

Tab 1	SB 544 by Truenow; Identical to H 00495 Golf Courses						
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Tab 2	SB 636 by Leek; Identical to H 01297 Beach Management						
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Tab 3	SB 848 by Truenow; Identical to H 01457 Stormwater Treatment						
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Tab 4	SB 546 by Mayfield (CO-INTRODUCERS) Harrell; Identical to H 00441 Conservation Lands						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Rodriguez, Chair
Senator Mayfield, Vice Chair

MEETING DATE: Tuesday, January 13, 2026
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Rodriguez, Chair; Senator Mayfield, Vice Chair; Senators Arrington, Avila, DiCeglie, Harrell, Polsky, and Smith

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 544 Truenow (Identical H 495)	Golf Courses; Creating the “Golf Course Best Management Practices Certification Act”; providing legislative findings and intent regarding golf course best management practices certification; providing for a type two transfer of the Golf Course Best Management Practices Certification program in the Department of Environmental Protection to the Department of Agriculture and Consumer Services, etc. EN 01/13/2026 Fav/CS AEG FP	Fav/CS Yeas 6 Nays 1
2	SB 636 Leek (Identical H 1297)	Beach Management; Requiring the Department of Environmental Protection to review certain data when designating certain beaches as critically eroded and in need of restoration and nourishment; requiring that certain beaches, whose local government preserved funds for a certain purpose and which possess specified features, be designated as critically eroded; revising the list of areas that may receive designation as an area of critical state concern, etc. EN 01/13/2026 Favorable AEG FP	Favorable Yeas 8 Nays 0
3	SB 848 Truenow (Identical H 1457)	Stormwater Treatment; Defining the terms “compensating stormwater treatment” and “total land area”; requiring compensating stormwater treatment to comply with certain provisions unless certain circumstances exist; explaining the types of mitigation measures for compensating stormwater treatment that the Department of Environmental Protection or a water management district governing board must consider under certain circumstances; authorizing mitigation measures or enhancement credits intended to address certain impacts to be generated by certain entities and sold only to certain environmental resource permit applicants, etc. EN 01/13/2026 Fav/CS CA RC	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Tuesday, January 13, 2026, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 546 Mayfield (Identical H 441)	Conservation Lands; Requiring the Division of State Lands to publish certain information on its website before the Board of Trustees of the Internal Improvement Trust Fund meets to review the proposed sale of conservation lands; requiring that certain parcels proposed for exchange be appraised in accordance with certain criteria; requiring the governing board of a water management district to publish certain information on its website before meeting to review the proposed sale or exchange of certain lands, etc. EN 01/13/2026 Fav/CS AEG RC	Fav/CS Yeas 7 Nays 0
5	Presentation by the Department of Environmental Protection on the State Park Amenities Report		Presented
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 544

INTRODUCER: Environment and Natural Resources Committee and Senator Truenow

SUBJECT: Golf Courses

DATE: January 13, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 544 transfers the golf course best management practices (BMPs) certification program, which it titles the “Golf Course Best Management Practices Certification Act,” from the Florida Department of Environmental Protection to the Florida Department of Agriculture and Consumer Services (DACS).

The bill provides a legislative finding that the transfer is appropriate because of the foundational agricultural nature of golf courses and DACS’s current role overseeing similar BMPs programs.

The bill provides that this type two transfer of the golf course BMPs certification program moves to DACS all powers, duties, functions, and administrative authority relating to the golf course BMPs certification.

The bill also provides that any binding contract or interagency agreement existing before July 1, 2026 that relates to the golf course BMPs certification program will continue as a binding contract or agreement for the remainder of the term of such contract or agreement.

II. Present Situation:

Best Management Practices

Best management practices (BMPs) are designed to protect water resources from nonpoint source pollution.¹ BMPs are guidelines containing practical measures that can reduce the effects of fertilizer, nutrients, and water use on the environment and otherwise manage the landscape to further protect water resources.² Producers of nonpoint source pollution within areas covered by a basin management action plan³ are required to comply with the established pollutant reductions in the basin management action plan by either implementing the appropriate BMPs or by conducting water quality monitoring.⁴

A nonpoint source discharger may be subject to enforcement action by the Florida Department of Environmental Protection (DEP), the Florida Department of Agriculture and Consumer Services, or a water management district for failing to implement these requirements within a basin management action plan.⁵

Golf Course Best Management Practices Certification

Florida law requires the turfgrass science program at the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) to coordinate with DEP to administer the golf course BMP certification program.⁶ The turfgrass science program must provide training and testing programs on golf course BMPs and issue certificates for satisfactory completion of the training. It must also review and approve other training and testing programs.⁷

A golf course BMPs certification expires after four years.⁸ A recertification may be issued if, within 30 days of the expiration, an applicant submits proof of having completed eight classroom hours of continuing education, including two hours focusing on fertilizer BMPs.⁹

A person with a golf course BMPs certification is exempt from additional local training requirements and local ordinances relating to water and fertilizer use blackout periods or

¹ University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Extension, *Best Management Practices*, <https://sfyl.ifas.ufl.edu/agriculture/agriculture-best-management-practices/> (last visited Dec. 18, 2025). Point sources are “any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.” Nonpoint sources are not point sources. Fla. Admin. Code R. 62-620.200(37).

² *Id.*

³ Basin management action plans are one of the primary mechanisms the Florida Department of Environmental Protection (DEP) and Department of Agriculture and Consumer Services (DACS) use to address the entire pollution load for a watershed, including point and nonpoint discharges. Section 403.067(7), F.S.

⁴ Section 403.067(7)(b)2.g., F.S. For example, best management practices (BMPs) for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

⁵ Section 403.067(7)(b)2.h., F.S., and section 403.067(7)(d), F.S. Producers of nonpoint source pollution included in a basin management action plan must comply with the established pollutant reductions by either implementing the appropriate BMPs or by conducting water quality monitoring. Section 403.067(7)(b)2.g., F.S.

⁶ Section 403.9339(1), F.S.

⁷ Section 403.9339(2), F.S.

⁸ Section 403.9339(4), F.S.

⁹ Section 403.9339(4)-(5), F.S.

restrictions, unless a state of emergency is declared.¹⁰ Additionally, the turfgrass science program may provide the status of certification holders to local and state governmental entities and is encouraged to create a registry of certification holders.¹¹

Golf Course Best Management Practices

The golf course industry in Florida is the largest of any state, with the National Golf Foundation reporting well above a thousand golf courses and facilities located in Florida in 2019.¹² It is important to consider how golf course development and management practices can affect surrounding natural ecosystems.¹³ For example, there are significant environmental concerns with golf course development and management practices that affect soil and water quality, primarily related to nutrients, pesticides, erosion, sediment, and waste handling and disposal.¹⁴ The implementation of BMPs can help mitigate these concerns and give golf courses an environmental advantage over other types of urban development.¹⁵

The golf course BMPs guide, which was published in association with the Florida Golf Course Superintendents Association, the Golf Course Superintendents Association of America, UF/IFAS, and DEP,¹⁶ covers the following topics related to golf course management:

- Environmental monitoring, especially water quality monitoring;
- Environmental concerns during the planning, design, and construction phases;
- Irrigation;
- Nutrient management;
- Turf grass management practices;
- Lake and aquatic plant management;
- Integrated pest management;
- Pesticide management;
- Pollinator protection;
- Maintenance operations; and
- Energy conservation.¹⁷

BMPs in the guide include, but are not limited to the following:

- For design and construction, the golf course should be designed to minimize the need to alter existing native landscapes and should be located to conserve critical wildlife habitat.¹⁸
- For drainage, internal golf course drains should not drain directly into an open waterbody, but should discharge into pretreatment zones or vegetative buffers to remove nutrients and sediment.¹⁹

¹⁰ Section 403.9339(6), F.S.

¹¹ Section 403.9339(8), F.S.

¹² *BMPs for the Enhancement of Env. Quality on FL Golf Courses*, 14 (Sept. 2021), available at <http://flgolfbmp.com/view-the-bmp-guide> (last visited Dec. 19, 2025).

¹³ *BMPs for the Enhancement of Env. Quality on FL Golf Courses* at 20.

¹⁴ *Id.* at 21.

¹⁵ *Id.* at 15-16.

¹⁶ *Best Management Practices for the Enhancement of Env. Quality on Florida Golf Courses*, <https://flgolfbmp.com/> (last visited Dec. 19, 2025).

¹⁷ *See, BMPs for the Enhancement of Env. Quality on FL Golf Courses*.

¹⁸ *Id.* at 35.

¹⁹ *Id.* at 38.

- For reclaimed water, signs should be posted in accordance with local utility and state requirements and information about the quality of the reclaimed water should be obtained at the time of contracting and updated annually.²⁰
- For irrigation system design, the design operating pressure must account for peak use times and supply line pressures at final buildout for the entire system and rain sensors should shut the irrigation system off after a certain amount of rain is received.²¹
- For nutrient management, nutrients should be applied when turfgrass is actively growing and slow-release nitrogen fertilizers should be applied at the appropriate time of year, taking into consideration the release rate of the chosen material.²²

Green Industries Best Management Practices Certification

UF/IFAS currently offers the Green Industries BMPs program, which teaches environmentally safe landscaping practices that protect water quality and natural resources.²³ The program was created for people working in lawn-care and landscape maintenance. Golf course employees are among those who benefit from green industries BMPs training.²⁴

Type Two Transfers

The transfer of an existing agency or department or a program, activity, or function thereof into another agency or department is a type two transfer.²⁵

Any agency or department, or any program, activity, or function thereof that is transferred by a type two transfer will retain its statutory powers, duties, and functions and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds once transferred.²⁶ The transfer of segregated funds must be made in such a way that the relation between the program and the revenue source is retained.²⁷

DEP currently only has a coordinating role with the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences.²⁸ Because of this, DEP does not have any records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative rules, or unexpended balances of appropriations, allocations, or other funds specific to the golf course best management practices certification program.²⁹

²⁰ *Id.* at 72.

²¹ *Id.* at 78.

²² *Id.* at 153.

²³ UF/IFAS, *Green Industries BMPs*, <https://gibmp.ifas.ufl.edu/> (last visited Dec. 18, 2025); UF/IFAS, *FL Friendly Landscaping Program*, <https://ffl.ifas.ufl.edu/ffl-and-you/gi-bmp-program/> (last visited Dec. 18, 2025).

²⁴ *Id.*

²⁵ Section 20.06(2), F.S.

²⁶ Section 20.06(2)(a), F.S. Those statutory powers, duties, functions, records, personnel, property, and unexpended balances of appropriation, allocations, or other funds that are transferred elsewhere or abolished will not be retained in a type two transfer. *Id.*

²⁷ *Id.*

²⁸ Email from Adam Blalock, Department of Environmental Protection (Jan. 6, 2026), on file with the Senate Committee on Environment and Natural Resources.

²⁹ *Id.*

Unless otherwise provided by law, the head of any agency or department to which any agency or department or a program, activity, or function thereof is transferred may establish units or subunits to which the agency or department is assigned and may assign administrative authority for identifiable programs, activities, or functions, to the extent authorized in statute.³⁰ Further, unless otherwise provided by law, the administrative rules of any agency or department involved in the transfer that are in effect immediately before the transfer remain in effect until specifically changed in the manner provided in law.³¹

III. Effect of Proposed Changes:

Section 1 transfers the golf course best management practices (BMPs) certification program from the Florida Department of Environmental Protection (DEP) to the Florida Department of Agriculture and Consumer Services (DACS). The bill renumbers the section.³²

The bill titles the section the “Golf Course Best Management Practices Certification Act.” It also adds a legislative finding that transferring the golf course BMP certification program to DACS is appropriate because of the foundational agricultural nature of golf courses and because DACS currently oversees BMP programs for sod growing operations and the green industry.

The bill adds that certified participants must abide by BMPs governing fertilizer application on sod. It also defines the “department” as DACS, which reflects the transfer of the certification program to DACS. The bill makes other technical and conforming changes.

Section 2 provides for a type two transfer of the golf course BMPs certification program from DEP to DACS. The transfer includes all powers, duties, functions, and administrative authority relating to the golf course BMPs certification program.

The bill provides that any binding contract or interagency agreement existing before July 1, 2026, between DEP or an entity or agency of DEP and any other agency, entity, or person related to the golf course BMPs certification program will continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor entity responsible for the program, activity, or functions relative to the contract or agreement.

Section 3 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁰ Section 20.06(2)(b), F.S.

³¹ Section 20.06(2)(c), F.S.

