](#).

The Statutory and Rule Authority for Erosion Control Lines are the following:

- 161.141 F.S., [Beach Restoration Projects](#) *
- 161.151 F. S., Definitions
- 161.161 F.S., Procedure for Approval of Beach Restoration Projects
- 161.181 F.S., Recording procedures for ECL's
- 161.191 F.S., Vesting of Title to Lands
- 161.201 F.S., Preservation of Common-Law Rights
- 161.211 F.S., Cancellation of Resolution for Nonperformance
- 177 F.S., [Part II -- Coastal Mapping](#) *
- [253.12-5\(B\) F.S.](#), Sovereign Submerged Lands
- [18-21 F.A.C.](#), Sovereign Submerged Lands Management

- [5J-17 F.A.C.](#), Standards of Practice / Minimum Technical Standards (MTS) for Surveyors and Mappers
- [62B-41.008 F.A.C.](#), Joint Coastal Permit Application Requirements and Procedures

*Actual Florida Statute language for 161 and 177 are written below.

Acronyms:

- [FDEP – Florida Department of Environmental Protection](#)
- [CE – Critical Erosion](#)
- [BIPP – Beaches, Inlets and Ports Program](#)
- [BSM – Bureau of Survey and Mapping](#)
- [CCCL – Coastal Construction Control Line](#)
- [DSL – Division of State Lands](#)
- ECL – Erosion Control Line
- [JCP – Joint Coastal Permit](#)
- LABINS – Land Boundary Information System
- MHWL – Mean High Water Line
- [OGC – Office of General Counsel](#)
- [RCP – Resilience and Coastal Protection](#)
- PSM – Professional Surveyor and Mapper
- [SBMP – Strategic Beach Management Plan](#)
- TIITF – Trustees of the Internal Improvement Trust Fund
- USACE - United States Army Corps of Engineers - Jacksonville
- USACE - United States Army Corps of Engineers - Mobile

You need an erosion control line (ECL), when the following applies:

- The project is authorized and defined by Congress/US Army Corps (USACE) or State as a beach restoration project.
- The project advances the mean high water line (immediately or over time).
- The project has a signed and dated local resolution; and
- To establish an ECL, the project must be located along FDEP designated “critically eroded beach”.
- Projects facing an inlet shoreline or locally/ privately funded projects will be examined by the Department on a case by case basis to determine the classification of the ECL as a standard ECL or just a MHWL survey and possible “Boundary Line Agreement” (BLA).
- A MHWL survey (required) and a possible BLA accomplishes the same objective as an ECL, but does not require a public workshop and hearing, since no state monies would be used to construct the beach restoration project.

You don't need an erosion control line (ECL) when the following applies:

- The dune project is seeking a coastal construction control line (CCCL) permit.
- The construction plans for the dune project have demonstrated that the mean high water line (MHWL) will not be advanced nor has an adverse impact on offshore resources through the equilibration process post construction.
- The beach project is the result of an inlet or navigation channel maintenance dredging disposal and has not been defined as an authorized beach project by Congress/ USACE or State, see Section 161.141 F.S. This applies even if the project is being permitted through a joint coastal permit (JCP); or
- If the project is constructed along a “non-critically eroded beach” and advances the MHWL seaward or is affecting offshore resources, then a MHWL survey is required & a BLA may be required.

Timeline:

The ECL should represent the current conditions of the Mean High Water Line (MHWL) before construction is initiated:

- The MHWL survey should not be more than approximately 6 months old at the time of the ECL hearing. If the MHWL survey is several months beyond six months old at the time of the hearing, the DSL/ BSM or the DWRM may not accept the survey and if necessary, request that the MHWL survey be resurveyed and resubmitted to the Department so it will be reflective of current coastal conditions before construction of the beach restoration project.
- Department staff, local government officials and the consultant should consider the risk of recording an ECL, if the project is not ready to be constructed within a two-year time period after the workshop/ hearing. Therefore, it is recommended that the MHWL survey not be recorded in the County's Clerk of Court as an ECL, if it is known that the beach restoration project's permit will be petitioned and/or construction will be delayed for longer than a two-year time period. Therefore, the project should be planned for construction within two years of the recorded ECL. If the project is not constructed within two years of the ECL recording, the ECL may need to be cancelled and vacated; re-established and resubmitted based on a current MHWL survey. ECL's need to be consistent with 161.211 F.S.
- The MHWL Survey, ECL process and the recording of the new ECL takes approximately 6 months to perform all of the listed tasks described in the ECL checklist. Best case scenario, the process will take approximately 4 months, however many items can potentially develop that may delay the process and the final recording of the ECL may take 1 year or in some cases 2 years. Just as you have delays in a construction schedule, similar delays could potentially develop with the ECL process.

