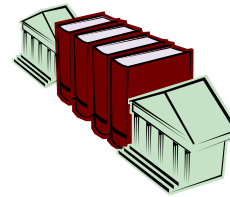


Turtle & Beach Law Digest



LOCAL	Date Adopted/ Updated	Ordinances # / Location In Code	Code Enforcement/ Contact
BROWARD COUNTY	Currently under review	Florida Administrative Code 62B-33	Walter Denis, Environmental Specialist II State Field Representative 850-488-7708 Idenis.Denis@dep.state.fl.us
Dania Beach	2012	Sec 5-18, Chap 5	Nicholas Lupo 954-924-6810
Deerfield Beach	2000	Chapter 34, Art. V, Sec 34-96	Jenny Walsh (954) 480-4236 JWalsh@Deerfield-Beach.com
Fort Lauderdale	2003	Chapter 6, Art. III, Division 2	Dick Eaton cell (954) 873-8911 deaton@fortlauderdale.gov Mario Sotolongo (954) 828-6326 msotolongo@fortlauderdale.gov
Hallandale Beach	2001	Chapter 6, Sec 10	Corrine Yoder (954) 457-1394 CYoder@HallandaleBeachFL.gov
Hillsboro Beach	2007	Chapter 12, Div. 5, Art. XIV	Officer Dave Clark (954)427-6600 DClark@townofhillsborobeach.com
Hollywood	2011 2015	Chapter 108 for streetlights	Alex Araya (954) 921-3681 north John Weitzner (954) 921-3679 south
Lauderdale By The Sea	2002	Same as Hillsboro	Kim William (954) 776-3611 KimW@LBTS-FL.gov
Pompano Beach	1998	Ord. 99-18, 2000-64	Rafael Santos (754) 367-8482 RSantos@calvin-giordano.com
Village of Sea Ranch Lakes	Never	None	Chief James O'Brien (954) 943-8860 ChiefSRLPD@bellsouth.net



IF YOU SEE STREET LIGHTS VISIBLE FROM THE BEACH:

FP&L street lights have power cables; obtain pole number or address and call 954-797-5000-3 or Tom Terrell County Facility Mgr. 954-828-5215 Florida Department Of Transportation (FDOT) controls most A1A lights:
Cleo Marsh 954-958-7633 Operations Engineer
Ann Broadwell Environmental 954-777-4325/ 954-776-4300 after hours

All other street lights are operated by the respective municipalities.

DANIA BEACH

Sec. 5-18. Lighting requirements for Marine Turtle Protection

- (b) **No lighting shall be** installed, maintained or illuminated on public or private property that would be directly or indirectly **visible from** or illuminate **the beach** from sunset to sunup during the sea turtle nesting season from March 1 through October 31 of each year (*emphasis added*).
- (c) ...shall be consistent with the standards and guidelines contained in chapter 62B-55 of the Florida Administrative Code and in Technical Report 97-06 of the Broward County Beach Management Lighting Plan, as amended from time to time.

DEERFIELD BEACH

Sec. 34-96. Beach area outdoor lighting restrictions.

- (a) Definitions....
- (b) *New development.* It is the policy of the City of Deerfield Beach that no artificial light illuminate any area of the incorporated beaches of Deerfield Beach...:
 - (1) Floodlights are prohibited. Wall mounted light fixtures shall be fitted with hoods so that no light illuminates the beach.
 - (2) Pole lighting shall be shielded in such a way that light will be contained within an area of three to 73 degrees on the seaward side of the pole....
 - (3) Low profile luminaires shall be used in parking lots and such lighting shall be positioned so that no light illuminates the beach.
 - (4) Dune crosswalks, if lighted, shall utilize low profile shielded luminaires.
 - (5) Lights on balconies shall be fitted with hoods so that lights will not illuminate the beach.
 - (6) Tinted or filmed glass shall be used in windows facing the ocean above the first floor or multistory structures. Shade screens can be substituted for this requirement.
 - (7) Temporary security lights at construction sites shall not... illuminate the beach.
- (c) *Exemptions*
- (d) *Existing development*...:

(1) **Lights... or sources of illumination of any kind shall be shielded or screened such that they are not visible from the beach (emphasis added)** or turned off between sunset to sunrise during the period of March 1 to October 31 of each year.

(2) Lights illuminating dune crosswalks of any areas oceanward of the dune line shall be turned off between sunset and sunrise during the period of March 1 and October 31 of each year.

(3) Security lighting shall be permitted throughout the night so long as low profile luminaries are used and screened in such a way that those lights do not illuminate the beach.

(4) Window treatments in windows facing the ocean above the first floor or multistory structures are required so that interior lights do not illuminate the beach.

(5) No light fixture or source of illumination shall be illuminated between sunset and sunrise where the light emanating from said fixture illuminates any portion of the beach.

(e) *Publicly owned lighting.* Street lights...:

(1) ... shall be equipped with shades or shields that will minimize backlighting and reduce their visibility from the beach.