³² The bill renumbers section 403.9339, F.S., to section 604.75, F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.9339 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources on January 13, 2026:

The committee substitute clarifies that only the Florida Department of Environmental Protection's powers, duties, functions, and administrative authority with respect to the golf course best management practices certification program will be transferred to the Florida Department of Agriculture and Consumer Services.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



631778

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2026	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Truenow) recommended the following:

Senate Amendment

Delete lines 88 - 92

and insert:

(1) All powers, duties, functions, and administrative authority relating to the

By Senator Truenow

13-00768-26

2026544__

1 A bill to be entitled
2 An act relating to golf courses; transferring,
3 renumbering, and amending s. 403.9339, F.S.; providing
4 a short title; providing legislative findings and
5 intent regarding golf course best management practices
6 certification; defining the term "department";
7 conforming cross-references; providing for a type two
8 transfer of the Golf Course Best Management Practices
9 Certification program in the Department of
10 Environmental Protection to the Department of
11 Agriculture and Consumer Services; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 403.9339, Florida Statutes, is
17 transferred, renumbered as section 604.75, Florida Statutes, and
18 amended to read:

19 604.75 ~~403.9339~~ Golf course best management practices
20 certification.—

21 (1) SHORT TITLE.—This section shall be known and may be
22 cited as the "Golf Course Best Management Practices
23 Certification Act."

24 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
25 that, due to the foundational agricultural nature of golf
26 courses and since the Department of Agriculture and Consumer
27 Services oversees best management practices programs for sod
28 growing operations and for the green industry, it is appropriate
29 for the department to oversee golf course best management

13-00768-26

2026544__

30 practices certification. Certified participants must abide by
31 the best management practices governing the application of
32 fertilizer on sod.

33 (3) DEFINITIONS.—As used in this section, the term
34 “department” means the Department of Agriculture and Consumer
35 Services.

36 (4)~~(1)~~ To provide a means of documenting and ensuring
37 compliance with best management practices for fertilizer
38 application to golf courses, the turfgrass science program at
39 the University of Florida Institute of Food and Agricultural
40 Sciences, in coordination with the department, shall administer
41 a certification for golf course best management practices.

42 (5)~~(2)~~ The turfgrass science program, in cooperation with
43 the department, shall:

44 (a) Provide training and testing programs in golf course
45 best management practices and may issue certificates
46 demonstrating satisfactory completion of the training.

47 (b) Approve training and testing programs in golf course
48 best management practices that are equivalent to or more
49 comprehensive than the programs provided by the turfgrass
50 science program under this subsection ~~paragraph (a)~~. Such
51 programs must be reviewed and reapproved by the turfgrass
52 science program if significant changes are made.

53 (6)~~(3)~~ To obtain a golf course best management practices
54 certification, an applicant must submit to the turfgrass science
55 program a copy of the training certificate issued under
56 subsection (5) ~~subsection (2)~~.

57 (7)~~(4)~~ A golf course best management practices
58 certification issued under this section expires 4 years after

13-00768-26

2026544__

59 the date of issuance. Upon expiration of the certification, or
60 after a grace period of not more than 30 days after the
61 expiration date, a recertification may be issued.

62 (8)~~(5)~~ To obtain a golf course best management practices
63 recertification, an applicant must submit to the turfgrass
64 science program proof of having completed 8 classroom hours of
65 continuing education, of which at least 2 hours must address
66 fertilizer best management practices.

67 (9)~~(6)~~ A person certified under this section is exempt
68 from:

69 (a) Additional local training.

70 (b) Local ordinances relating to water and fertilizer use
71 blackout periods or restrictions, unless a state of emergency is
72 declared. The certified person must continue to coordinate with
73 the local government to ensure that he or she adheres to the
74 comprehensive best management practices for that specific
75 community.

76 (10)~~(7)~~ This section does not exempt a person certified
77 under this section from complying with the rules and
78 requirements for basin management action plans set forth in s.
79 403.067(7) if the golf course is located in an area within a
80 basin management action plan.

81 (11) ~~(a)~~ ~~(8)~~ ~~(a)~~ The turfgrass science program may provide the
82 certification status of persons certified under this section to
83 local and state governmental entities.

84 (b) The turfgrass science program is encouraged to create a
85 registry of persons certified under this section on its website.

86 Section 2. Type two transfer from the Department of
87 Environmental Protection.

13-00768-26

2026544__

88 (1) All powers, duties, functions, records, offices,
89 personnel, associated administrative support positions,
90 property, pending issues, existing contracts, administrative
91 authority, administrative rules, and unexpended balances of
92 appropriations, allocations, and other funds relating to the
93 Golf Course Best Management Practices Certification program
94 within the Department of Environmental Protection are
95 transferred by a type two transfer, as defined in s. 20.06(2),
96 Florida Statutes, to the Department of Agriculture and Consumer
97 Services.

98 (2) Any binding contract or interagency agreement existing
99 before July 1, 2026, between the Department of Environmental
100 Protection, or an entity or agent of the department, and any
101 other agency, entity, or person relating to the Golf Course Best
102 Management Practices Certification program shall continue as a
103 binding contract or agreement for the remainder of the term of
104 such contract or agreement on the successor entity responsible
105 for the program, activity, or functions relative to the contract
106 or agreement.

107 Section 3. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1-13-20

Meeting Date

544

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name Travis MOORE

Phone ~~727.421.6902~~ 727.421.6902

Address P.O. Box 2020

Email travis@moore-relations.com

Street

St. Petersburg

State

FL

33731

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
FL Springs Council

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/13/26

Meeting Date

SB 544

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Environment + Natural Resources

Committee

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address 123 S. Adams Street

Email shepp@thesoutherngrp.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Golf Course Superintendents Association

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 5, 2026

The Honorable Senator Ana Maria Rodriguez
410 Senate Office Building
Tallahassee, FL 32399

Dear Chair Rodriguez,

I would like to request SB 544 Golf Courses (BMP Certification Act) be placed on your next available agenda in the Committee on Environment and Natural Resources.

This good bill creates a Golf Course Best Management Practices Certification Act and transfers the certification program to the Department of Agriculture and Consumer Services.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Ellen Rogers, Staff Director
Kim Bonn, Administrative Assistant

REPLY TO:

- Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- 16207 State Road 50, Suite 401, Clermont, Florida 34711
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: SB 636

INTRODUCER: Senator Leek

SUBJECT: Beach Management

DATE: January 12, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Favorable
2.			AEG	
3.			FP	

I. Summary:

SB 636 provides that, in designating beaches as critically eroded, the Department of Environmental Protection (DEP) must review data related to beaches that have been preemptively and repeatedly repaired to avoid complete erosion and for which private funding, local government funding, and state and federal grants have been expended to stop or mitigate such erosion.

The bill also provides that, if a local government with jurisdiction over a beach has a financial plan that ensures funding for inclusion in the state strategic beach management plan, such beach must be designated as critically eroded if (1) there is a perpetual easement requiring the local government to maintain shoreline parcels and ensure high value inland developments are protected, and (2) the beach has geological features that result in repeated inland flooding or structural damage.

The bill allows DEP to require coastal local governments to develop local strategic beach management plans and specifies what must be included in such plans.

In addition, the bill expands the types of areas that may be designated as an area of critical state concern to include low elevation sections immediately inland of the dune and beach which have been repeatedly breached or overtopped by seawater flowing into an interconnected stormwater system or which have been designated in a local emergency declaration for a prolonged period.

II. Present Situation:

Florida's Beaches

Beaches are dynamic landforms subject to both natural and human-induced erosion.¹ Sand moves along the shore due to wave-driven currents and tides. Coastal erosion is caused in part by the creation and maintenance of inlets, where the sand has historically been removed from the coastal system by dredging, and the natural drift of sand along the shore is blocked by jetties, trapped in channels, or moved into ebb and flood shoals. The development and the placement of infrastructure near the shore can also contribute to coastal erosion by limiting the amount of sand stored in dunes and hardening the shore for protection of upland property. Storms and changing sea levels can also contribute to coastal erosion along Florida's coastline. Coastal communities will need to plan for community resiliency in low-lying coastal zones to be prepared for coastal flooding, extreme high tides, sea level rise, or storm surges.²

Florida depends on its 825 miles of sandy beaches as a natural resource for the enjoyment of its residents and tourists.³ Beaches are Florida's primary tourist attraction, generating millions of dollars annually for Florida's economy. Nourished beaches contribute to the expanding federal, state, and local tax bases; increase sales, income, and employment opportunities from resident and visitor spending; and enhance property values by protecting the developed shorefront from storm surges, preventing loss of upland property, and protecting wildlife habitat. Beaches also provide habitat for many species, including endangered and threatened marine turtles, birds, and mammals.⁴

Critically Eroded Beaches

A critically eroded shoreline is a segment of the shoreline where natural processes or human activity have caused or contributed to erosion and recession of the beach or dune system to such a degree that upland development, recreational interests, wildlife habitat, or important cultural resources are threatened or lost.⁵ Critically eroded shorelines may also include peripheral segments or gaps between identified critically eroded areas which, although they may be stable or slightly erosional now, their inclusion is necessary for continuity of management of the coastal system or for the design integrity of adjacent beach management projects.⁶

To determine whether a segment of shoreline is critically eroded, DEP's coastal engineering staff investigates an area of concern using both qualitative assessments and quantitative data and analyses.⁷ When data are limited at the time of an investigation, staff utilizes professional engineering judgment based upon reasonably accepted standards and practices in evaluating the erosion condition of a shoreline. When new data is available, DEP updates the analysis

¹ Department of Environmental Protection (DEP), *Strategic Beach Management Plan: Introduction*, 1 (2023), available at https://floridadep.gov/sites/default/files/SBMP_Introduction_2023_2.pdf.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Fla. Admin. Code R. 62B-36.002(5).

⁶ *Id.*

⁷ DEP, *Critically Eroded Beaches in Florida*, 6 (2025), available at https://floridadep.gov/sites/default/files/FDEP_Critically%20Eroded%20Beaches_08-2025_FINAL_1.pdf.

accordingly. The type of quantitative data and analyses considered includes beach and offshore profiles, upland topography, nearshore and offshore bathymetry, historical shoreline position changes, storm tide frequency, beach and dune erosion, recent storm damage, design adequacy, and proximity of upland development, infrastructure, wildlife habitat, and important cultural resources to the anticipated effects of a 25-year storm event.⁸



Many designated critically eroded beaches have been restored through the placement of beach and dune fill material.⁹ These shorelines have improved compared to their pre-project condition when they were designated as being critically eroded. Although these beach management projects and their subsequent maintenance have mitigated the original critical erosion conditions, these shorelines retain their critical erosion designation in order to retain their state of Florida funding eligibility for long-term management and beach project maintenance and monitoring.¹⁰

⁸ *Id.*

⁹ DEP, *Critically Eroded Beaches in Florida*, 1 (2025), available at https://floridadep.gov/sites/default/files/FDEP_Critically%20Eroded%20Beaches_08-2025_FINAL_1.pdf.

¹⁰ *Id.*

Roughly half of the designated critically eroded beaches are currently managed.¹¹ Many areas have significant historic or contemporary erosion conditions, yet the erosion processes do not currently threaten public or private interests. These areas are therefore designated as *non-critically* eroded beaches and require close monitoring in case the conditions become critical.¹²

As of August 2025, 55 percent (approximately 451 miles) of the state's sandy shorelines are designated as critically eroded.¹³ An additional 88.9 miles are designated as non-critically eroded.¹⁴

Beach Management

Beach management activities in Florida are governed by the Dennis L. Jones Beach and Shore Preservation Act.¹⁵ DEP is the beach and shore preservation authority for the state and is charged with identifying beaches which are critically eroding and developing a comprehensive long-term management plan for their restoration.¹⁶ DEP's long-term management plan has several components, including a critically eroded beaches report, a statewide long-range budget plan, and a strategic beach management plan.¹⁷

DEP's strategic beach management plan identifies and recommends appropriate measures for the state's critically eroded beaches and incorporates plans prepared at the regional level, taking into account areas of greatest need and probable federal and local funding.¹⁸ The plan also describes the historical and current beach nourishment activities taken to restore and manage Florida's beaches to protect upland property, restore habitat for wildlife, and provide recreational opportunities.¹⁹ The plan contains strategies to:

- Maximize the infusion of beach-quality sand into the coastal system;
- Implement those projects that contribute most significantly to addressing the state's beach erosion problems;
- Promote inlet sand bypassing to replicate the natural flow of sand interrupted by improved, modified or altered inlets and ports;
- Extend the life of beach restoration projects and reduce the frequency of nourishment;
- Encourage regional approaches to ensure the geographic coordination and sequencing of projects; and
- Reduce equipment mobilization and demobilization costs.²⁰

¹¹ *Id.* at 1.

¹² *Id.*

¹³ DEP, *Critically Eroded Beaches Report* at 20.

¹⁴ *Id.*

¹⁵ DEP, *Strategic Beach Management Plan: Introduction*, 2 (2023), available at https://floridadep.gov/sites/default/files/SBMP_Introduction_2023_2.pdf. See chapter 161, F.S.

¹⁶ See section 161.101(1) and (2), F.S., and DEP, *Strategic Beach Management Plan* at 2.

¹⁷ DEP, *Strategic Beach Management Plan* at 2; section 161.161(2), F.S.

¹⁸ Section 161.161(2)(a), F.S.

¹⁹ DEP, *Strategic Beach Management Plan* at 40.

²⁰ DEP, *Strategic Beach Management Plan* at 2; section 161.091(2), F.S.