Florida Statutes

(2020)

Chapter 161

BEACH AND SHORE PRESERVATION

Erosion Control Lines:

161.141 Property rights of state and private upland owners in beach restoration project areas.— The Legislature declares that it is the public policy of the state to cause to be fixed and determined, pursuant to beach restoration, beach nourishment, and erosion control projects, the boundary line between sovereignty lands of the state bordering on the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida, and the bays, lagoons, and other tidal reaches thereof, and the upland properties adjacent thereto; except that such boundary line shall not be fixed for beach restoration projects that result from inlet or navigation channel maintenance dredging projects unless such projects involve the construction of authorized beach restoration projects. However, prior to construction of such a beach restoration project, the board of trustees must establish the line of mean high water for the area to be restored; and any additions to the upland property landward of the established line of mean high water which result from the restoration project remain the property of the upland owner subject to all governmental regulations and are not to be used to justify increased density or the relocation of the coastal construction control line as may be in effect for such upland property. The resulting additions to upland property are also subject to a public easement for traditional uses of the sandy beach consistent with uses that would have been allowed prior to the need for the restoration project. It is further declared that there is no intention on the part of the state to extend its claims to lands not already held by it or to deprive any upland or submerged landowner of the legitimate and constitutional use and enjoyment of his or her property. If an authorized beach restoration, beach nourishment, and erosion control project cannot reasonably be accomplished without the taking of private property, the taking must be made by the requesting authority by eminent domain proceedings. In any action alleging a taking of all or part of a property or property right as a result of a beach restoration project, in determining whether such taking has occurred or the value of any damage alleged with respect to the owner's remaining upland property adjoining the beach restoration project, the enhancement, if any, in value of the owner's remaining adjoining property of the

upland property owner by reason of the beach restoration project shall be considered. If a taking is judicially determined to have occurred as a result of a beach restoration project, the enhancement in value to the owner's remaining adjoining property by reason of the beach restoration project shall be offset against the value of the damage, if any, resulting to such remaining adjoining property of the upland property owner by reason of the beach restoration project, but such enhancement in the value shall not be offset against the value of the property or property right alleged to have been taken. If the enhancement in value shall exceed the value of the damage, if any, to the remaining adjoining property, there shall be no recovery over against the property owner for such excess.

History.—s. 1, ch. 70-276; s. 1, ch. 79-233; s. 1, ch. 82-144; s. 7, ch. 86-138; s. 18, ch. 87-97; ss. 28, 487, ch. 94-356; s. 1439, ch. 95-147; s. 11, ch. 2000-346; s. 3, ch. 2007-99.

161.151 Definitions; ss. 161.141-161.211.—As used in ss. 161.141-161.211:

(1) "Board of trustees" means the Board of Trustees of the Internal Improvement Trust Fund.

(2) "Requesting authority" means any coastal county, municipality, or beach erosion control district which requests a survey by the board of trustees under the provisions of ss. 161.141-161.211.

(3) "Erosion control line" means the line determined in accordance with the provisions of ss. 161.141-161.211 which represents the landward extent of the claims of the state in its capacity as sovereign titleholder of the submerged bottoms and shores of the Atlantic Ocean, the Gulf of Mexico, and the bays, lagoons and other tidal reaches thereof on the date of the recording of the survey as authorized in s. 161.181.

(4) "Authorized beach restoration project" means a beach project authorized by the United States Congress or the department which involves a specific project engineering design and a project maintenance program for a period of not less than 10 years.

History.—s. 2, ch. 70-276; s. 1, ch. 70-439; s. 2, ch. 82-144.

161.161 Procedure for approval of projects. -

(1) The department shall develop and maintain a comprehensive long-term beach management plan for the restoration and maintenance of the state's critically

eroded beaches fronting the Atlantic Ocean, Gulf of Mexico, and Straits of Florida. In developing and maintaining this plan, the department shall:

(a) Address long-term solutions to the problem of critically eroded beaches in this state.