(2) Lights at parks or other public beach access points shall be shielded or shaded during the period of March 1 to October 31 of each year.

(f) The owner of the property where the offending light source exists shall be responsible for compliance with this section 34-96(d) as well as any person or entity which owns the light source or that has responsibility for the care or maintenance of the light source.

(Ord. No. 2000/034, § 2, 11-7-00; Ord. No. 2007/025, §§ 1, 2, 8-21-07)

FORT LAUDERDALE

Sec. 6-45. - Purpose.

Sec. 6-46. - Definitions.

Sec. 6-47. - Prohibited activities disruptive to marine turtles.

(1) The operation of all motorized vehicles....

(2) The building of campfires or bonfires.

Sec. 6-48. - Exceptions for special events.

...when granted a special permit by the department of state government....

Sec. 6-49. - Lighting standards for new development.

... shall be in compliance with the following:

(1) Exterior artificial light fixtures shall be designed and positioned so that the **point source of light or any reflective surface of the light fixture is not directly visible from the beach (emphasis added)**; areas seaward of the frontal dune are not directly or indirectly illuminated; and areas seaward of the dune are not cumulatively illuminated.

(2) Exterior artificial light fixtures within direct line-of-sight of the beach are considered appropriately designed if they are completely shielded downlight only fixtures, or recessed fixtures having low wattage (i.e., "bug" type bulbs of fifty (50) watts or less) and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers or cut-off features may also be used if in compliance with the requirements of subsection (1) of this section.

(3) All fixtures shall be mounted as low in elevation as possible....

(4) Floodlights, upward-oriented lights, spotlights or search lights for decorative and accent purposes, or used as security lights, are prohibited if they would be directly visible from the

beach, or would indirectly or cumulatively illuminate the beach.

(5) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve the safety and security function in compliance with the provisions of crime prevention through environmental design (CPTED). It is preferred that motion detectors are employed....

(6) Pole lights, if used, shall be shielded in such a manner that light will be contained primarily within the area that is landward of the pole, and light shall not be directly visible from the beach.

(7) Lights on balconies and catwalks facing the ocean shall be limited to: low profile luminaries positioned so that no light illuminates or is visible from the beach; wall mounted fixtures fitted with hoods with non-reflective interiors so that no light illuminates the beach or overhead lighting containing bug-type bulbs or other bulbs with fifty (50) watts or less and non-reflective interior surfaces.

(8) Tinted glass shall be installed on all windows and glass doors of single and multi-story structures facing or within line-of-sight of the beach. Shade screens can be substituted for this requirement.

(9) Parking areas and structures shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach....

(10) Lighting provided for any outdoor recreational feature on the beach (such as tennis court, swimming pool, etc.) shall be shielded to prevent light from directly or indirectly illuminating the beach.

(11) Dune crosswalks, if lighted, shall utilize low profile shielded luminaries.

(12) No roof top advertising sign that is illuminated in any fashion shall be permitted.

(13) Temporary security lights at construction sites shall not be mounted more than fifteen (15) feet above the ground..., and in no case shall such lights illuminate the beach.

Sec. 6-50. - Lighting standards for new development that has already been permitted.

The provisions of section 6-49 of this division shall not apply....

Sec. 6-51. - Lighting standards for existing development.

... no lighting shall be seen from the beach at night time during nesting season. Lights illuminating dune crosswalks of any areas westward of the dune line shall be turned off at nighttime during nesting season. **Lights** illuminating any buildings ...**not visible from the beach** at nighttime during nesting season (*emphasis added*), or shall be turned off....

(2) ... Window treatments shall be installed in windows and glass doors ...facing the beach so that lights are not visible from the beach, or filming in compliance with this division shall be installed on the exterior of all such windows and glass doors, so that internal lights are not visible from the beach. Shade screens can be substituted for this requirement. Existing security lighting shall be screened in such a way that those lights do not illuminate the beach. Existing wall and overhead lighting on balconies and catwalks shall be fitted with screens or hoods that minimize backlighting and reduce their visibility from the beach. Installation of any new security lighting and lighting on balconies and catwalks shall comply with section 6-49 of this division.

(3) Commercial signage facing the ocean or in the line-of-sight of the beach shall not be illuminated during nighttime hours of nesting season....

(Ord. No. C-03-9, § 1, 2-18-03)

Sec. 6-52. - Publicly owned lighting.

...publicly owned ...:

(1) Streetlights. Newly installed street lights shall either be located so that the bulk of illumination will travel away from the beach, and shielding is used to prevent light from illuminating the beach, or shall be low profile luminaries. Existing streetlights shall be equipped with shields that minimize backlighting shall not illuminate the beach and shall reduce visibility from the beach.

(2) Lighting at parks, publicly owned parking facilities and publicly owned walkways shall be shielded or shaded during nighttime hours of nesting season so that such lighting does not illuminate the beach and visibility is reduced from the beach. Such shielding or shading shall not create a CPTED problem or safety hazard for pedestrians.