The statewide plan includes seven separate regional plans.²¹ Such regional plans, along with the long-range budget plan, serve as the basis for state funding decisions.²² The state, through DEP, may authorize appropriations to pay up to 75 percent of the actual costs for restoring and nourishing a critically eroded beach.²³ The local government in which such a beach is located is responsible for the balance of such costs.²⁴ In order to receive state funds, a project must provide for adequate public access, protect natural resources, and provide protection for endangered and threatened species.²⁵ DEP will not fund projects that provide only recreational benefits; all funded activities must have an identifiable beach erosion control or beach preservation benefit directed toward maintaining or enhancing sand in the system.²⁶

Areas of Critical State Concern

The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972.²⁷ The program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.²⁸ State law specifies which areas may be considered for designation and establishes the process for doing so.

The Administration Commission²⁹ may designate an area of critical state concern for the following areas:

- An area containing, or having a significant impact upon, environmental or natural resources of regional or statewide importance. This includes state or federal parks, forests, wildlife refuges, wilderness areas, aquatic preserves, major rivers and estuaries, state environmentally endangered lands, Outstanding Florida Waters, and aquifer recharge areas, the uncontrolled private or public development of which would cause substantial deterioration of such resources.³⁰
- An area containing, or having a significant impact upon, historical or archaeological resources, sites, or statutorily defined historical or archaeological districts, the private or public development of which would cause substantial deterioration or complete loss of such resources, sites, or districts.³¹

²¹ See DEP, *Strategic Planning and Coordination*, <https://floridadep.gov/rcp/beaches-inlets-ports/content/strategic-planning-and-coordination#SBMP> (last visited Dec. 17, 2025).

²² Section 161.161(2)(a), F.S.

²³ Section 161.101(1), F.S.

²⁴ *Id.* DEP is authorized to pay up to 100 percent of the costs of approved beach erosion control projects when construction and maintenance are on lands of which the state is the upland riparian owner. Section 161.101(10), F.S.

²⁵ Section 161.101(12), F.S.

²⁶ Section 161.101(13), F.S.

²⁷ Florida Department of Commerce, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Dec. 17, 2025). See also Ch. 72-317, s. 5, Laws of Fla.; section 380.05, F.S.

²⁸ Florida Department of Commerce, *Areas of Critical State Concern Program*. The term “development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. Section 380.04(1), F.S.

²⁹ The Administration Commission consists of the Governor and the Cabinet. Section 380.031(1), F.S.

³⁰ Section 380.05(2)(a), F.S.

³¹ Section 380.05(2)(b), F.S.

- An area having a significant impact upon, or being significantly impacted by, an existing or proposed major public facility or other area of major public investment, such as highways, ports, airports, energy facilities, and water management projects.³²

The Florida Department of Commerce, the state land planning agency,³³ may recommend an area for designation as an area of critical state concern.³⁴ In its recommendations, the department must include:

- Recommendations for the purchase of land within the boundaries of the proposed area as environmentally endangered lands and outdoor recreation lands under the Land Conservation Program;
- Any report or recommendation of a resource planning and management committee;³⁵
- The dangers that would result from uncontrolled or inadequate development of the area and the advantages of developing the area in a coordinated manner;
- A detailed boundary description of the proposed area;
- Specific principles for guiding development within the area;³⁶
- An inventory of lands owned by the federal, state, and local governments within the proposed area; and
- A list of the state agencies with programs that affect the purpose of the designation.³⁷

If the Administration Commission adopts a recommendation, it will designate the area of critical state concern and applicable principles for guiding development by rule.³⁸ Such rules must be submitted to the Legislature for review.³⁹

Following the designation of the area of critical state concern, any local government that is wholly or partially located within the area must conform its previously adopted comprehensive plan to the principles for guiding development of the area of critical state concern.⁴⁰ In addition, all state agencies with rulemaking authority for programs that affect a designated area of critical state concern must review those programs for consistency with the purpose of the designation and principles for guiding development, and must adopt specific permitting standards and criteria applicable in the designated area, or otherwise amend the program, as necessary to further the purpose of the designation.⁴¹

³² Section 380.05(2)(c), F.S.

³³ Section 380.031(18), F.S.

³⁴ Local governments and regional planning agencies may submit recommendations to the department the areas within their jurisdictions that meet the statutory criteria for designation. Section 380.05(3), F.S.

³⁵ Prior to recommending the designation of an area of critical state concern, the Governor, acting as chief planning officer of the state, must appoint a resource planning and management committee for the area under study by the Florida Department of Commerce. The committee must organize a voluntary, cooperative resource planning and management program to resolve any problems which might endanger the area's resources and facilities. Section 380.045(1), F.S.

³⁶ The department must recommend actions which state and regional agencies and local governments must accomplish to implement these principles, such as revisions of the local comprehensive plan and adoption of land development regulations, density requirements, and special permitting requirements. Section 380.05(1)(a), F.S.

³⁷ Section 380.05(1)(a), F.S.

³⁸ Section 380.05(1)(b), F.S.

³⁹ Section 380.05(1)(c), F.S. The Legislature may reject, modify, or take no action relative to the adopted rule. *Id.*

⁴⁰ Section 380.05(14), F.S.

⁴¹ Section 380.05(22), F.S.

The current designated areas of critical state concern include:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);⁴²
- Green Swamp Area (portions of Polk and Lake Counties);⁴³
- City of Key West and the Florida Keys Areas (Monroe County);⁴⁴
- Apalachicola Bay Area (Franklin County);⁴⁵ and
- Brevard Barrier Island Area (portions of Brevard and Indian River Counties).⁴⁶

III. Effect of Proposed Changes:

Section 1 amends s. 161.101, F.S., regarding state and local participation in authorized projects and studies on beach management and erosion control. The bill provides that, in designating beaches as critically eroded, the Department of Environmental Protection (DEP) must review data related to beaches that have been preemptively and repeatedly repaired to avoid complete erosion and for which private funding, local government funding, and state and federal grants have been expended to stop or mitigate such erosion.

The bill also provides that, if a local government with jurisdiction over a beach that possesses all of the following features has a financial plan that ensures the preservation of funding for inclusion in the state strategic beach management plan, such beach must be designated as critically eroded:

- A perpetual easement that contains language stating that the local government with jurisdiction over the beach must assume maintenance responsibilities for shoreline parcels and must develop and implement a design whereby shoreline retreat is sufficiently managed to protect high value inland developments; and
- Geological features of the dune, beach, and seabed combined with insufficient spacing between the erosion control line to upland assets, which results in repeated inland flooding or structural damage.

The bill provides that the secretary of DEP may, as he or she deems necessary, require coastal local governments to develop local strategic beach management plans. Local strategic beach management plans must include, but are not limited to, an identification of the most visited shoreline recreational facilities, university research centers, and shoreline protection areas and an analysis of all of the following:

- Compound flooding near the county's beaches.
- Assessed values of upland properties and developments.
- Environmentally sensitive lands and waters.
- Any recommendation from a certified coastal engineer or coastal engineering specialist.
- Any recommendation from the United States Army Corps of Engineers.

⁴² Section 380.055, F.S.

⁴³ Section 380.0551, F.S.

⁴⁴ Section 380.0552, F.S.

⁴⁵ Section 380.0555, F.S.

⁴⁶ Section 380.0553, F.S. *See also* Department of Commerce, *Areas of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Dec. 17, 2025).

Section 2 amends s. 161.161, F.S., regarding the procedure for approval of projects in DEP's long-term beach management plans. The bill provides that DEP's strategic beach management plan may incorporate local strategic beach management plans.

Section 3 amends s. 380.05, F.S., regarding areas of critical state concern. The bill expands the types of areas that may be designated as an area of critical state concern to include low elevation sections immediately inland of the dune and beach which have been repeatedly breached or overtopped by seawater flowing into an interconnected stormwater system or which have been designated in a local emergency declaration for a prolonged period.

Section 4 reenacts s. 380.045, F.S., for the purpose of incorporating the amendment made by this bill to s. 380.05, F.S.

Section 5 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 161.101, 161.161, 380.05, and 380.045.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Leek

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1 A bill to be entitled
2 An act relating to beach management; amending s.
3 161.101, F.S.; requiring the Department of
4 Environmental Protection to review certain data when
5 designating certain beaches as critically eroded and
6 in need of restoration and nourishment; requiring that
7 certain beaches, whose local government preserved
8 funds for a certain purpose and which possess
9 specified features, be designated as critically
10 eroded; authorizing the secretary of the department to
11 require coastal local governments to develop a local
12 strategic beach management plan; requiring that such
13 plans include an analysis of certain information;
14 making a technical change; amending s. 161.161, F.S.;
15 conforming a provision to changes made by the act;
16 amending s. 380.05, F.S.; revising the list of areas
17 that may receive designation as an area of critical
18 state concern; reenacting s. 380.045(1), (3), and (5),
19 F.S., relating to resource planning and management
20 committees and objectives and procedures, to
21 incorporate the amendment made to s. 380.05, F.S., in
22 references thereto; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (1) and (2) of section 161.101,
27 Florida Statutes, are amended to read:

28 161.101 State and local participation in authorized
29 projects and studies relating to beach management and erosion

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30 control.-

31 (1) (a) The Legislature recognizes that beach erosion is a
32 statewide problem that does not confine its effects to local
33 governmental jurisdictions and that beach erosion can be
34 adequately addressed most efficiently by a state-initiated
35 program of beach restoration and beach nourishment. However,
36 since local beach communities derive the primary benefits from
37 the presence of adequate beaches, a program of beach restoration
38 and beach nourishment should not be accomplished without a
39 commitment of local funds to combat the problem of beach
40 erosion.

41 (b) Accordingly, the Legislature declares that the state,
42 through the department, shall determine those beaches which are
43 critically eroded and in need of restoration and nourishment and
44 may authorize appropriations to pay up to 75 percent of the
45 actual costs for restoring and nourishing a critically eroded
46 beach. The local government in which such a beach is located is
47 responsible for the balance of such costs. In designating
48 beaches as critically eroded, the department shall review data
49 related to beaches that have been preemptively and repeatedly
50 repaired to avoid complete erosion and for which private
51 funding, local government funding, and state and federal grants
52 have been expended to stop or mitigate such erosion.

53 (c) If a local government with jurisdiction over a beach
54 that possesses all of the following features has a financial
55 plan that ensures the preservation of funding for inclusion in
56 the state strategic beach management plan, such beach must be
57 designated as critically eroded:

58 1. A perpetual easement that contains language stating that

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59 the local government with jurisdiction over the beach must
60 assume maintenance responsibilities for shoreline parcels and
61 must develop and implement a design whereby shoreline retreat is
62 sufficiently managed to protect high value inland developments;
63 and

64 2. Geological features of the dune, beach, and seabed
65 combined with insufficient spacing between the erosion control
66 line to upland assets, which results in repeated inland flooding
67 or structural damage ~~The local government in which the beach is~~
68 ~~located shall be responsible for the balance of such costs.~~

69 (2) (a) To carry out the beach and shore preservation
70 programs, the department is hereby constituted as the beach and
71 shore preservation authority for the state. In this capacity,
72 the secretary of the department may at his or her own initiative
73 take all necessary steps as soon as practicable and desirable to
74 implement the provisions of this chapter.

75 (b) The secretary of the department may, as he or she deems
76 necessary, require coastal local governments to develop local
77 strategic beach management plans. Local strategic beach
78 management plans must include, but are not limited to, an
79 identification of the most visited shoreline recreational
80 facilities, university research centers, and shoreline
81 protection areas and an analysis of all of the following:

- 82 1. Compound flooding near the county's beaches.
- 83 2. Assessed values of upland properties and developments.
- 84 3. Environmentally sensitive lands and waters.
- 85 4. Any recommendation from a certified coastal engineer or
86 coastal engineering specialist.
- 87 5. Any recommendation from the United States Army Corps of

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88 Engineers.

89 Section 2. Paragraph (a) of subsection (2) of section
90 161.161, Florida Statutes, is amended to read:

91 161.161 Procedure for approval of projects.—

92 (2) The comprehensive long-term management plan developed
93 and maintained by the department pursuant to subsection (1) must
94 include, at a minimum, a strategic beach management plan, a
95 critically eroded beaches report, and a statewide long-range
96 budget plan. The long-range budget plan must include a 3-year
97 work plan for beach restoration, beach nourishment, and inlet
98 management projects that lists planned projects for each of the
99 3 fiscal years addressed in the work plan.

100 (a) The strategic beach management plan must identify and
101 recommend appropriate measures for all of the state's critically
102 eroded sandy beaches and may incorporate plans prepared at the
103 regional level, including plans developed pursuant to s.
104 161.101(2)(b), taking into account areas of greatest need and
105 probable federal and local funding. Upon approval in accordance
106 with this section, such ~~regional~~ plans, along with the 3-year
107 work plan identified in subparagraph (c)1., must serve as the
108 basis for state funding decisions. Before finalizing the
109 strategic beach management plan, the department shall hold a
110 public meeting in the region for which the plan is prepared or
111 hold a publicly noticed webinar.