(b) Evaluate each improved, modified, or altered inlet and determine whether the inlet is a significant cause of beach erosion. With respect to each inlet determined to be a significant cause of beach erosion, the plan shall include the extent to which such inlet causes beach erosion and recommendations to mitigate the erosive impact of the inlet, including, but not limited to, inlet sediment bypassing; improvement of infrastructure to facilitate sand bypassing; modifications to channel dredging, jetty design, and disposal of spoil material; establishment of feeder beaches; and beach restoration and beach nourishment.

(c) Evaluate criteria for beach restoration and beach nourishment projects, including, but not limited to, dune elevation and width and revegetation and stabilization requirements and beach profiles.

(d) Consider the establishment of regional sediment management alternatives for one or more individual beach and inlet sand bypassing projects as an alternative to beach restoration when appropriate and cost-effective, and recommend the location of such regional sediment management alternatives and the source of beach-compatible sand.

(e) Identify causes of shoreline erosion and change, determine erosion rates, and maintain an updated list of critically eroded sandy beaches based on data, analyses, and investigations of shoreline conditions.

(f) Assess impacts of development and coastal protection structures on shoreline change and erosion.

(g) Identify short-term and long-term economic costs and benefits of beaches to the state and individual beach communities.

(h) Study dune and vegetation conditions, identify existing beach projects without dune features or with dunes without adequate elevations, and encourage dune restoration and revegetation to be incorporated as part of storm damage recovery projects or future dune maintenance events.

(i) Identify beach areas used by marine turtles and develop strategies for protection of the turtles and their nests and nesting locations.

(j) Identify alternative management responses to preserve undeveloped beach and dune systems and to restore damaged beach and dune systems. In identifying such management responses, the department shall consider, at a minimum, beach

restoration and nourishment, armoring, relocation, dune and vegetation restoration, and acquisition.

(k) Document procedures and policies for preparing poststorm damage assessments and corresponding recovery plans, including repair cost estimates.

(l) Identify and assess appropriate management measures for all of the state's critically eroded sandy beaches.

(2) The comprehensive long-term management plan developed and maintained by the department pursuant to subsection (1) must include, at a minimum, a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan. The long-range budget plan must include a 3-year work plan for beach restoration, beach nourishment, and inlet management projects that lists planned projects for each of the 3 fiscal years addressed in the work plan.

(a) The strategic beach management plan must identify and recommend appropriate measures for all of the state's critically eroded sandy beaches and may incorporate plans prepared at the regional level, taking into account areas of greatest need and probable federal and local funding. Upon approval in accordance with this section, such regional plans, along with the 3-year work plan identified in subparagraph (c)1., must serve as the basis for state funding decisions. Before finalizing the strategic beach management plan, the department shall hold a public meeting in the region for which the plan is prepared or hold a publicly noticed webinar.

(b) The critically eroded beaches report must be developed and maintained based primarily on the requirements specified in paragraph (1)(e).

(c) The statewide long-range budget plan must include at least 5 years of planned beach restoration, beach nourishment, and inlet management project funding needs as identified, and subsequently refined, by local government sponsors. This plan must consist of two components:

1. A 3-year work plan that identifies beach restoration, beach nourishment, and inlet management projects viable for implementation during the next 3 fiscal years, as determined by available cost-sharing, local sponsor support, regulatory considerations, and the ability of the project to proceed as scheduled. The 3-year work plan must, for each fiscal year, identify proposed projects and their current development status, listing them in priority order based on the applicable criteria established in ss. 161.101(14) and 161.143(2). Specific funding requests and criteria ranking, pursuant to ss. 161.101(14) and 161.143(2), may be modified as warranted in each successive fiscal year, and such modifications must be documented and

submitted to the Legislature with each 3-year work plan. Year one projects shall consist of those projects identified for funding consideration in the ensuing fiscal year.

2. A long-range plan that identifies projects for inclusion in the fourth and fifth ensuing fiscal years. These projects may be presented by region and do not need to be presented in priority order; however, the department should identify issues that may prevent successful completion of such projects and recommend solutions that would allow the projects to progress into the 3-year work plan.

(3) The secretary shall present the 3-year work plan to the Legislature annually. The work plan must be accompanied by a 3-year financial forecast for the availability of funding for the projects.