(Ord. No. C-03-9, § 1, 2-18-03)

Sec. 6-53. - Penalty.

Violation of the provisions of this division or failure to comply with any of its requirements shall constitute an offense. When it has been determined that a violation has occurred, notice of the violation and an opportunity for a hearing shall be served on the person or persons responsible. Upon refusal, failure or neglect of the person or persons served with a notice of violation to cure the violation, and when the violator or the violator's representatives do not appear at the hearing granted pursuant to this Code or as otherwise provided by law, or when an order finding a violation is entered against the violator, the enforcing agency shall notify the violator, in writing, that an external lighting source causing the violation may be removed by the city within ten (10) business days thereafter, or that a fine may be assessed against the violator, with said fine to begin to be assessed within ten (10) business days thereafter, and to be continuously assessed until the conclusion of nesting season or until the violation is corrected. Costs associated with the removal by the city of external lighting sources causing violations shall be recovered from the person or persons causing the violation, and, if not recovered from the person or persons, shall be placed as a lien against the property and reimbursed to the city at time of sale of the property.

(Ord. No. C-03-9, § 1, 2-18-03)

HALLANDALE BEACH

Sec. 6-9. Prohibited activities.

- (1) The operation of motorized vehicles....
- (2) The building of campfires or bonfires.

Sec. 6-10. Standards for new development.

- (1) Exterior artificial light fixtures must be designed and positioned so that:
 - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly, indirectly or cumulatively illuminated.
- (2) Exterior artificial light fixtures within direct line-of-sight of the beach...:
 - a. Completely shielded downlight only fixtures or recessed fixtures having low wattage (i.e. 50 watts or less) "bug" type bulbs and nonreflective interior surfaces are used. ...and
 - b. All fixtures are mounted as low in elevation as possible....
- (3) Floodlights, uplights or spotlights...that are directly visible from the beach, or which

indirectly or cumulatively illuminate the beach, shall not be used.

(4) Exterior lights used expressly for safety or security purposes shall be limited.... The use of motion detector switches ... is preferred.

(5) Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:

- a. Set on a base which raises the source of light no higher than 48 inches off the ground; and
- b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.

(6) Parking areas ... to prevent vehicular headlights from directly or indirectly illuminating the beach.

(7) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers....

(8) Tinted glass shall be installed on all windows and glass doors ... within line-of-sight of the beach.

(9) Use of appropriately shielded low pressure sodium vapor lamps and fixtures are preferred....

(10) Temporary lighting of construction sites during the marine turtle nesting season shall be restricted....

(Ord. No. 2001-26, § 2, 12-4-2001)

Sec. 6-11. Standards for existing development....

(1) Existing artificial light fixtures shall....:

a. The point ***source of light or any reflective surface of the light fixture is not directly visible from the beach; (emphasis added)***....

b. Areas seaward of the frontal dune are not directly, indirectly or cumulatively illuminated.

(2) The following measures shall be taken....:

a. Reposition fixtures....;

b. Replace fixtures having an exposed light source with fixtures containing recessed light....;

c. Replace traditional light bulbs with yellow "bug" bulbs not exceeding 25 watts, low pressure sodium vapor bulbs, red light emitting diodes or true neon light sources;

d. Replace nondirectional fixtures with directional fixtures that point down and away from the beach;

e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields..., so that the light source or any reflective surface of the light fixture is not visible from the beach;

f. Replace pole lamps with low profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

h. Construct a ground level barrier to shield light sources from the beach....;

i. Permanently remove or disable any fixture, which cannot be brought into compliance....

(Ord. No. 2001-26, § 2, 12-4-2001)

HOLLYWOOD

TITLE IX: GENERAL REGULATIONS

CHAPTER 108. LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION

§108.01 Purpose and Intent. The purpose of this Chapter is to reduce....

§108.02 Definitions.

§108.03 Prohibited Activities Disruptive to Marine Turtles.

...direct illumination of the Beach at Nighttime are prohibited during Nesting Season.

§108.04 Exemptions for Special Events. ...when a permit from the Florida Department of Environmental Protection has been issued....

§108.05 Lighting Standards for New Development. It is the intent of the City that no Artificial Light shall illuminate the Beach during Nesting Season.

(A) Controlled use, design and positioning of lights.

(1) Exterior Artificial Light fixtures shall be designed and positioned so that the **point source of light or any reflective surface of the light fixture is not directly visible from the Beach**, ...and the areas seaward of the Frontal Dune are not Cumulatively Illuminated (*emphasis added*).

(2) Exterior Artificial Light fixtures within direct line-of-sight of the Beach are considered appropriately designed if:

(a) The fixtures are downlight or recessed fixtures that are completely shielded from the Beach side and have Low Wattage amber or red, LED, LPS, Bug Type Bulb, or True Neon Light and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or full cut-off features may also be used if they are in compliance; and

(b) All fixtures are mounted as low in elevation as possible,....