112 Section 3. Paragraph (a) of subsection (2) of section
113 380.05, Florida Statutes, is amended to read:

114 380.05 Areas of critical state concern.—

115 (2) An area of critical state concern may be designated
116 only for:

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117 (a) An area containing, or having a significant impact
118 upon, environmental or natural resources of regional or
119 statewide importance, including, but not limited to, state or
120 federal parks; forests; wildlife refuges; wilderness areas;
121 aquatic preserves; major rivers and estuaries; state
122 environmentally endangered lands; Outstanding Florida Waters;
123 low elevation sections immediately inland of the dune and beach
124 which have been repeatedly breached or overtopped by seawater
125 flowing into an interconnected stormwater system or which have
126 been designated in a local emergency declaration for a prolonged
127 period; and aquifer recharge areas, the uncontrolled private or
128 public development of which would cause substantial
129 deterioration of such resources. Specific criteria which must
130 ~~shall~~ be considered in designating an area under this paragraph
131 include:

132 1. Whether the economic value of the area, as determined by
133 the type, variety, distribution, relative scarcity, and
134 condition of the environmental or natural resources within the
135 area, is of substantial regional or statewide importance.

136 2. Whether the ecological value of the area, as determined
137 by the physical and biological components of the environmental
138 system, is of substantial regional or statewide importance.

139 3. Whether the area is a designated critical habitat of any
140 state or federally designated threatened or endangered plant or
141 animal species.

142 4. Whether the area is inherently susceptible to
143 substantial development due to its geographic location or
144 natural aesthetics.

145 5. Whether any existing or planned substantial development

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146 within the area will directly, significantly, and deleteriously
147 affect any ~~or all~~ of the environmental or natural resources of
148 the area which are of regional or statewide importance.

149 Section 4. For the purpose of incorporating the amendment
150 made by this act to section 380.05, Florida Statutes, in
151 references thereto, subsections (1), (3), and (5) of section
152 380.045, Florida Statutes, are reenacted to read:

153 380.045 Resource planning and management committees;
154 objectives; procedures.-

155 (1) Prior to recommending an area as an area of critical
156 state concern pursuant to s. 380.05, the Governor, acting as the
157 chief planning officer of the state, shall appoint a resource
158 planning and management committee for the area under study by
159 the state land planning agency. The objective of the committee
160 shall be to organize a voluntary, cooperative resource planning
161 and management program to resolve existing, and prevent future,
162 problems which may endanger those resources, facilities, and
163 areas described in s. 380.05(2) within the area under study by
164 the state land planning agency.

165 (3) Not later than 12 months after its appointment by the
166 Governor, the committee shall either adopt a proposed voluntary
167 resource planning and management program for the area under
168 study or recommend that a voluntary resource planning and
169 management program not be adopted. The proposed voluntary
170 resource planning and management program shall contain the
171 committee findings with respect to problems that endanger those
172 resources, facilities, and areas described in s. 380.05(2) and
173 shall contain detailed recommendations for state, regional, and
174 local governmental actions necessary to resolve current and

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175 prevent future problems identified by the committee. A major
176 objective of the proposed voluntary resource planning and
177 management program shall be the effective coordination of state,
178 regional, and local planning; program implementation; and
179 regulatory activities for comprehensive resource management. The
180 committee shall submit the proposed voluntary resource planning
181 and management program to the head of the state land planning
182 agency, who shall transmit the program along with the
183 recommendations of the agency for monitoring and enforcing the
184 program, as well as any other recommendations deemed
185 appropriate, to the Administration Commission.

186 (5) The state land planning agency shall report to the
187 Administration Commission within 12 months of the approval of
188 the program by the commission concerning the implementation and
189 the effects of the approved voluntary resource planning and
190 management program. The report shall include, but shall not be
191 limited to:

192 (a) An assessment of state agency compliance with the
193 program, including the degree to which the program
194 recommendations have been integrated into agency planning,
195 program implementation, regulatory activities, and rules;

196 (b) An assessment of the compliance by each affected local
197 government with the program;

198 (c) An evaluation of state, regional, and local monitoring
199 and enforcement activities and recommendations for improving
200 such activities; and

201 (d) A recommendation as to whether or not all or any
202 portion of the study area should be designated an area of
203 critical state concern pursuant to s. 380.05.

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204

205 The state land planning agency may make such other reports to
206 the commission as it deems necessary, including recommending
207 that all or any portion of the study area be designated an area
208 of critical state concern because of special circumstances in
209 the study area or in the implementation of the approved
210 voluntary resource planning and management program.

211 Section 5. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1/13/26

Meeting Date

SB 636

Bill Number or Topic

ENR

Committee

Amendment Barcode (if applicable)

Name Pepper Uchino

Phone (850) 906-9227

Address PO Box 13146

Email

Street

Tallahassee

City

FL

State

32317

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Shore & Beach Preservation Assoc.

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Ana Maria Rodriguez, Chair
Committee on Environment and Natural Resources

Subject: Committee Agenda Request

Date: December 12, 2025

I respectfully request that **Senate Bill #636**, relating to Beach Management, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Leek", written over a horizontal line.

Sen. Tom Leek
Florida Senator, District 7

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 848

INTRODUCER: Environment and Natural Resources Committee and Senator Truenow

SUBJECT: Stormwater Treatment

DATE: January 13, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 848 provides that the use of a water quality enhancement area (WQEA) credit transfers the legal responsibility for complying with applicable regulatory water quality treatment requirements from the purchaser and user of such credit to the generator of such credit.

The bill authorizes environmental resource permit (ERP) applicants to use compensating stormwater treatment as a mitigation measure when existing ambient water quality prevents compliance with water quality standards. Such treatment must meet statutory requirements for WQEAs unless the treatment and discharging parcels are commonly owned, operated, and maintained, or the treatment area directly receives and treats stormwater from parcels within the total land area before the discharge leaves the treatment parcel.

The bill provides that mitigation measures or enhancement credits may be generated by third parties and sold to ERP applicants only as authorized under the section of law related WQEAs. The bill allows entities to apply for provisional WQEA permits pending the Department of Environmental Protection's (DEP's) adoption of WQEA rules. DEP and water management districts must allow the use of WQEA enhancement credits generated under such provisional permits, provided applicable statutory requirements are met.

The bill also provides that, beginning July 1, 2026, if a public landowner authorizes a private entity to construct, modify, or operate stormwater management systems on public lands for offsite compensatory treatment, the landowner must require the entity to cease such activities if

DEP or a water management district determines by final agency action that the use of the land is contrary to the public interest. Operations may resume upon a subsequent determination that compensatory treatment is no longer contrary to the public interest.

II. Present Situation:

Stormwater Management

Florida averages 40-60 inches of rainfall a year, depending on the location, with about two-thirds falling between June and October.¹ Stormwater runoff generated during these rain events flows over land and impervious surfaces, such as paved streets, parking lots, driveways, sidewalks, and rooftops, and picks up pollutants like trash, chemicals, oils, and sediment.² This unfiltered water flows into lakes, rivers, and wetlands and gradually seeps into groundwater aquifers that supply the state's drinking water.³ Polluted stormwater runoff is one of the greatest threats to clean water in the United States.⁴

Florida was the first state in the country to adopt a rule requiring the treatment of stormwater to a specified level of pollutant load reduction for all new development.⁵ These rules were updated in 2024 following legislative ratification. The revised rules:

- Create new minimum performance standards for stormwater systems;
- Require applicants to demonstrate through modeling and calculations based on local conditions and annual runoff volumes that their proposed stormwater treatment system is designed to discharge to the required treatment level; and
- Establish new requirements for periodic inspections and the operation and maintenance of stormwater treatment systems.⁶

Environmental Resource Permitting (ERP)

Florida's ERP program regulates activities involving the alteration of surface water flows, including activities that generate stormwater runoff from upland construction, as well as dredging and filling in wetlands and other surface waters.⁷ Specifically, the program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or

¹ University of Florida Institute of Food and Agricultural Sciences, *Florida Rainfall Data Sources and Types*, 1 (2023), available at <https://edis.ifas.ufl.edu/publication/AE517>.

² U.S. Environmental Protection Agency (EPA), *Urbanization and Stormwater Runoff*, <https://www.epa.gov/sourcewaterprotection/urbanization-and-stormwater-runoff> (last visited Dec. 29, 2025).

³ South Florida Water Management District (SFWMD), *Your Impact on the Environment*, <https://www.sfwmd.gov/community-residents/what-can-you-do> (last visited Jan. 5, 2026).

⁴ *Id.*; EPA, *Soak Up the Rain: What's the Problem?*, <https://www.epa.gov/soakuptherain/soak-rain-whats-problem> (last visited Jan. 5, 2025).

⁵ DEP, *ERP Stormwater*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/erp-stormwater> (last visited Jan. 5, 2026).

⁶ See chapter 2024-275, Laws of Fla.; Fla. Admin. Code R. 62-330.

⁷ DEP, *Environmental Resource Permitting Coordination, Assistance, Portals*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/environmental-resource-permitting> (last visited Dec. 29, 2025). See ch. 373, F.S.; Fla. Admin. Code R. 62-330.

other surface waters.⁸ ERP permits are issued by the Department of Environmental Protection (DEP) and the state's five water management districts.

ERP applications are reviewed to ensure the permit will only authorize activities that are not harmful to the water resources.⁹ Applicants must provide reasonable assurance that state water quality standards will not be violated and that the activity is not contrary to the public interest.¹⁰ However, if the proposed activity significantly degrades or is within an Outstanding Florida Water,¹¹ the applicant must provide reasonable assurance that the proposed activity will be clearly in the public interest.¹² In determining whether an activity is not contrary to the public interest or is clearly in the public interest, the permitting agency must consider the following criteria:

- Whether the activity will adversely affect the public health, safety, or welfare or the property of others;
- Whether the activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- Whether the activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- Whether the activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- Whether the activity will be of a temporary or permanent nature;
- Whether the activity will adversely affect or will enhance significant historical and archaeological resources; and
- The current condition and relative value of functions being performed by areas affected by the proposed activity.¹³

If an ERP applicant cannot meet applicable criteria, the permitting agency must consider measures to mitigate adverse effects of the regulated activity.¹⁴ Where existing ambient water quality prevents compliance with water quality standards, such mitigation must result in a net improvement in the receiving waterbody for the parameters that do not meet standards.¹⁵ Mitigation options may include, but are not limited to, onsite or offsite mitigation, regional offsite mitigation, and the purchase of mitigation credits from mitigation banks.¹⁶ It is the applicant's responsibility to choose the form of mitigation.¹⁷

⁸ Fla. Admin. Code R. 62-330.010(2).

⁹ Southwest Florida Water Management District, *Environmental Resource Permit*, <https://www.swfwmd.state.fl.us/business/epermitting/environmental-resource-permit> (last visited Dec. 29, 2025). See section 373.413(1), F.S.

¹⁰ Section 373.414(1), F.S.

¹¹ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Nov. 20, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

¹² Section 373.414(1), F.S.

¹³ Section 373.414(1)(a), F.S.

¹⁴ Section 373.414(1)(b), F.S.

¹⁵ Section 373.414(1)(b)3., F.S.

¹⁶ Section 373.414(1)(b), F.S.

¹⁷ *Id.*

Water Quality Enhancement Areas (WQEAs)

WQEAs are natural systems¹⁸ constructed, operated, managed, and maintained to provide offsite regional treatment within an identified enhancement service area for which enhancement credits may be provided pursuant to a WQEA permit.¹⁹ WQEA credits can be used by governmental entities to comply with basin management action plans or reasonable assurance plans²⁰ or by ERP applicants for the purpose of achieving net improvement of water quality or meeting certain ERP performance standards.²¹ WQEAs must be approved through the state's ERP process.²²

DEP must establish a service area for each WQEA, the boundaries of which will depend on the geographic areas where it can reasonably be expected to address adverse impacts.²³ Service areas may overlap, and service areas for two or more WQEAs may be approved for a regional watershed. Enhancement credits can only be used to address adverse impacts within the service area.²⁴

To obtain a WQEA permit, an applicant must provide reasonable assurances that the proposed area will, among other things, meet ERP requirements, benefit water quality in the enhancement service area, achieve defined performance criteria for pollutant reduction, ensure long-term pollutant reduction through perpetual operation and maintenance, and provide for permanent preservation of the site through a conservation easement.²⁵

WQEA permits must provide for the assessment, valuation, and award of credits based on units of pollutants removed, as determined by DEP using standard numerical models or analytical tools.²⁶ To assist DEP in valuing and determining credits, WQEA permit applications must provide supporting information, including historical rainfall data, anticipated water quality and quantity inflows, and site-specific conditions affecting the anticipated performance of the proposed WQEA.²⁷

Pollutant load reductions required under state regulatory programs are not eligible for consideration as credits, and credits may not be used by point source dischargers to meet regulatory requirements except those necessary to obtain an ERP for construction and operation of the site's surface water management system.²⁸

¹⁸ "Natural system" means an ecological system supporting aquatic and wetland-dependent natural resources, including fish and aquatic and wetland-dependent wildlife habitats. Section 373.4134(2)(c), F.S.

¹⁹ Section 373.4134(2)(e), F.S.