(4) Once a project is determined to be undertaken, a survey of all or part of the shoreline within the jurisdiction of the local government in which the beach is located shall be conducted in order to establish the area of beach to be protected by the project and locate an erosion control line. No provision of ss. 161.141-161.211 shall be construed as preventing a local government from participating in the funding of erosion control projects or surveys undertaken in accordance with the provisions of ss. 161.141-161.211. In lieu of conducting a survey, the board of trustees may accept and approve a survey as initiated, conducted, and submitted by the appropriate local government if said survey is made in conformity with the appropriate principles set forth in ss. 161.141-161.211.

(5) Upon completion of the survey depicting the area of the beach erosion control project and the proposed location of the erosion control line, the board of trustees shall give notice of the survey and the date on which the board of trustees will hold a public hearing for the purpose of receiving evidence on the merits of the proposed erosion control line and, if approval is granted, of locating and establishing such requested erosion control line. Such notice shall be by publication in a newspaper of general circulation published in the county or counties in which the proposed beach erosion control project shall be located not less than once a week for 3 consecutive weeks and by mailing copies of such notice by certified or registered mail to each riparian owner of record of upland property lying within 1,000 feet (radial distance) of the shoreline to be extended through construction of the proposed beach erosion control project, as his or her name and address appear upon the latest tax assessment roll, in order that any persons who have an interest in the location of such requested erosion control line can be present at such hearing to submit their

views concerning the precise location of the proposed erosion control line. Such notice shall be in addition to any notice requirement in chapter 120.

(6) The board of trustees shall approve or disapprove the erosion control line for a beach restoration project. In locating said line, the board of trustees shall be guided by the existing line of mean high water, bearing in mind the requirements of proper engineering in the beach restoration project, the extent to which erosion or avulsion has occurred, and the need to protect existing ownership of as much upland as is reasonably possible.

(7) In no event shall the department undertake a beach restoration or beach nourishment project where a local share is required without the approval of the local government or governments responsible for that local share.

(8) The department may adopt rules to administer this section.

History.—s. 3, ch. 70-276; s. 1, ch. 70-439; s. 23, ch. 78-95; s. 2, ch. 79-233; s. 9, ch. 86-138; s. 20, ch. 87-97; s. 29, ch. 94-356; s. 1440, ch. 95-147; s. 6, ch. 96-321; s. 3, ch. 96-371; s. 4, ch. 98-311; s. 12, ch. 2000-346; s. 40, ch. 2010-102; s. 4, ch. 2019-122.

161.181 Recording of resolution and survey of board of trustees.— If no review is taken within the time prescribed from the decision of the board of trustees or, if review be timely taken, in the absence of a final decision of a court of competent jurisdiction preventing the implementation of a beach erosion control project or invalidating, abolishing, or otherwise preventing the establishment and recordation of the erosion control line as provided herein, the board of trustees shall file in the public records of the county or counties in which the erosion control line lies, a copy of its resolution approving the beach erosion control project and locating the erosion control line and shall also file and cause to be recorded in the book of plats of said county or counties a survey showing the area of beach to be protected and the location of the erosion control line.

History.—s. 5, ch. 70-276; s. 1, ch. 70-439; s. 3, ch. 79-233.

161.191 Vesting of title to lands.—

(1) Upon the filing of a copy of the board of trustees' resolution and the recording of the survey showing the location of the erosion control line and the area of beach to be protected as provided in s. 161.181, title to all lands seaward of the erosion control line shall be deemed to be vested in the state by right of its sovereignty, and title to all lands landward of such line shall be vested in the riparian upland owners

whose lands either abut the erosion control line or would have abutted the line if it had been located directly on the line of mean high water on the date the board of trustees' survey was recorded.

(2) Once the erosion control line along any segment of the shoreline has been established in accordance with the provisions of ss. 161.141-161.211, the common law shall no longer operate to increase or decrease the proportions of any upland property lying landward of such line, either by accretion or erosion or by any other natural or artificial process, except as provided in s. 161.211(2) and (3). However, the state shall not extend, or permit to be extended through artificial means, that portion of the protected beach lying seaward of the erosion control line beyond the limits set forth in the survey recorded by the board of trustees unless the state first obtains the written consent of all riparian upland owners whose view or access to the water's edge would be altered or impaired.

History.—s. 6, ch. 70-276; s. 1, ch. 70-439; s. 3, ch. 79-233.