(3) The use of lighting for decorative, accent, or recreational purposes ...is prohibited if the light would be directly visible from the Beach....7

(4) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional roles. The use of motion detector switches that keep lights off except when approached and that switch lights on for a period not to exceed five (5) minutes each time motion is detected is preferred.

(5) Lighting for parking areas, pool decks and roadways shall be shielded....

(6) Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from Directly or Indirectly Illuminating the Beach.

(7) Lights on balconies and catwalks facing the ocean shall be limited to: Low Profile Luminaries positioned so that no light source is visible from the Beach; wall mounted fixtures fitted with directional shields with nonreflective interiors so that no light source illuminates the Beach; or overhead fixtures fitted with internal black baffles or light diffusing louvers. All lighting shall be downward directed, shielded and utilize Low Wattage lights within nonreflective interior surfaces.

(B) Interior Lighting. Tinted Glass or film shall be installed on all windows and glass doors of single and multi-story structures on the east facing and shore

perpendicular sides of the structures.

(C) Temporary Construction Lighting. ...shall be restricted....

§108.06 Lighting Standards for Existing Development. ... The lighting of existing structures or associated grounds or facilities that can be seen by direct Line-of-Sight from the Beach shall be brought into compliance with the following requirements no later than, 2015....

(A) Existing light ...:

(1) Fixtures shall be repositioned so that the point source of light or any reflective surface of the light fixture is no longer visible from the Beach.

(2) Traditional light bulbs shall be replaced with Low Wattage bulbs.

(3) Fixtures having transparent or translucent coverings shall be replaced with fixtures having opaque shields covering an arc great enough so that the source of light is not visible from the north, east, and south sides of the fixture and extending an appropriate distance below the bottom edge of the fixtures on the seaward side of the light source.

(4) Pole Lamps shall be replaced as appropriate with Low Profile, Low-Level Luminaries so that the light source or any reflective surface of the light fixture is not visible from the Beach. If lighting must be positioned on a pole for parking or security applications, it must be cast downward and the point of light source or any reflective surface must not be visible from the Beach....

(5) Replace fixtures having exposed light source with fixtures containing recessed light sources or shields;

(6) Replace non-directional fixtures with directional fixtures that point down and away from the Beach.

(B) Lights illuminating buildings or associated grounds, for decorative or recreational purposes, shall be positioned so light is cast downward and shielded or screened so that the light sources are not visible from the Beach, or turned off between sunset to sunrise, during the Marine Turtle Nesting Season.

(C) Permanently remove or disable any fixture that cannot be brought into compliance with the provisions of this Chapter.

(D) Properties that abut the Beach or face the Beach which have illuminated signage either facing the Beach or in the line-of-sight of the Beach, including building identification signs, shall be shielded or repositioned pursuant to Section 108.06(A)(1) through (7).

(E) Interior Lighting: One or more of the following...:

(1) Apply window tint or film that meets the standards in the definition of Filmed or Tinted Glass on windows on the north, south and east elevations;

(2) Rearrange lamps and other moveable fixtures away from windows;

(3) Use window treatments (e.g. blinds, curtains) to shield interior lights...and/or

(4) Turn off unnecessary lights between sunrise and sunset,....

(F) Exterior lights used expressly for safety or security purposes....

(G) ...street lights, park lights, publicly owned facility lights and walkway lights, and such lights are Shielded or shaded then they will be exempt....

(H) Beginning March 2011, property owners shall be required ...include switching off

exterior lights that illuminate the Beach and closing existing draperies to shield interior lights during the Marine Turtle Nesting Season.

(I) Exception. ...shall not apply to any structure or property within the Broadwalk or Hollywood Beach Historic Overlay District....

§108.07 Lighting along the Hollywood Beach Broadwalk and within the Hollywood Beach Historic Overlay District.

(A) New development ... will comply with the standards set....

§108.08 EXCEPTIONS.

(A) ...provisions of this Chapter shall not supersede those specific life safety provisions.

§108.09 PENALTY. ... punished in accordance with Section 10.99 of the Code of Ordinances. In addition, violations of this section may be enforced through the Special Magistrate process as set forth in Chapter 36....

Explanation:

The penalty for violating the Ordinance is in accordance with Section 10.99 which includes a fine not to exceed \$500. The City will have to comply with the new lighting requirements by 2015 and has included streetlight replacement or retrofitting....

HILLSBORO and **LAUDERDALE BY THE SEA**

CHAPTER 62B-55 Florida Administrative Code (F.A.C.)
MODEL LIGHTING ORDINANCE FOR MARINE TURTLE PROTECTION

62B-55.002 Definitions

(8) “Directly illuminated” means illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to an observer on the beach.

(13) (a) Public Awareness. Any person submitting an application for coastal construction activities within the jurisdictional boundaries of the local government should be informed of the existence of and requirements within the local government's ordinances concerning artificial lighting and marine turtle protection.

(b)

(c)

62B-55.006 Model Standards for New Beachfront Lighting.