²⁰ Basin management action plans (BMAPs) and reasonable assurance plans are water quality improvement plans designed to reduce or eliminate pollutant loadings and restore specific water bodies to meet state water quality standards. *See generally* DEP, *Basin Management Action Plans (BMAPs)*, <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Dec. 29, 2025); DEP, *Alternative Restoration Plans*, <https://floridadep.gov/DEAR/Alternative-Restoration-Plans> (last visited Dec. 29, 2025).

²¹ Section 373.4134(1)(d) and (3)(b), F.S.

²² Section 373.4134(3)(a), F.S.

²³ Section 373.4134(5), F.S.

²⁴ *Id.*

²⁵ Section 373.4134(4)(a), F.S.

²⁶ Section 373.4134(4)(b) and (c), F.S.

²⁷ Section 373.4134(4)(c)4., F.S.

²⁸ Section 373.4134(7)(e) and (f), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 373.019, F.S., which provides definitions for ch. 373, F.S., regarding management and storage of surface waters. The bill defines “compensating stormwater treatment” as a method of stormwater treatment for discharges from more than two parcels, implemented in accordance with the conditions established in s. 373.4134, F.S., related to water quality enhancement areas.

The bill also defines “total land area” as land holdings under common ownership which are contiguous, or land holdings served by common surface water management facilities.

Section 2 amends s. 373.4134, F.S., regarding water quality enhancement areas (WQEAs). The bill provides that the use of an enhancement credit transfers the legal responsibility for complying with the applicable regulatory water quality treatment requirement from the purchaser and user of such enhancement credit to the generator of such enhancement credit. The transfer of legal responsibility for complying with applicable regulatory water quality treatment requirements does not occur outside of the use of enhancement credits.

The bill provides that compensating stormwater treatment must comply with this section of law unless:

- The treatment and discharging parcels are owned, operated, and maintained by the same entity; or
- The area providing compensating stormwater treatment receives stormwater discharge directly from parcels within the total land area and treats the discharge before such discharge flows off the parcel on which the compensating stormwater treatment occurs.

The bill provides that, pending the adoption of rules to implement this section, entities may apply for a WQEA provisional permit. The Department of Environmental Protection (DEP) must issue a WQEA provisional permit if the applicant meets the applicable statutory criteria. DEP must allow the use of such enhancement credits from a WQEA established under a provisional permit subject to compliance statutory requirements. Notwithstanding any other provision of law or rule, a water management district issuing an environmental resource permit (ERP) to applicants seeking to satisfy ERP performance standards must allow such applicants to use enhancement credits if DEP has issued a provisional permit for the WQEA from which the enhancement credits are generated.

The bill further provides that, after DEP adopts rules for WQEAs, DEP may modify an issued WQEA provisional permit to conform such permit to the adopted rules. Any enhancement credit used from a WQEA established pursuant to a provisional permit must continue to be recognized by DEP and water management districts without change, regardless of whether the provisional permit is subsequently modified to conform to the adopted rules.

Section 3 amends s. 373.414, F.S., regarding criteria for activities in surface waters and wetlands. Currently, if an ERP applicant is unable to meet water quality standards due to existing ambient water quality, the permitting agency must consider mitigation measures that cause net improvement of the water quality in the receiving waterbody for those parameters which do not meet standards. The bill provides that these mitigation measures may include compensating

stormwater treatment. The bill provides that mitigation measures or enhancement credits, intended to address water quality impacts regulated under ss. 373.403–373.443, F.S., may be generated by third parties and sold and transferred to ERP applicants only as authorized under the section of law related to water quality enhancement areas.

The bill also provides that, beginning July 1, 2026, if a public landowner authorizes or enters into a legally binding agreement with a private entity to construct, modify, or operate stormwater management systems or other features on public lands so that the private entity can provide offsite compensatory treatment for third-party water quality impacts or stormwater discharge, and if DEP or a water management district determines by final agency action that the use of such public lands for such compensatory stormwater treatment is contrary to the public interest, the public landowner must direct the private entity to cease operation of the offsite compensatory treatment activities identified in the final order of DEP or water management district. The requirement to cease such activities does not apply to other compensatory treatment activities governed by the agreement between the public landowner and the private entity which are not covered by the final order. The public landowner may allow the private entity to resume compensatory stormwater treatment activities upon a subsequent final agency action determination that the use of such public lands for such compensatory treatment is no longer contrary to the public interest.

Sections 4 through 8 provide conforming changes.

Section 9 reenacts s. 373.4136, F.S., for the purpose of incorporating the amendment made by this bill to s. 373.414, F.S.

Section 10 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

This bill may have an indeterminate negative impact on private entities that sell allocations from offsite regional stormwater management systems.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 373.019, 373.4134, 373.414, 373.036, 373.250, 373.421, 403.813, and 556.102.

The bill reenacts section 373.4136 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources on January 13, 2026:

- Allows entities to apply for a provisional water quality enhancement area (WQEA) permit pending the adoption of WQEA rules by the Department of Environmental Protection (DEP).
- Requires DEP and water management districts to allow the use of WQEA enhancement credits generated under such provisional permits, provided applicable statutory requirements are met.
- Provides DEP may modify WQEA provisional permits following rule adoption, but enhancement credits already used must be recognized regardless of any subsequent modifications.
- Clarifies that a public landowner may require the cessation of stormwater management system operations only upon a final agency action, and that such operations may resume once compensatory treatment is no longer contrary to the public interest. This provision applies only to contracts entered into after July 1, 2026.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2026	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Truenow) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (4) through (21) and (22) through (28) of section 373.019, Florida Statutes, are redesignated as subsections (5) through (22) and (24) through (30), respectively, and new subsections (4) and (23) are added to that section, to read:

373.019 Definitions.—When appearing in this chapter or in



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11 any rule, regulation, or order adopted pursuant thereto, the
12 term:

13 (4) "Compensating stormwater treatment" means a method of
14 stormwater treatment for discharges from more than two parcels,
15 implemented in accordance with the conditions established in s.
16 373.4134.

17 (23) "Total land area" means land holdings under common
18 ownership which are contiguous, or land holdings served by
19 common surface water management facilities.

20 Section 2. Present paragraphs (d) through (g) of subsection
21 (3) of section 373.4134, Florida Statutes, are redesignated as
22 paragraphs (e) through (h), respectively, a new paragraph (d) is
23 added to that subsection, and paragraph (e) of subsection (1)
24 and subsection (9) of that section are amended, to read:

25 373.4134 Water quality enhancement areas.—

26 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
27 that:

28 (e) Water quality enhancement areas that provide water
29 quality enhancement credits to applicants seeking permits under
30 ss. 373.403–373.443 and to governmental entities seeking to meet
31 an assigned basin management action plan allocation or
32 reasonable assurance plan under s. 403.067 are considered an
33 appropriate and permissible option. The use of an enhancement
34 credit as specified herein transfers the legal responsibility
35 for complying with the applicable regulatory water quality
36 treatment requirement from the purchaser and user of such
37 enhancement credit to the generator of such enhancement credit.
38 The transfer of legal responsibility for complying with
39 applicable regulatory water quality treatment requirements does



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40 not occur outside of the use of enhancement credits.

41 (3) WATER QUALITY ENHANCEMENT AREAS.—

42 (d) Compensating stormwater treatment must comply with this
43 section unless:

44 1. The treatment and discharging parcels are owned,
45 operated, and maintained by the same entity; or

46 2. The area providing compensating stormwater treatment
47 receives stormwater discharge directly from parcels within the
48 total land area and treats the discharge before such discharge
49 flows off the parcel on which the compensating stormwater
50 treatment occurs.

51 (9) RULES.—The department shall adopt rules to implement
52 this section. Pending the adoption of rules to implement this
53 section, entities may apply for a water quality enhancement area
54 provisional permit. The department must issue a water quality
55 enhancement area provisional permit in response to such
56 application if the applicant meets the statutory criteria of
57 this section. The department shall allow the use of such
58 enhancement credits from a water quality enhancement area
59 established under a provisional permit as provided in this
60 section and subject to compliance with s. 373.4134.

61 Notwithstanding any other provision of law or rule, a water
62 management district issuing an environmental resources permit to
63 applicants seeking to satisfy environmental resources permit
64 performance standards must allow such applicants to use
65 enhancement credits if the department has issued a provisional
66 permit for the water quality enhancement area from which the
67 enhancement credits are generated. After the department adopts
68 rules to implement this section, the department may modify an



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69 issued water quality enhancement area provisional permit to
70 conform such permit to such adopted rules. Any enhancement
71 credit used from a water quality enhancement area established
72 pursuant to a provisional permit must continue to be recognized
73 by the department and water management districts without change,
74 regardless of whether the provisional permit is subsequently
75 modified to conform to the adopted ~~This section may not be~~
76 ~~implemented until the department adopts such~~ rules.

77 Section 3. Paragraph (b) of subsection (1) of section
78 373.414, Florida Statutes, is amended to read:

79 373.414 Additional criteria for activities in surface
80 waters and wetlands.—

81 (1) As part of an applicant's demonstration that an
82 activity regulated under this part will not be harmful to the
83 water resources or will not be inconsistent with the overall
84 objectives of the district, the governing board or the
85 department shall require the applicant to provide reasonable
86 assurance that state water quality standards applicable to
87 waters as defined in s. 403.031 will not be violated and
88 reasonable assurance that such activity in, on, or over surface
89 waters or wetlands, as delineated in s. 373.421(1), is not
90 contrary to the public interest. However, if such an activity
91 significantly degrades or is within an Outstanding Florida
92 Water, as provided by department rule, the applicant must
93 provide reasonable assurance that the proposed activity will be
94 clearly in the public interest.

95 (b) If the applicant is unable to otherwise meet the
96 criteria set forth in this subsection, the governing board or
97 the department, in deciding to grant or deny a permit, must



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98 consider measures proposed by or acceptable to the applicant to
99 mitigate adverse effects that may be caused by the regulated
100 activity. Such measures may include, but are not limited to,
101 onsite mitigation, offsite mitigation, offsite regional
102 mitigation, and the purchase of mitigation credits from
103 mitigation banks permitted under s. 373.4136. It is the
104 responsibility of the applicant to choose the form of
105 mitigation. The mitigation must offset the adverse effects
106 caused by the regulated activity.

107 1. The department or water management districts may accept
108 the donation of money as mitigation only where the donation is
109 specified for use in a duly noticed environmental creation,
110 preservation, enhancement, or restoration project, endorsed by
111 the department or the governing board of the water management
112 district, which offsets the impacts of the activity permitted
113 under this part. However, this subsection does not apply to
114 projects undertaken pursuant to s. 373.4137 or chapter 378.
115 Where a permit is required under this part to implement any
116 project endorsed by the department or a water management
117 district, all necessary permits must be ~~have been~~ issued before
118 ~~prior to~~ the acceptance of any cash donation. After the
119 effective date of this act, when money is donated to either the
120 department or a water management district to offset impacts
121 authorized by a permit under this part, the department or the
122 water management district shall accept only a donation that
123 represents the full cost to the department or water management
124 district of undertaking the project that is intended to mitigate
125 the adverse impacts. The full cost shall include all direct and
126 indirect costs, as applicable, such as those for land



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127 acquisition, land restoration or enhancement, perpetual land
128 management, and general overhead consisting of costs such as
129 staff time, building, and vehicles. The department or the water
130 management district may use a multiplier or percentage to add to
131 other direct or indirect costs to estimate general overhead.
132 Mitigation credit for such a donation may be given only to the
133 extent that the donation covers the full cost to the agency of
134 undertaking the project intended to mitigate the adverse
135 impacts. However, nothing herein may be construed to prevent the
136 department or a water management district from accepting a
137 donation representing a portion of a larger project, provided
138 that the donation covers the full cost of that portion and
139 mitigation credit is given only for that portion. The department
140 or water management district may deviate from the full cost
141 requirements of this subparagraph to resolve a proceeding
142 brought pursuant to chapter 70 or a claim for inverse
143 condemnation. ~~Nothing in~~ This section may not be construed to
144 require the owner of a private mitigation bank, permitted under
145 s. 373.4136, to include the full cost of a mitigation credit in
146 the price of the credit to a purchaser of such ~~said~~ credit.

147 2. The department and each water management district shall
148 report by March 1 of each year, as part of the consolidated
149 annual report required by s. 373.036(7), all cash donations
150 accepted under subparagraph 1. during the preceding water
151 management district fiscal year for wetland mitigation purposes.
152 The report must exclude those contributions pursuant to s.
153 373.4137. The report must include a description of the endorsed
154 mitigation projects and, except for projects governed by s.
155 373.4135(6), must address, as applicable, success criteria,



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156 project implementation status and timeframe, monitoring, long-
157 term management, provisions for preservation, and full cost
158 accounting.

159 3. If the applicant is unable to meet water quality
160 standards because existing ambient water quality does not meet
161 standards, the governing board or the department must consider
162 mitigation measures, such as compensating stormwater treatment,
163 proposed by or acceptable to the applicant that cause net
164 improvement of the water quality in the receiving body of water
165 for those parameters which do not meet standards. Mitigation
166 measures or enhancement credits intended to address water
167 quality impacts regulated under ss. 373.403-373.443 may be
168 generated by third parties and sold and transferred to
169 environmental resource permit applicants only as authorized
170 under s. 373.4134.