161.201 Preservation of common-law rights.— Any upland owner or lessee who by operation of ss. 161.141-161.211 ceases to be a holder of title to the mean high-water line shall, nonetheless, continue to be entitled to all common-law riparian rights except as otherwise provided in s. 161.191(2), including but not limited to rights of ingress, egress, view, boating, bathing, and fishing. In addition the state shall not allow any structure to be erected upon lands created, either naturally or artificially, seaward of any erosion control line fixed in accordance with the provisions of ss. 161.141-161.211, except such structures required for the prevention of erosion. Neither shall such use be permitted by the state as may be injurious to the person, business, or property of the upland owner or lessee; and the several municipalities, counties and special districts are authorized and directed to enforce this provision through the exercise of their respective police powers.

History.—s. 7, ch. 70-276.

161.211 Cancellation of resolution for nonperformance by board of trustees.—

(1) If for any reason construction of the beach erosion control project authorized by the board of trustees is not commenced within 2 years from the date of the recording of the board of trustees' survey, as provided in s. 161.181, or in the event construction is commenced but halted for a period exceeding 6 months from

commencement, then, upon receipt of a written petition signed by those owners or lessees of a majority of the lineal feet of riparian property which either abuts or would have abutted the erosion control line if the same had been located at the line of mean high water on the date the board of trustees' survey was recorded, the board of trustees shall forthwith cause to be canceled and vacated of record the resolution authorizing the beach erosion control project and the survey locating the erosion control line, and the erosion control line shall be null and void and of no further force or effect.

(2) If the state, county, municipality, erosion control district, or other governmental agency charged with the responsibility of maintaining the protected beach fails to maintain the same and as a result thereof the shoreline gradually recedes to a point or points landward of the erosion control line as established herein, the provisions of s. 161.191(2) shall cease to be operative as to the affected upland.

(3) In the event a substantial portion of the shoreline encompassed within the erosion control project recedes landward of the erosion control line, the board of trustees, on its own initiative, may direct or request, or, upon receipt of a written petition signed by the owners or lessees of a majority of the lineal feet of riparian property lying within the erosion control project, shall direct or request, the agency charged with the responsibility of maintaining the beach to restore the same to the extent provided for in the board of trustees' recorded survey. If the beach is not restored as directed or requested by the board of trustees within a period of 1 year from the date of the directive or request, the board of trustees shall forthwith cause to be canceled and vacated of record the resolution authorizing the beach erosion control project and the survey locating the erosion control line, and the erosion control line shall be null and void and of no further force or effect.

History.—s. 8, ch. 70-276; s. 1, ch. 70-439; s. 3, ch. 79-233.

Chapter 177

LAND BOUNDARIES – Part II -- Coastal Mapping

177.25 Short title.— This part shall be cited as the “Florida Coastal Mapping Act of 1974.”

History.—s. 1, ch. 74-56.

177.26 Declaration of policy.— The Legislature recognizes the desirability of confirmation of the mean high-water line, as recognized in the State Constitution and defined in s. 177.27(15) as the boundary between state sovereignty land and uplands subject to private ownership, as well as the necessity for uniform standards and procedures with respect to the establishment of local tidal datums and the determination of the mean high-water and mean low-water lines, and therefore directs that uniform standards and procedures be developed.

History.—s. 2, ch. 74-56; s. 2, ch. 91-56.

177.27 Definitions.— The following words, phrases, or terms used herein, unless the context otherwise indicates, shall have the following meanings:

(14) “Mean high water” means the average height of the high waters over a 19-year period. For shorter periods of observation, “mean high water” means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

(15) “Mean high-water line” means the intersection of the tidal plane of mean high water with the shore.

177.28 Legal significance of the mean high-water line.—

(1) Mean high-water line along the shores of land immediately bordering on navigable waters is recognized and declared to be the boundary between the foreshore owned by the state in its sovereign capacity and upland subject to private ownership. However, no provision of this part shall be deemed to constitute a waiver of state ownership of sovereignty submerged lands, nor shall any provision of this part be deemed to impair the title to privately owned submerged lands validly alienated by the State of Florida or its legal predecessors.

(2) No provision of this part shall be deemed to modify the common law of this state with respect to the legal effects of accretion, reliction, erosion, or avulsion. History.—s. 4, ch. 74-56.