(1) Exterior artificial light fixtures shall be designed and positioned so that:

(a) ***The point source of light or any reflective surface of the light fixture is not directly visible from the beach (emphasis added);***

(b)

(c)

(2) Exterior artificial light fixtures within direct line-of-sight of the beach are considered appropriately designed if:

- (a) Completely shielded downlight only fixtures or recessed fixtures having low wattage (i.e., 50 watts or less) “bug” type bulbs and non-reflective interior surfaces are used. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with paragraphs (1)(a), (b), and (c) above; and
 - (b) All fixtures are mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures.
- (3) Floodlights, uplights or spotlights for decorative and accent purposes that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach, shall not be used.
- (4) Exterior lights used expressly for safety or security purposes shall be limited to the minimum number and configuration required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are preferred.
- (5) Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
- (a) Set on a base which raises the source of light no higher than 48 inches off the ground; and
 - (b) Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach.
- (6) Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.
- (7) Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers.
- (8) Tinted glass shall be installed on all windows and glass doors of single or multi-story structures within line-of-sight of the beach.
- (9) Use of appropriately shielded low pressure sodium vapor lamps and fixtures shall be preferred for high-intensity lighting applications such as lighting parking areas and roadways, providing security, and similar applications.

(10) [62B-55.007](#) Model Standards for Existing Beachfront Lighting.

...sources:

- (1) Existing artificial light fixtures shall be repositioned, modified, or removed so that:
- (a) The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - (b) Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - (c) Areas seaward of the frontal dune are not cumulatively illuminated.
- (2) The following measures shall be taken to reduce or eliminate the negative effects...:
- (a) Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;
 - (b) Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 - (c) Replace traditional light bulbs with yellow “bug” type bulbs not exceeding 50 watts;
 - (d) Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - (e) Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate

distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

(f) Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

(g) Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application;

(h) Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

(i)

(j) Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

(3) The following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:

(a) Apply window tint or film that meets the standards for tinted glass;

(b) Rearrange lamps and other moveable fixtures away from windows;

(c) Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach;

(d) Turn off unnecessary lights.

[62B-55.008](#) Proposed Enforcement and Penalties. Call Major Jay Szesnat at Hillsboro Police 954-427-6600 or L-B-T-S code enforcement 954-776-3611 for measures in current use.

[62B-55.009](#) Monitoring and Reporting Guidance.

The following information should be compiled on an annual basis and submitted to the department.

(1) Number of lighting applications reviewed;

(2) Number of potential violations reported;

(3) Number of potential violations investigated;

(4) Disposition of all potential violations including results of enforcement actions and amounts of penalties assessed;

(5) Results of compliance checks conducted prior to and during the marine turtle nesting season; and

(6) Status of local lighting ordinances and any amendments to those ordinances.

Also included in the Dania Beach, L-B-T-S and Hillsboro ordinances is the “how to” publication: Technical Report 97-06 of the Broward County Beach Lighting Management Plan (BLMP) Sept 1997

1. General strategy for addressing lighting impacts....
2. ...minimum criteria for an effective lighting ordinance.
3. Public awareness program-....
4. Lighting evaluations....
5. Compliance assistance program....
6. Program assessment....
7. Long-term monitoring....
8. Implementation strategy....

Page 7... a much simpler compliance criteria is that *light cannot be visible from the beach* (emphasis added).

Page 23: If any flowing portion of a luminaire (including the lamp, globe, or reflector) is directly visible from the beach, this source is likely to be problem for sea turtles.

Page 26: Applicants for site plan approval for new development within two hundred (200) feet of the beach shall submit a lighting plan.

Page 30...western jurisdictional boundaries for local ordinances will be the Intracoastal Waterway (ICW).

Page 40: Annual notification of the start of the sea turtle nesting season.

Page 41...failure to properly manage lights on their property could result in legal action against them by the U.S. Fish and Wildlife Service (USFWS).

Appendix I: Letter from United States Department of the Interior, Fish and Wildlife Service...a Florida condominium association... violated the Endangered Species Act by causing mortality of sea turtles from its beachfront lighting.

POMPANO BEACH

§ 155.139 LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION

- (A) Purpose and Intent...
- (B) Definitions.... ARTIFICIAL LIGHT. Any point source of light emanating from a manmade device ...or any light emanating from any reflective surface of the device....
- (C) Existing Beachfront Lighting
 - (1) Existing artificial **lights** which illuminate buildings or associated grounds or facilities shall be shielded or screened such that they **are not visible from the beach**, or shall be turned off between sunset and sunrise during the nesting season (period of March 1 through October 31 of each year)... (*Emphasis added*).
 - (2) Lights directly, indirectly or cumulatively illuminating dune crosswalks of any areas seaward of the dune line shall be turned off between sunset and sunrise during nesting season (the period of March 1 through October 31 of each year).
 - (3) For security lighting, low-profile luminaries may be used if they are positioned and screened in such a way that those artificial lights do not directly illuminate the beach.
 - (4) Windows or glass doors, including those above the first floor of multistory structures, which are within line-of-sight of the beach, are required to be covered by a product or device which, when applied or installed, reduces the transmittance of artificial light....
- (D)
 - (1) Floodlights, uplights or spotlights for decorative and accent purposes that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach shall not be used.
 - (2) No exterior light fixture set on a base or pole which raises the source of light higher than 48 inches off the ground shall be permitted.
 - (3) For parking areas ...the light fixture is not visible from the beach and does not directly or indirectly illuminate the beach. Parking areas ...to prevent vehicular headlights from directly or indirectly illuminating the beach. Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach....