171 4. Beginning July 1, 2026, if a public landowner authorizes
172 or enters into an agreement with a private entity to construct,
173 modify, or operate stormwater management systems or other
174 features on public lands so that the private entity can provide
175 offsite compensatory treatment for third-party water quality
176 impacts or stormwater discharge, and if the department or a
177 water management district employing the criteria in paragraph
178 (a) determines by final agency action that the use of such
179 public lands for such compensatory stormwater treatment is
180 contrary to the public interest, the public landowner must
181 direct the private entity to cease operation of the offsite
182 compensatory treatment activities identified in the final order
183 of the department or water management district. The requirement
184 to cease such activities does not apply to other compensatory



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185 treatment activities governed by the agreement between the
186 public landowner and the private entity which are not covered by
187 the final order of the department or water management district.
188 The public landowner may allow the private entity to resume such
189 compensatory stormwater treatment activities on such public
190 lands upon a subsequent final agency action determination by the
191 department or final determination of a water management district
192 that the use of such public lands for such compensatory
193 treatment is no longer contrary to the public interest under the
194 criteria of paragraph (a).

195 5. If mitigation requirements imposed by a local government
196 for surface water and wetland impacts of an activity regulated
197 under this part cannot be reconciled with mitigation
198 requirements approved under a permit for the same activity
199 issued under this part, including application of the uniform
200 wetland mitigation assessment method adopted pursuant to
201 subsection (18), the mitigation requirements for surface water
202 and wetland impacts are controlled by the permit issued under
203 this part.

204 Section 4. Paragraph (d) of subsection (1) of section
205 373.036, Florida Statutes, is amended to read:

206 373.036 Florida water plan; district water management
207 plans.—

208 (1) FLORIDA WATER PLAN.—In cooperation with the water
209 management districts, regional water supply authorities, and
210 others, the department shall develop the Florida water plan. The
211 Florida water plan shall include, but not be limited to:

212 (d) Goals, objectives, and guidance for the development and
213 review of programs, rules, and plans relating to water



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214 resources, based on statutory policies and directives. The state
215 water policy rule, renamed the water resource implementation
216 rule pursuant to s. 373.019(27) ~~s. 373.019(25)~~, shall serve as
217 this part of the plan. Amendments or additions to this part of
218 the Florida water plan shall be adopted by the department as
219 part of the water resource implementation rule. In accordance
220 with s. 373.114, the department shall review rules of the water
221 management districts for consistency with this rule. Amendments
222 to the water resource implementation rule must be adopted by the
223 secretary of the department and be submitted to the President of
224 the Senate and the Speaker of the House of Representatives
225 within 7 days after publication in the Florida Administrative
226 Register. Amendments do ~~shall~~ not become effective until the
227 conclusion of the next regular session of the Legislature
228 following their adoption.

229 Section 5. Paragraph (a) of subsection (5) of section
230 373.250, Florida Statutes, is amended to read:

231 373.250 Reuse of reclaimed water.-

232 (5) (a) No later than October 1, 2012, the department shall
233 initiate rulemaking to adopt revisions to the water resource
234 implementation rule, as defined in s. 373.019(27) ~~s.~~
235 ~~373.019(25)~~, which shall include:

236 1. Criteria for the use of a proposed impact offset derived
237 from the use of reclaimed water when a water management district
238 evaluates an application for a consumptive use permit. As used
239 in this subparagraph, the term "impact offset" means the use of
240 reclaimed water to reduce or eliminate a harmful impact that has
241 occurred or would otherwise occur as a result of other surface
242 water or groundwater withdrawals.



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243 2. Criteria for the use of substitution credits where a
244 water management district has adopted rules establishing
245 withdrawal limits from a specified water resource within a
246 defined geographic area. As used in this subparagraph, the term
247 "substitution credit" means the use of reclaimed water to
248 replace all or a portion of an existing permitted use of
249 resource-limited surface water or groundwater, allowing a
250 different user or use to initiate a withdrawal or increase its
251 withdrawal from the same resource-limited surface water or
252 groundwater source provided that the withdrawal creates no net
253 adverse impact on the limited water resource or creates a net
254 positive impact if required by water management district rule as
255 part of a strategy to protect or recover a water resource.

256 Section 6. Subsection (1) of section 373.421, Florida
257 Statutes, is amended to read:

258 373.421 Delineation methods; formal determinations.—

259 (1) The Environmental Regulation Commission shall adopt a
260 unified statewide methodology for the delineation of the extent
261 of wetlands as defined in s. 373.019(29) ~~s. 373.019(27)~~. This
262 methodology shall consider regional differences in the types of
263 soils and vegetation that may serve as indicators of the extent
264 of wetlands. This methodology shall also include provisions for
265 determining the extent of surface waters other than wetlands for
266 the purposes of regulation under s. 373.414. This methodology
267 does ~~shall~~ not become effective until ratified by the
268 Legislature. Subsequent to legislative ratification, the wetland
269 definition in s. 373.019(29) ~~s. 373.019(27)~~ and the adopted
270 wetland methodology shall be binding on the department, the
271 water management districts, local governments, and any other



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272 governmental entities. Upon ratification of such wetland
273 methodology, the Legislature preempts the authority of any water
274 management district, state or regional agency, or local
275 government to define wetlands or develop a delineation
276 methodology to implement the definition and determines that the
277 exclusive definition and delineation methodology for wetlands
278 shall be that established pursuant to s. 373.019(29) ~~s.~~
279 ~~373.019(27)~~ and this section. Upon such legislative
280 ratification, any existing wetlands definition or wetland
281 delineation methodology shall be superseded by the wetland
282 definition and delineation methodology established pursuant to
283 this chapter. Subsequent to legislative ratification, a
284 delineation of the extent of a surface water or wetland by the
285 department or a water management district, pursuant to a formal
286 determination under subsection (2), or pursuant to a permit
287 issued under this part in which the delineation was field-
288 verified by the permitting agency and specifically approved in
289 the permit, shall be binding on all other governmental entities
290 for the duration of the formal determination or permit. All
291 existing rules and methodologies of the department, the water
292 management districts, and local governments, regarding surface
293 water or wetland definition and delineation shall remain in full
294 force and effect until the common methodology rule becomes
295 effective. However, this may ~~shall~~ not be construed to limit any
296 power of the department, the water management districts, and
297 local governments to amend or adopt a surface water or wetland
298 definition or delineation methodology until the common
299 methodology rule becomes effective.

300 Section 7. Paragraphs (r) and (u) of subsection (1) of



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301 section 403.813, Florida Statutes, are amended to read:

302 403.813 Permits issued at district centers; exceptions.—

303 (1) A permit is not required under this chapter, chapter
304 373, chapter 61-691, Laws of Florida, or chapter 25214 or
305 chapter 25270, 1949, Laws of Florida, and a local government may
306 not require a person claiming this exception to provide further
307 department verification, for activities associated with the
308 following types of projects; however, except as otherwise
309 provided in this subsection, this subsection does not relieve an
310 applicant from any requirement to obtain permission to use or
311 occupy lands owned by the Board of Trustees of the Internal
312 Improvement Trust Fund or a water management district in its
313 governmental or proprietary capacity or from complying with
314 applicable local pollution control programs authorized under
315 this chapter or other requirements of county and municipal
316 governments:

317 (r) The removal of aquatic plants, the removal of tussocks,
318 the associated replanting of indigenous aquatic plants, and the
319 associated removal from lakes of organic detrital material when
320 such planting or removal is performed and authorized by permit
321 or exemption granted under s. 369.20 or s. 369.25, provided
322 that:

323 1. Organic detrital material that exists on the surface of
324 natural mineral substrate shall be allowed to be removed to a
325 depth of 3 feet or to the natural mineral substrate, whichever
326 is less;

327 2. All material removed pursuant to this paragraph shall be
328 placed on a self-contained, upland spoil site which will prevent
329 the escape of the spoil material into waters in the state except



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330 when spoil material is permitted to be used to create wildlife
331 islands in freshwater bodies of the state when a governmental
332 entity is permitted pursuant to s. 369.20 to create such islands
333 as a part of a restoration or enhancement project;

334 3. All activities are performed in a manner consistent with
335 state water quality standards; and

336 4. Activities under this exemption are not conducted in
337 wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~,
338 which are supported by a natural soil as shown in applicable
339 United States Department of Agriculture county soil surveys,
340 except when a governmental entity is permitted pursuant to s.
341 369.20 to conduct such activities as a part of a restoration or
342 enhancement project.

343
344 The department may not adopt implementing rules for this
345 paragraph, notwithstanding any other provision of law.

346 (u) Notwithstanding any provision to the contrary in this
347 subsection, a permit or other authorization under chapter 253,
348 chapter 369, chapter 373, or this chapter is not required for an
349 individual residential property owner for the removal of organic
350 detrital material from freshwater rivers or lakes that have a
351 natural sand or rocky substrate and that are not aquatic
352 preserves or for the associated removal and replanting of
353 aquatic vegetation for the purpose of environmental enhancement,
354 providing that:

355 1. No activities under this exemption are conducted in
356 wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~,
357 which are supported by a natural soil as shown in applicable
358 United States Department of Agriculture county soil surveys.



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- 359 2. No filling or peat mining is allowed.
- 360 3. No removal of native wetland trees, including, but not
361 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.
- 362 4. When removing organic detrital material, no portion of
363 the underlying natural mineral substrate or rocky substrate is
364 removed.
- 365 5. Removed organic detrital material and plant material is
366 placed on an upland spoil site which will not cause water
367 quality violations.
- 368 6. All activities are conducted in such a manner, and with
369 appropriate turbidity controls, so as to prevent any water
370 quality violations outside the immediate work area.
- 371 7. Replanting with a variety of aquatic plants native to
372 the state shall occur in a minimum of 25 percent of the
373 preexisting vegetated areas where organic detrital material is
374 removed, except for areas where the material is removed to bare
375 rocky substrate; however, an area may be maintained clear of
376 vegetation as an access corridor. The access corridor width may
377 not exceed 50 percent of the property owner's frontage or 50
378 feet, whichever is less, and may be a sufficient length
379 waterward to create a corridor to allow access for a boat or
380 swimmer to reach open water. Replanting must be at a minimum
381 density of 2 feet on center and be completed within 90 days
382 after removal of existing aquatic vegetation, except that under
383 dewatered conditions replanting must be completed within 90 days
384 after reflooding. The area to be replanted must extend waterward
385 from the ordinary high water line to a point where normal water
386 depth would be 3 feet or the preexisting vegetation line,
387 whichever is less. Individuals are required to make a reasonable



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388 effort to maintain planting density for a period of 6 months
389 after replanting is complete, and the plants, including
390 naturally recruited native aquatic plants, must be allowed to
391 expand and fill in the revegetation area. Native aquatic plants
392 to be used for revegetation must be salvaged from the
393 enhancement project site or obtained from an aquatic plant
394 nursery regulated by the Department of Agriculture and Consumer
395 Services. Plants that are not native to the state may not be
396 used for replanting.

397 8. No activity occurs any farther than 100 feet waterward
398 of the ordinary high water line, and all activities must be
399 designed and conducted in a manner that will not unreasonably
400 restrict or infringe upon the riparian rights of adjacent upland
401 riparian owners.

402 9. The person seeking this exemption notifies the
403 applicable department district office in writing at least 30
404 days before commencing work and allows the department to conduct
405 a preconstruction site inspection. Notice must include an
406 organic-detrital-material removal and disposal plan and, if
407 applicable, a vegetation-removal and revegetation plan.

408 10. The department is provided written certification of
409 compliance with the terms and conditions of this paragraph
410 within 30 days after completion of any activity occurring under
411 this exemption.

412 Section 8. Subsection (6) of section 556.102, Florida
413 Statutes, is amended to read:

414 556.102 Definitions.—As used in this act:

415 (6) "Excavate" or "excavation" means any manmade cut,
416 cavity, trench, or depression in the earth's surface, formed by



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417 removal of earth, intended to change the grade or level of land,
418 or intended to penetrate or disturb the surface of the earth,
419 including land beneath the waters of the state, as defined in s.
420 373.019(24) ~~s. 373.019(22)~~, and the term includes pipe bursting
421 and directional drilling or boring from one point to another
422 point beneath the surface of the earth, or other trenchless
423 technologies.

424 Section 9. For the purpose of incorporating the amendment
425 made by this act to section 373.414, Florida Statutes, in a
426 reference thereto, paragraph (d) of subsection (6) of section
427 373.4136, Florida Statutes, is reenacted to read:

428 373.4136 Establishment and operation of mitigation banks.—

429 (6) MITIGATION SERVICE AREA.—The department or water
430 management district shall establish a mitigation service area
431 for each mitigation bank permit. The department or water
432 management district shall notify and consider comments received
433 on the proposed mitigation service area from each local
434 government within the proposed mitigation service area. Except
435 as provided in this section, mitigation credits may be withdrawn
436 and used only to offset adverse impacts in the mitigation
437 service area. The boundaries of the mitigation service area
438 shall depend upon the geographic area where the mitigation bank
439 could reasonably be expected to offset adverse impacts.
440 Mitigation service areas may overlap, and mitigation service
441 areas for two or more mitigation banks may be approved for a
442 regional watershed.