177.29 Powers and duties of the department.—

- (1) The provisions of this part shall be administered by the department.
- (2) In addition to such powers as may be specifically delegated to it under the provisions of this part, the department is authorized to perform the following functions:
 - (a) To coordinate the efforts of all public and private agencies and organizations engaged in the making of tidal surveys and maps of the coastal areas of this state, with the object of avoiding unnecessary duplication and overlapping;
 - (b) To serve as a coordinating state agency for any program of tidal surveying and mapping conducted by the Federal Government;
 - (c) To assist any court, tribunal, administrative agency, or political subdivision, and to make available to them information, regarding tidal surveying and coastal boundary determinations;
 - (d) To contract with federal, state, or local agencies or with private parties for the performance of any surveys, studies, investigations, or mapping activities, for preparation and publication of the results thereof, or for other authorized functions relating to the objectives of this part;
 - (e) To develop permanent records of tidal surveys and maps of the state's coastal areas;
 - (f) To develop uniform specifications and regulations for tidal surveying and mapping coastal areas of the state;
 - (g) To collect and preserve appropriate survey data from coastal areas; and
 - (h) To act as a public repository for copies of coastal area maps and to establish a library of such maps and charts.

History.—s. 5, ch. 74-56; s. 36, ch. 94-356.

177.35 Standards and procedures; applicability.—The establishment of local tidal datums and the determination of the location of the mean high-water line or the mean low-water line, whether by federal, state, or local agencies or private parties, shall be made in accordance with the standards and procedures set forth in ss. 177.37-177.39 and in accordance with supplementary regulations promulgated by the department.

History.—s. 11, ch. 74-56.

177.36 Work to be performed only by authorized personnel.— The establishment of local tidal datums and the determination of the location of the mean high-water line or the mean low-water line must be performed by qualified personnel licensed by the Board of Professional Surveyors and Mappers or by representatives of the United States Government when approved by the department.

History.—s. 12, ch. 74-56; s. 50, ch. 83-217; s. 21, ch. 85-80; s. 107, ch. 94-119.

177.37 Notification to department.— Any surveyor undertaking to establish a local tidal datum and to determine the location of the mean high-water line or the mean low-water line shall submit a copy of the results thereof to the department within 90 days after the completion of such work, if the same is to be recorded or submitted to any court or agency of state or local government.

History.—s. 13, ch. 74-56.

177.38 Standards for establishment of local tidal datums.—

(1) Unless otherwise allowed by this part or regulations promulgated hereunder, a local tidal datum shall be established from a series of tide observations taken at a tide station established in accordance with procedures approved by the department. In establishing such procedures, full consideration will be given to the national standards and procedures established by the National Ocean Service.

(2) Records acquired at control tide stations, which are based on mean 19-year values, comprise the basic data from which tidal datums are determined.

(3) Observations at a tide station other than a control tide station shall be reduced to mean 19-year values through comparison with simultaneous observations at the appropriate control tide stations. The observations shall be made continuously and shall extend over such period as shall be provided for in departmental regulations.

(4) When a local tidal datum has been established, it shall be preserved by referring it to tidal bench marks in the manner prescribed by the department.

(5) A local tidal datum may be established between two tide stations by interpolation when the time and mean range differences of the tide between the two tide stations are within acceptable standards as determined by the department. The methods for establishing the local tidal datum by interpolation shall be prescribed by

regulations of the department. Local tidal datums established in this manner shall be recorded with the department.

(6) A local tidal datum properly established through the use of continuous tide observations meeting the standards described in this section shall be presumptively correct when it differs from a local tidal datum established by interpolation.

(7) The department may approve the use of tide observations made prior to July 1, 1974, for use in establishing local tidal datums.

History.—s. 14, ch. 74-56; s. 16, ch. 98-20.

177.39 Determination of mean high-water line or mean low-water line.—

The location of the mean high-water line or the mean low-water line shall be determined by methods which are approved by the department for the area concerned. Geodetic bench marks shall not be used unless approved by the department.

History.—s. 15, ch. 74-56.

177.40 Admissibility of maps and surveys.— No map or survey prepared after July 1, 1974, and purporting to establish local tidal datums or to determine the location of the mean high-water line or the mean low-water line shall be admissible as evidence in any court, administrative agency, political subdivision, or tribunal in this state unless made in accordance with the provisions of this part by persons described in s. 177.36.

History.—s. 16, ch. 74-56.