- (4) ... (motion detectors) and that switch off within two minutes duration, or less, are exempt.
- (5) Dune crosswalks, if lighted, shall utilize low-profile shielded luminaires.
- (6) Lights on balconies shall be fitted with hoods....
- (7) Windows or glass doors, including those above the first floor of any multistory structures which are within line-of-sight of the beach, are required to have tinted or filmed glass....
- (8) Temporary or security lighting..., and in no case shall the lights illuminate the beach....
- (E) Publicly owned lighting. Streetlights...:
 - (1) Whenever possible, streetlights shall be located so that the bulk of their illumination will travel away from the beach. These lights shall be equipped with shades or shields....
 - (2) Lights at ...publicly owned beach access points shall be shielded or shaded....
- (F) The provisions contained in this section shall not apply where the Florida Department of Environmental Protection...has approved alternative lighting standards....

STATE Florida Building Code §424.1.4.2 regulates commercial outdoor pool lighting. Commercial structure lighting is also regulated by Florida Statute 373 Water Resources. An Environmental Resource Permit and a county Surface Water Management License may be required if construction or remodeling changes the surface water on the property such as drainage. It requires that impacts to wetland dependent species be addressed as exemplified by the 2011 Sheraton A1A Clipper, LLC remodel; they were fined \$10,300.00 for lights contrary to a permitted lighting plan.

Chapter 373 provides details on the shoreline, ecological habitat, nesting, nursery areas, native plants, seawalls, and destruction of habitat. Single family homes are exempt from Water Resource Permitting.

Walter Denis, Environmental Specialist II State Field Representative *servicing Broward County*
850-488-7708 Ideris.Denis@dep.state.fl.us

Chapter 161 BEACH AND SHORE PRESERVATION

161.161 FS

(2) In establishing the recommended list of restoration and renourishment projects described in subsection (1), the division shall consider and balance the following criteria: ... (k) The extent to which the local governments in the area of the project have enacted ordinances or other regulations to protect sea turtles from the adverse effects of beachfront lighting.

161.163 FS Coastal areas used by sea turtles; rules—The department shall adopt by rule... guidelines for local government regulations that control beachfront lighting to protect hatchling sea turtles.

161.053(5) (c) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat, pursuant to s. [379.2431](#), and to native salt-resistant vegetation and endangered plant communities.

Florida Statutes ([F.A.C. Rule 68E-1](#)) (64Kb) Marine Turtle Permits restrict the take, possession, disturbance, mutilation, destruction, selling, transference, molestation, and harassment of marine turtles, nests or eggs. Protection is also afforded to marine turtle habitat.

[Florida's Marine Turtle Protection Act \(379.2431, Florida Statutes\)](#)

(b) The Legislature intends, pursuant to the provisions of this subsection, to ensure that the Fish and Wildlife Conservation Commission has the appropriate authority and resources to implement its responsibilities.

2. "Take" means an act that actually kills or injures marine turtles, and includes significant habitat modification or degradation that kills or injures marine turtles by significantly impairing essential behavioral patterns, such as breeding, feeding, or sheltering.

(e)1. Any person, firm, or corporation that commits any act prohibited in paragraph (d) involving any egg of any marine turtle species described in this subsection shall pay a penalty of \$100 per egg in addition to other penalties provided in this paragraph.

4. Any person, firm, or corporation that illegally possesses more than 11 of any eggs of any marine turtle species described in this subsection commits a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5. Any person, firm, or corporation that illegally takes, disturbs, mutilates, destroys, causes to be destroyed, transfers, sells, offers to sell, molests, or harasses any marine turtle species, or the eggs or nest of any marine turtle species as described in this subsection, commits a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6. Notwithstanding s. 777.04, any person, firm, or corporation that solicits or conspires with another person, firm, or corporation, to commit an act prohibited by this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

[379.2291](#) (1) ... "Florida Endangered and Threatened Species Act."

(2) DECLARATION OF POLICY...to conserve and protect these species as a natural resource.

(3) (a)

(b) "Endangered species" means any species..., whose prospects of survival are in jeopardy....

(c) "Threatened species" means any species..., which may not be in immediate danger of extinction....

(4)...

(a)...

(b) ...develop a public education program....

(c)...

(5) ANNUAL REPORT.—... plan for management and conservation..., educational program; statewide policies...; additional legislation which may be required; and the recommended level of funding....

(6)...

Chapter 68A-27(F.A.C) [Rules Relating to Endangered or Threatened Species](#)

68A-27.006 Reward Program... for the illegal killing, wounding or wrongful possession....