443 (d) If the provisions of s. 373.414(1)(b) and (8) are met
444 and an insufficient number or type of credits from banks whose
445 permitted service area overlays in whole or in part the regional



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446 watershed in which the impacts occur, the permit applicant is
447 entitled to a one-time use of credits released from a mitigation
448 bank outside the mitigation bank service area to offset impacts
449 pursuant to s. 373.414(1)(b), as established by the procedure in
450 paragraph (f). The department or water management district must
451 have determined that the mitigation service area lacked the
452 appropriate credit type. Priority must be given to mitigation
453 banks whose permitted service area fully includes the impacted
454 site. If the number of released credits within a mitigation
455 service area only partially offsets the impacts associated with
456 a proposed project in the mitigation service area, the permit
457 applicant may only use out-of-service-area credits to account
458 for the difference between the released credits available in the
459 mitigation bank service area and the credits required to offset
460 the impacts associated with the proposed project. In
461 implementing this subsection, the department and water
462 management districts shall apply a proximity factor to determine
463 adequate compensatory mitigation as follows:

464 1. A 1.0 multiplier shall be applied for use of in-kind
465 credits within the service area.

466 2. A 1.0 multiplier shall be applied for use of in-kind and
467 out-of-service-area credits when the service area overlays part
468 of the same regional watershed as the proposed impacts only
469 after credit deficiency has been established by the procedure
470 set forth in paragraph (f).

471 3. A 1.2 multiplier shall be applied for use of in-kind and
472 out-of-service-area credits located within a regional watershed
473 immediately adjacent to the regional watershed overlain by a
474 bank service area in which proposed impacts are located only



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475 after credit deficiency has been established by the procedure
476 set forth in paragraph (f).

477 4. When in-kind credits are not available to offset impacts
478 in the regional watershed immediately adjacent to the regional
479 watershed overlain by a mitigation bank service area in which
480 the proposed impacts are located, an additional 0.25 multiplier
481 shall be applied for each additional regional watershed boundary
482 crossed only after credit deficiency has been established by the
483 procedure set forth in paragraph (f).

484 5. An additional 0.50 multiplier shall be applied after any
485 multipliers required in subparagraphs 1.-4., if the mitigation
486 used to offset impacts entails out-of-kind replacement.

487 Section 10. This act shall take effect July 1, 2026.

488

489 ===== T I T L E A M E N D M E N T =====

490 And the title is amended as follows:

491 Delete everything before the enacting clause
492 and insert:

493 A bill to be entitled
494 An act relating to stormwater treatment; amending s.
495 373.019, F.S.; defining the terms "compensating
496 stormwater treatment" and "total land area"; amending
497 s. 373.4134, F.S.; revising legislative findings;
498 requiring compensating stormwater treatment to comply
499 with certain provisions unless certain circumstances
500 exist; authorizing entities to apply for a water
501 quality enhancement area provisional permit under
502 certain circumstances; requiring the Department of
503 Environmental Protection to issue such provisional



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504 permit if certain criteria are met; requiring the
505 department to allow the use of enhancement credits
506 from a water quality enhancement area established
507 under a provisional permit; requiring a water
508 management district issuing an environmental resources
509 permit to certain applicants to allow such applicants
510 to use enhancement credits under certain
511 circumstances; authorizing the department to modify a
512 water quality enhancement area provisional permit
513 after the adoption of certain rules; requiring the
514 department and water management districts to recognize
515 any enhancement credit used from a water quality
516 enhancement area established pursuant to a provisional
517 permit; amending s. 373.414, F.S.; clarifying the
518 types of mitigation measures for compensating
519 stormwater treatment which the department or a water
520 management district governing board must consider
521 under certain circumstances; authorizing mitigation
522 measures or enhancement credits intended to address
523 certain impacts to be generated by third parties and
524 sold and transferred to environmental resource permit
525 applicants pursuant to specified provisions;
526 requiring, beginning on a specified date, that public
527 landowners direct private entities to cease certain
528 activities upon a certain determination by the
529 department; providing applicability; authorizing a
530 public landowner to allow a private entity to resume
531 compensatory stormwater treatment activities on public
532 lands upon a certain final agency action determination



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533 by the department or final determination of a water
534 management district; amending ss. 373.036, 373.250,
535 373.421, 403.813, and 556.102, F.S.; conforming cross-
536 references; reenacting s. 373.4136(6)(d), F.S.,
537 relating to establishment and operation of mitigation
538 banks, to incorporate the amendment made to s.
539 373.414, F.S., in a reference thereto; providing an
540 effective date.

By Senator Truenow

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1 A bill to be entitled
2 An act relating to stormwater treatment; amending s.
3 373.019, F.S.; defining the terms "compensating
4 stormwater treatment" and "total land area"; amending
5 s. 373.4134, F.S.; revising legislative findings;
6 requiring compensating stormwater treatment to comply
7 with certain provisions unless certain circumstances
8 exist; amending s. 373.414, F.S.; explaining the types
9 of mitigation measures for compensating stormwater
10 treatment that the Department of Environmental
11 Protection or a water management district governing
12 board must consider under certain circumstances;
13 authorizing mitigation measures or enhancement credits
14 intended to address certain impacts to be generated by
15 certain entities and sold only to certain
16 environmental resource permit applicants; requiring
17 that certain uses of public lands require a private
18 entity to cease certain activities upon a certain
19 determination by the department; amending ss. 373.036,
20 373.250, 373.421, 403.813, and 556.102, F.S.;
21 conforming cross-references; reenacting s.
22 373.4136(6)(d), F.S., relating to establishment and
23 operation of mitigation banks, to incorporate the
24 amendment made to s. 373.414, F.S., in a reference
25 thereto; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Present subsections (4) through (21) and (22)

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30 through (28) of section 373.019, Florida Statutes, are
31 redesignated as subsections (5) through (22) and (24) through
32 (30) respectively, and new subsections (4) and (23) are added to
33 that section, to read:

34 373.019 Definitions.—When appearing in this chapter or in
35 any rule, regulation, or order adopted pursuant thereto, the
36 term:

37 (4) "Compensating stormwater treatment" means a method of
38 stormwater treatment for discharges from more than two parcels,
39 implemented in accordance with the conditions established in s.
40 373.4134.

41 (23) "Total land area" means land holdings under common
42 ownership which are contiguous, or land holdings served by
43 common surface water management facilities.

44 Section 2. Present paragraphs (d) through (g) of subsection
45 (3) of section 373.4134, Florida Statutes, are redesignated as
46 paragraphs (e) through (h), respectively, a new paragraph (d) is
47 added to that subsection, and paragraph (e) of subsection (1) of
48 that section is amended, to read:

49 373.4134 Water quality enhancement areas.—

50 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
51 that:

52 (e) Water quality enhancement areas that provide water
53 quality enhancement credits to applicants seeking permits under
54 ss. 373.403-373.443 and to governmental entities seeking to meet
55 an assigned basin management action plan allocation or
56 reasonable assurance plan under s. 403.067 are considered an
57 appropriate and permissible option. The use of an enhancement
58 credit as specified herein transfers the legal responsibility

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59 for complying with the applicable regulatory water quality
60 treatment requirement from the purchaser and user of such
61 enhancement credit to the generator of such enhancement credit.
62 The transfer of legal responsibility for complying with
63 applicable regulatory water quality treatment requirements does
64 not occur outside of the use of enhancement credits.

65 (3) WATER QUALITY ENHANCEMENT AREAS.—

66 (d) Compensating stormwater treatment must comply with this
67 section unless:

68 1. The treatment and discharging parcels are owned,
69 operated, and maintained by the same entity; or

70 2. The area providing compensating stormwater treatment
71 receives stormwater discharge directly from parcels within the
72 total land area and treats the discharge before such discharge
73 flows off the parcel on which the compensating stormwater
74 treatment occurs.

75 Section 3. Paragraph (b) of subsection (1) of section
76 373.414, Florida Statutes, is amended to read:

77 373.414 Additional criteria for activities in surface
78 waters and wetlands.—

79 (1) As part of an applicant's demonstration that an
80 activity regulated under this part will not be harmful to the
81 water resources or will not be inconsistent with the overall
82 objectives of the district, the governing board or the
83 department shall require the applicant to provide reasonable
84 assurance that state water quality standards applicable to
85 waters as defined in s. 403.031 will not be violated and
86 reasonable assurance that such activity in, on, or over surface
87 waters or wetlands, as delineated in s. 373.421(1), is not

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88 contrary to the public interest. However, if such an activity
89 significantly degrades or is within an Outstanding Florida
90 Water, as provided by department rule, the applicant must
91 provide reasonable assurance that the proposed activity will be
92 clearly in the public interest.

93 (b) If the applicant is unable to otherwise meet the
94 criteria set forth in this subsection, the governing board or
95 the department, in deciding to grant or deny a permit, must
96 consider measures proposed by or acceptable to the applicant to
97 mitigate adverse effects that may be caused by the regulated
98 activity. Such measures may include, but are not limited to,
99 onsite mitigation, offsite mitigation, offsite regional
100 mitigation, and the purchase of mitigation credits from
101 mitigation banks permitted under s. 373.4136. It is the
102 responsibility of the applicant to choose the form of
103 mitigation. The mitigation must offset the adverse effects
104 caused by the regulated activity.

105 1. The department or water management districts may accept
106 the donation of money as mitigation only where the donation is
107 specified for use in a duly noticed environmental creation,
108 preservation, enhancement, or restoration project, endorsed by
109 the department or the governing board of the water management
110 district, which offsets the impacts of the activity permitted
111 under this part. However, this subsection does not apply to
112 projects undertaken pursuant to s. 373.4137 or chapter 378.
113 Where a permit is required under this part to implement any
114 project endorsed by the department or a water management
115 district, all necessary permits must be ~~have been~~ issued before
116 ~~prior to~~ the acceptance of any cash donation. After the

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117 effective date of this act, when money is donated to either the
118 department or a water management district to offset impacts
119 authorized by a permit under this part, the department or the
120 water management district shall accept only a donation that
121 represents the full cost to the department or water management
122 district of undertaking the project that is intended to mitigate
123 the adverse impacts. The full cost shall include all direct and
124 indirect costs, as applicable, such as those for land
125 acquisition, land restoration or enhancement, perpetual land
126 management, and general overhead consisting of costs such as
127 staff time, building, and vehicles. The department or the water
128 management district may use a multiplier or percentage to add to
129 other direct or indirect costs to estimate general overhead.
130 Mitigation credit for such a donation may be given only to the
131 extent that the donation covers the full cost to the agency of
132 undertaking the project intended to mitigate the adverse
133 impacts. However, nothing herein may be construed to prevent the
134 department or a water management district from accepting a
135 donation representing a portion of a larger project, provided
136 that the donation covers the full cost of that portion and
137 mitigation credit is given only for that portion. The department
138 or water management district may deviate from the full cost
139 requirements of this subparagraph to resolve a proceeding
140 brought pursuant to chapter 70 or a claim for inverse
141 condemnation. ~~Nothing in~~ This section may not be construed to
142 require the owner of a private mitigation bank, permitted under
143 s. 373.4136, to include the full cost of a mitigation credit in
144 the price of the credit to a purchaser of such ~~said~~ credit.

145 2. The department and each water management district shall

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146 report by March 1 of each year, as part of the consolidated
147 annual report required by s. 373.036(7), all cash donations
148 accepted under subparagraph 1. during the preceding water
149 management district fiscal year for wetland mitigation purposes.
150 The report must exclude those contributions pursuant to s.
151 373.4137. The report must include a description of the endorsed
152 mitigation projects and, except for projects governed by s.
153 373.4135(6), must address, as applicable, success criteria,
154 project implementation status and timeframe, monitoring, long-
155 term management, provisions for preservation, and full cost
156 accounting.

157 3. If the applicant is unable to meet water quality
158 standards because existing ambient water quality does not meet
159 standards, the governing board or the department must consider
160 mitigation measures, such as compensating stormwater treatment,
161 proposed by or acceptable to the applicant that cause net
162 improvement of the water quality in the receiving body of water
163 for those parameters which do not meet standards. Mitigation
164 measures or enhancement credits, intended to address water
165 quality impacts regulated under ss. 373.403-373.443, may be
166 generated by third parties and sold and transferred to
167 environmental resource permit applicants only as authorized
168 under s. 373.4134.

169 4. Where a public landowner has authorized or entered into
170 a legally binding agreement with a private entity to construct,
171 modify, or operate stormwater management systems or other
172 features on such public lands so that the private entity may
173 provide offsite compensatory treatment for third-party water
174 quality impacts or stormwater discharge, such public landowner

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175 must require the private entity to cease all such activities
176 upon a written determination by the department or a water
177 management district employing the criteria in paragraph (1)(a)
178 that the use of such public lands is contrary to the public
179 interest.

