



Florida Department of Environmental Protection

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FACTSHEET ABOUT OUTSTANDING FLORIDA WATERS

Authority: Section 403.061(27), Florida Statutes, grants DEP the power to: Establish rules which provide for a special category of water bodies within the state, to be referred to as “Outstanding Florida Waters”, which shall be worthy of special protection because of their natural attributes.

Implementing Agency: All state water quality standards are approved by the Environmental Regulation Commission for use by the Department of Environmental Protection (DEP). The Environmental Regulation Commission is seven-member citizens body appointed by the Governor.

Regulatory Significance: In general, DEP cannot issue permits for direct pollutant discharges to OFWs which would lower ambient (existing) water quality or for indirect discharges which would significantly degrade the Outstanding Florida Water. Permits for new dredging and filling (ERP permits) must be clearly in the public interest, taking into consideration:

1. Whether the activity will adversely affect the public health, safety, or welfare or property of others;
2. Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats.
3. Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
4. Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
5. Whether the activity will be of a temporary or permanent nature;
6. Whether the activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of Sec. 267.061; and
7. The current condition and relative value of functions being performed by areas affected by the proposed activity. (373.414(1)(a), F.S.).

Some Exceptions to OFW

1. Permitted activities existing on the date of designation, which are “grandfathered”.
2. Activities not regulated by DEP for water quality protection purposes, such as fishing, river setback ordinances, and boat speeds.
3. Restoration of seawalls at previous locations.
4. Non-commercial boat docks, on piling, of less than 500 square feet.
5. Temporary lowering of water quality during construction activities (with special restrictions).
6. Activities to allow or enhance public usage, or to maintain pre-existing activities (with certain safeguards).

Waters in OFW Designation:

National Parks
National Wildlife Refuges
National Seashores
National Preserves
National Marine Sanctuaries and Estuarine
Research Reserves
National Forests (certain waters)
State Parks & Recreation Areas
State Preserves and Reserves
State Ornamental Gardens and Botanical Sites
Environmentally Endangered Lands Program,
Conservation and Recreational Lands Program, and
Save Our Coast Program Acquisitions
State Aquatic Preserves
Scenic and Wild Rivers (both National and State)
“Special Waters”

“Special Waters” OFWs include 41 of Florida’s 1700 rivers, several lakes and lake chains, several estuarine areas, and the Florida Keys:

Apalachicola River
Aucilla River
Blackwater River
Butler Chain of lakes
Chassahowitzka River System
Chipola River
Choctawhatchee River
Clermont Chain of Lakes
Crooked Lake
Crystal River
Econlockhatchee River System
Estero Bay Tributaries
Florida Keys

Hillsborough River
 Homosassa River System
 Kingsley Lake & Black Creek (North Fork)
 Lake Disston
 Lake Powell
 Lemon Bay Estuarine System
 Little Manatee River
 Lochloosa Lake
 Myakka River (lower part)
 Ochlockonee River
 Oklawaha River
 Orange Lake, River Styx, and Cross Creek
 Perdido River
 Rainbow River
 St. Marks River
 Santa Fe River System
 Sarasota Bay Estuarine System
 Shoal River
 Silver River
 Spruce Creek
 Suwannee River
 Tomoka River
 Wacissa River
 Wakulla River
 Weekiwachee Riverine System
 Wekiva River
 Wiggins Pass Estuarine System
 Withlacoochee Riverine and Lake System

Note: Actual rule language describing above water bodies is more complete. For further information, refer to Rule 62-302.700(9)(i), Florida Administrative Code.

**Requirements
For a “Special
Water” OFW
Designation:**

1. Rulemaking procedures pursuant to Chapter 120, F.S. shall be followed;
2. At least one fact-finding workshop shall be held in the affected area;
3. All local county or municipal governments and state legislators whose districts or jurisdictions include all or part of a water body proposed for Special Water designation shall be notified at least 60 days prior to the workshop in writing by the Secretary of DEP;
4. A prominent public notice shall be placed in a newspaper of general circulation in the area of the proposed Special Water at least 60 days prior to the workshop;
5. An economic impact analysis, consistent with Chapter 120, shall be prepared which provides a general analysis of the impact on growth and development including such factors as impacts on planned or potential industrial, agricultural or other development or expansion; and

6. The Environmental Regulation Commission may designate a water of the State as a Special Water after making a finding that the waters are of exceptional recreational or ecological significance and a finding that the environmental, social, and economic benefits of the action outweigh the environmental, social, and economic costs (Rule 62-302.700(5), F.A.C.).

For More Information Contact: Department of Environmental Protection, Water Quality Standards and Special Projects Program at (850) 245-8346, or view the section website: <http://www.dep.state.fl.us/water/wqsspp>.

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