(1) The Commission will receive information through its WATS lines in the respective regional offices of the five regions. **Broward: (561) 357-4200** The party calling in the information will be identified by a code only (**chose a color and a number**) and all names, if given, will be kept confidential unless the party specifically authorizes the use of his name. Information will be given to the party on the method to maintain contact with the Commission in order to properly pursue the matter.

(2) Upon conviction based upon the information received the party supplying information which leads to such conviction will be transmitted funds...

Category I – Conviction for the unlawful taking or attempting to take or possession of an endangered or threatened species will be \$250.

Category II – Conviction for selling or attempting to sell or for the unlawful taking or attempting to take or for possession of more than one endangered or threatened species will be \$500.

The Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission (FWC) dually review permits for coastal construction under [Chapter 62B, Florida Administrative Code \(F.A.C.\)](#) that affects Marine Turtles.

[Chapter No.](#)

[62B-33](#) ...RULES AND PROCEDURES FOR COASTAL CONSTRUCTION....

[62B-33.004 Exemptions from Permit Requirements.](#) (Proposed Rule Development request submitted 10/6/10)

(1) Any structures under construction prior to the establishment of a coastal construction control line (CCCL) in a particular county are exempt....

(2) In addition to the exemptions provided in Section 161.053(12), F.S., the following are exempt from the provisions of Section 161.053, F.S., and this rule chapter:

(a) Construction of offshore structures,....

(b) Construction, excavation, and damage or destruction of vegetation conducted by the United States Government....

(c) Minor activities which do not cause an adverse impact on the coastal system and do not cause a disturbance to any significant or primary dune are exempt from the permitting requirements of this rule chapter. Such activities shall be conducted so as not to disturb marked marine turtle nests or known nest locations or damage existing native salt-tolerant vegetation. The activities which are exempt pursuant to this rule paragraph include, but are not limited to, the following:

1. Beach or deck furniture and awnings.

2. Tie-downs, or anchors to existing minor structures or trees.

3. Portable public lifeguard stands.

4. Mono-post structures including umbrellas, antennas, or light posts provided there is minimal disturbance to the beach and dune system, no damage to vegetation, and the grade is restored.

5. Minor recreational diggings and other forms of art on the unvegetated beach provided there is no removal or filling of sand at the site.

6. The removal of windblown sand

7. The minor maintenance of bulkheads and seawalls

8. Minor structures, including but not limited to driveways, water wells,....

9. Maintenance or repair of the structures listed below.

a. Streets and roads, parking areas, and other paved areas not draining or discharging onto the beach; and

b. Swimming pools, provided the activity does not involve excavation.

10. Landscaping located a minimum of 30 feet landward of the frontal dune, escarpment, or coastal armoring structure which does not involve excavation of existing grade or destruction or removal of native salt-resistant vegetation.

11. Repairs to pile supported foundations

(3) The Department shall issue a letter of exemption ...

(4) ... The exemption notice shall be posted

(5) Major structures and additions ...

62B-34 GENERAL PERMITS FOR ACTIVITIES SEAWARD OF THE CCCL....

(4) Turtle Protection Requirements.

(b) The following types of lighting are authorized under this General Permit. Any departure or deviation from these lighting requirements (*FWC Example Lighting Fixtures now date stamped*) shall constitute a violation of this General Permit.

1. Balcony, deck, and entranceway lights shall be canister down-light fixtures or louvered wall lights that adhere to the following standards:

a. Canister down-light fixtures shall be equipped with black baffles or grates, shall have the light source recessed so that it is not visible from the beach, shall be used with one 480 (or less) lumens output standard incandescent (or equivalent) yellow “bug” bulb, and shall be limited to no more than one fixture per egress.

b. Louvered wall lights shall be mounted 12 inches or less above the adjacent floor or deck, shall be equipped with louvers that completely hide the light source, shall be used with one 480 (or less) lumens output standard incandescent (or equivalent) yellow “bug” bulb, and shall be limited to no more than one fixture per egress.

2. Underhouse lights for unenclosed or partially enclosed parking and building access areas shall be canister fixtures, either mounted on piles or recessed into the ceiling. The fixtures shall be equipped with black baffles, shall have the light source recessed so that it is not visible from the beach, shall be used with one 480 (or less) lumens output standard incandescent (or equivalent) yellow “bug” bulb, and shall be limited to no more than one fixture per 100 square feet of parking or building access area.

3. Landscaping and pathway lights shall be mushroom type fixtures, shall extend no more than 12 inches above the ground, shall be used with 220 (or less) lumens output standard incandescent (or equivalent bulbs) or with 400 (or less) lumens output compact fluorescent (or equivalent) bulbs, shall extend no farther seaward than the house, and shall be limited to one fixture per 8 feet of path length or 1 fixture per 100 square feet of ground area.

(c) No lights shall be permitted on dune walkovers or elevated walkovers to the beach.

(d) No additional lighting shall be authorized.

62B-36 BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM7

62B-41 RULES... FOR APPLICATION FOR COASTAL CONSTRUCTION PERMITS10

62B-41.0055 Any application for a permit under this chapter for coastal construction that affects marine turtles shall be subject to conditions and requirements for marine turtle protection as part of the permitting process, pursuant to Section 370.12, F.S.

[62B-49](#) JOINT COASTAL PERMITS....

[62B-54](#) ADMINISTRATIVE FINES AND DAMAGE LIABILITY

62B-54.002 Determination of Fines. (1) The Department shall assess fines for willful violations of, or refusing to comply with, Sections 161.041, 161.052, and 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder. The fine amount shall be sufficient to ensure immediate and continued compliance with the provisions of Section 161.041, 161.052, and 161.053, Florida Statutes, and be consistent with the following table:

HARM TO RESOURCE or POTENTIAL FOR HARM	FINE RANGE
Major	\$5,000-\$10,000
Moderate	\$1,000-\$5,000
Minor	0-\$1,000

(2) Each day....

62B-54.003 Determination of Damages.

(1) The Department shall assess damages for grossly negligent or knowing violations of Sections 161.041, 161.052, or 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder, which result in harm to sovereignty lands seaward of mean high water or to beaches, shores, or coastal or beach-dune system(s), including animal, plant, or aquatic life thereon. In accordance with Section 161.054(4), Florida Statutes, the damage amount shall be sufficient to ensure immediate and continued compliance with the provisions of Sections 161.041, 161.052, and 161.053, Florida Statutes, and be consistent with the following table:

HARM TO RESOURCE	CULPABILITY	
	Gross Negligence	Knowing
Major	\$1,000 minimum	\$5,000 minimum
Moderate	\$500 minimum	\$1,000 minimum
Minor	\$250 minimum	\$250 minimum

(2) Damages in amounts greater than the minimum....

62B-54.004 Imposition and Collection of Fines and Damages.

(1) The provisions of Rules 62B-54.002 and 62B-54.003, Florida Administrative Code, are not mutually exclusive and may be utilized concurrently.

(2) Fines and damages shall be imposed and collected by the Department pursuant to Sections 161.052, 161.053, 161.054, Florida Statutes, and the Florida Administrative Procedures Act, Chapter 120, Florida Statutes. Nothing in this rule chapter shall be construed to preclude the Department from bringing suits or taking action as is otherwise lawfully authorized including directing appropriate restoration activities against any person or the agent of any person who has

been found to have violated the provisions of Chapter 161, Florida Statutes.

(3) Upon discovery of a violation, the Secretary of the Department or his/her designee shall issue a notice to suspected and known violators giving notice of the violation. Such notice shall be served on the violator by certified mail, return receipt requested; actual delivery; or by personal service; and shall identify the provision of law or rule alleged to have been violated. The notice shall include a brief statement of the facts constituting the alleged violation.

(4) Upon determination that the violation is considered a minor violation pursuant to Section 120.695(2)(b), Florida Statutes, the Department shall issue a notice of noncompliance as a first response to that minor violation.

(5) Upon determination that a fine or assessment of damage is warranted, the Secretary of the Department or his/her designee shall issue a final order to the violator demanding payment to the Ecosystem Management and Restoration Trust Fund within 21 days of receipt. If payment is not received by the Department within such 21 day period the fine shall become a lien....



Federal Wildlife Laws The Service's Office of Law Enforcement's efforts focus on potentially devastating threats to wildlife resources –, habitat destruction, and environmental hazards.

Bottom up: Major Eddie McKissick, Resident Agent-In-Charge 305-526-2610 ex 13, Fax: 305-526-2695

Top-down: Jim Gale, Head of Law Enforcement for U.S. Fish and Wildlife Service's Southeast Region 404-679-7057

U.S. Fish and Wildlife Service,
Office of Law Enforcement
10426 NW 31st Terrace
Miami, Florida 33172

[Endangered Species Act of 1973 \(16 U.S.C. 1531-1544, 87 Stat. 884\)](#)

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 - (19) The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.
 - (20) The term "threatened species" means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
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(a) Civil penalties

(1) ... Any person who otherwise violates any provision of this chapter, or any regulation, permit, or certificate issued hereunder, may be assessed a civil penalty by the Secretary of not more than \$500 for each such violation. ...Each violation shall be a separate offense....

(2) Hearings held during proceedings for the assessment of civil penalties

(3)

(b) Criminal violations

(1) ... Any person who knowingly violates any provision of any other regulation issued under this chapter shall, upon conviction, be fined not more than \$25,000 or imprisoned for not more than six months, or both.

(2)

(3)

(c)....

(d) ... The amount of the reward, if any, is to be designated by the Secretary....

Additional applications and diagnostics of sea turtle and habitat laws can be found in the thesis:
Katherine R. Butler, *Coastal Protection of Sea Turtles in Florida*, Florida State University
Journal of Land Use & Environmental Law, 1998.

<http://www.law.fsu.edu/journals/landuse/Vol132/Butl.htm#FNR156>