180 5. If mitigation requirements imposed by a local government
181 for surface water and wetland impacts of an activity regulated
182 under this part cannot be reconciled with mitigation
183 requirements approved under a permit for the same activity
184 issued under this part, including application of the uniform
185 wetland mitigation assessment method adopted pursuant to
186 subsection (18), the mitigation requirements for surface water
187 and wetland impacts are controlled by the permit issued under
188 this part.

189 Section 4. Paragraph (d) of subsection (1) of section
190 373.036, Florida Statutes, is amended to read:

191 373.036 Florida water plan; district water management
192 plans.—

193 (1) FLORIDA WATER PLAN.—In cooperation with the water
194 management districts, regional water supply authorities, and
195 others, the department shall develop the Florida water plan. The
196 Florida water plan shall include, but not be limited to:

197 (d) Goals, objectives, and guidance for the development and
198 review of programs, rules, and plans relating to water
199 resources, based on statutory policies and directives. The state
200 water policy rule, renamed the water resource implementation
201 rule pursuant to s. 373.019(27) ~~s. 373.019(25)~~, shall serve as
202 this part of the plan. Amendments or additions to this part of
203 the Florida water plan shall be adopted by the department as

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204 part of the water resource implementation rule. In accordance
205 with s. 373.114, the department shall review rules of the water
206 management districts for consistency with this rule. Amendments
207 to the water resource implementation rule must be adopted by the
208 secretary of the department and be submitted to the President of
209 the Senate and the Speaker of the House of Representatives
210 within 7 days after publication in the Florida Administrative
211 Register. Amendments do ~~shall~~ not become effective until the
212 conclusion of the next regular session of the Legislature
213 following their adoption.

214 Section 5. Paragraph (a) of subsection (5) of section
215 373.250, Florida Statutes, is amended to read:

216 373.250 Reuse of reclaimed water.—

217 (5)(a) No later than October 1, 2012, the department shall
218 initiate rulemaking to adopt revisions to the water resource
219 implementation rule, as defined in s. 373.019(27) ~~s.~~
220 ~~373.019(25)~~, which shall include:

221 1. Criteria for the use of a proposed impact offset derived
222 from the use of reclaimed water when a water management district
223 evaluates an application for a consumptive use permit. As used
224 in this subparagraph, the term "impact offset" means the use of
225 reclaimed water to reduce or eliminate a harmful impact that has
226 occurred or would otherwise occur as a result of other surface
227 water or groundwater withdrawals.

228 2. Criteria for the use of substitution credits where a
229 water management district has adopted rules establishing
230 withdrawal limits from a specified water resource within a
231 defined geographic area. As used in this subparagraph, the term
232 "substitution credit" means the use of reclaimed water to

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233 replace all or a portion of an existing permitted use of
234 resource-limited surface water or groundwater, allowing a
235 different user or use to initiate a withdrawal or increase its
236 withdrawal from the same resource-limited surface water or
237 groundwater source provided that the withdrawal creates no net
238 adverse impact on the limited water resource or creates a net
239 positive impact if required by water management district rule as
240 part of a strategy to protect or recover a water resource.

241 Section 6. Subsection (1) of section 373.421, Florida
242 Statutes, is amended to read:

243 373.421 Delineation methods; formal determinations.—

244 (1) The Environmental Regulation Commission shall adopt a
245 unified statewide methodology for the delineation of the extent
246 of wetlands as defined in s. 373.019(29) ~~s. 373.019(27)~~. This
247 methodology shall consider regional differences in the types of
248 soils and vegetation that may serve as indicators of the extent
249 of wetlands. This methodology shall also include provisions for
250 determining the extent of surface waters other than wetlands for
251 the purposes of regulation under s. 373.414. This methodology
252 does ~~shall~~ not become effective until ratified by the
253 Legislature. Subsequent to legislative ratification, the wetland
254 definition in s. 373.019(29) ~~s. 373.019(27)~~ and the adopted
255 wetland methodology shall be binding on the department, the
256 water management districts, local governments, and any other
257 governmental entities. Upon ratification of such wetland
258 methodology, the Legislature preempts the authority of any water
259 management district, state or regional agency, or local
260 government to define wetlands or develop a delineation
261 methodology to implement the definition and determines that the

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262 exclusive definition and delineation methodology for wetlands
263 shall be that established pursuant to s. 373.019(29) ~~s.~~
264 ~~373.019(27)~~ and this section. Upon such legislative
265 ratification, any existing wetlands definition or wetland
266 delineation methodology shall be superseded by the wetland
267 definition and delineation methodology established pursuant to
268 this chapter. Subsequent to legislative ratification, a
269 delineation of the extent of a surface water or wetland by the
270 department or a water management district, pursuant to a formal
271 determination under subsection (2), or pursuant to a permit
272 issued under this part in which the delineation was field-
273 verified by the permitting agency and specifically approved in
274 the permit, shall be binding on all other governmental entities
275 for the duration of the formal determination or permit. All
276 existing rules and methodologies of the department, the water
277 management districts, and local governments, regarding surface
278 water or wetland definition and delineation shall remain in full
279 force and effect until the common methodology rule becomes
280 effective. However, this may ~~shall~~ not be construed to limit any
281 power of the department, the water management districts, and
282 local governments to amend or adopt a surface water or wetland
283 definition or delineation methodology until the common
284 methodology rule becomes effective.

285 Section 7. Paragraphs (r) and (u) of subsection (1) of
286 section 403.813, Florida Statutes, are amended to read:

287 403.813 Permits issued at district centers; exceptions.—

288 (1) A permit is not required under this chapter, chapter
289 373, chapter 61-691, Laws of Florida, or chapter 25214 or
290 chapter 25270, 1949, Laws of Florida, and a local government may

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291 not require a person claiming this exception to provide further
292 department verification, for activities associated with the
293 following types of projects; however, except as otherwise
294 provided in this subsection, this subsection does not relieve an
295 applicant from any requirement to obtain permission to use or
296 occupy lands owned by the Board of Trustees of the Internal
297 Improvement Trust Fund or a water management district in its
298 governmental or proprietary capacity or from complying with
299 applicable local pollution control programs authorized under
300 this chapter or other requirements of county and municipal
301 governments:

302 (r) The removal of aquatic plants, the removal of tussocks,
303 the associated replanting of indigenous aquatic plants, and the
304 associated removal from lakes of organic detrital material when
305 such planting or removal is performed and authorized by permit
306 or exemption granted under s. 369.20 or s. 369.25, provided
307 that:

308 1. Organic detrital material that exists on the surface of
309 natural mineral substrate shall be allowed to be removed to a
310 depth of 3 feet or to the natural mineral substrate, whichever
311 is less;

312 2. All material removed pursuant to this paragraph shall be
313 placed on a self-contained, upland spoil site which will prevent
314 the escape of the spoil material into waters in the state except
315 when spoil material is permitted to be used to create wildlife
316 islands in freshwater bodies of the state when a governmental
317 entity is permitted pursuant to s. 369.20 to create such islands
318 as a part of a restoration or enhancement project;

319 3. All activities are performed in a manner consistent with

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320 state water quality standards; and

321 4. Activities under this exemption are not conducted in
322 wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~,
323 which are supported by a natural soil as shown in applicable
324 United States Department of Agriculture county soil surveys,
325 except when a governmental entity is permitted pursuant to s.
326 369.20 to conduct such activities as a part of a restoration or
327 enhancement project.

328

329 The department may not adopt implementing rules for this
330 paragraph, notwithstanding any other provision of law.

331 (u) Notwithstanding any provision to the contrary in this
332 subsection, a permit or other authorization under chapter 253,
333 chapter 369, chapter 373, or this chapter is not required for an
334 individual residential property owner for the removal of organic
335 detrital material from freshwater rivers or lakes that have a
336 natural sand or rocky substrate and that are not aquatic
337 preserves or for the associated removal and replanting of
338 aquatic vegetation for the purpose of environmental enhancement,
339 providing that:

340 1. No activities under this exemption are conducted in
341 wetland areas, as defined in s. 373.019(29) ~~s. 373.019(27)~~,
342 which are supported by a natural soil as shown in applicable
343 United States Department of Agriculture county soil surveys.

344 2. No filling or peat mining is allowed.

345 3. No removal of native wetland trees, including, but not
346 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

347 4. When removing organic detrital material, no portion of
348 the underlying natural mineral substrate or rocky substrate is

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349 removed.

350 5. Removed organic detrital material and plant material is
351 placed on an upland spoil site which will not cause water
352 quality violations.

353 6. All activities are conducted in such a manner, and with
354 appropriate turbidity controls, so as to prevent any water
355 quality violations outside the immediate work area.

356 7. Replanting with a variety of aquatic plants native to
357 the state shall occur in a minimum of 25 percent of the
358 preexisting vegetated areas where organic detrital material is
359 removed, except for areas where the material is removed to bare
360 rocky substrate; however, an area may be maintained clear of
361 vegetation as an access corridor. The access corridor width may
362 not exceed 50 percent of the property owner's frontage or 50
363 feet, whichever is less, and may be a sufficient length
364 waterward to create a corridor to allow access for a boat or
365 swimmer to reach open water. Replanting must be at a minimum
366 density of 2 feet on center and be completed within 90 days
367 after removal of existing aquatic vegetation, except that under
368 dewatered conditions replanting must be completed within 90 days
369 after reflooding. The area to be replanted must extend waterward
370 from the ordinary high water line to a point where normal water
371 depth would be 3 feet or the preexisting vegetation line,
372 whichever is less. Individuals are required to make a reasonable
373 effort to maintain planting density for a period of 6 months
374 after replanting is complete, and the plants, including
375 naturally recruited native aquatic plants, must be allowed to
376 expand and fill in the revegetation area. Native aquatic plants
377 to be used for revegetation must be salvaged from the

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378 enhancement project site or obtained from an aquatic plant
379 nursery regulated by the Department of Agriculture and Consumer
380 Services. Plants that are not native to the state may not be
381 used for replanting.

382 8. No activity occurs any farther than 100 feet waterward
383 of the ordinary high water line, and all activities must be
384 designed and conducted in a manner that will not unreasonably
385 restrict or infringe upon the riparian rights of adjacent upland
386 riparian owners.

387 9. The person seeking this exemption notifies the
388 applicable department district office in writing at least 30
389 days before commencing work and allows the department to conduct
390 a preconstruction site inspection. Notice must include an
391 organic-detrital-material removal and disposal plan and, if
392 applicable, a vegetation-removal and revegetation plan.

393 10. The department is provided written certification of
394 compliance with the terms and conditions of this paragraph
395 within 30 days after completion of any activity occurring under
396 this exemption.

397 Section 8. Subsection (6) of section 556.102, Florida
398 Statutes, is amended to read:

399 556.102 Definitions.—As used in this act:

400 (6) "Excavate" or "excavation" means any manmade cut,
401 cavity, trench, or depression in the earth's surface, formed by
402 removal of earth, intended to change the grade or level of land,
403 or intended to penetrate or disturb the surface of the earth,
404 including land beneath the waters of the state, as defined in s.
405 373.019(24) ~~s. 373.019(22)~~, and the term includes pipe bursting
406 and directional drilling or boring from one point to another

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407 point beneath the surface of the earth, or other trenchless
408 technologies.

409 Section 9. For the purpose of incorporating the amendment
410 made by this act to section 373.414, Florida Statutes, in a
411 reference thereto, paragraph (d) of subsection (6) of section
412 373.4136, Florida Statutes, is reenacted to read:

413 373.4136 Establishment and operation of mitigation banks.—

414 (6) MITIGATION SERVICE AREA.—The department or water
415 management district shall establish a mitigation service area
416 for each mitigation bank permit. The department or water
417 management district shall notify and consider comments received
418 on the proposed mitigation service area from each local
419 government within the proposed mitigation service area. Except
420 as provided in this section, mitigation credits may be withdrawn
421 and used only to offset adverse impacts in the mitigation
422 service area. The boundaries of the mitigation service area
423 shall depend upon the geographic area where the mitigation bank
424 could reasonably be expected to offset adverse impacts.
425 Mitigation service areas may overlap, and mitigation service
426 areas for two or more mitigation banks may be approved for a
427 regional watershed.

428 (d) If the provisions of s. 373.414(1)(b) and (8) are met
429 and an insufficient number or type of credits from banks whose
430 permitted service area overlays in whole or in part the regional
431 watershed in which the impacts occur, the permit applicant is
432 entitled to a one-time use of credits released from a mitigation
433 bank outside the mitigation bank service area to offset impacts
434 pursuant to s. 373.414(1)(b), as established by the procedure in
435 paragraph (f). The department or water management district must

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436 have determined that the mitigation service area lacked the
437 appropriate credit type. Priority must be given to mitigation
438 banks whose permitted service area fully includes the impacted
439 site. If the number of released credits within a mitigation
440 service area only partially offsets the impacts associated with
441 a proposed project in the mitigation service area, the permit
442 applicant may only use out-of-service-area credits to account
443 for the difference between the released credits available in the
444 mitigation bank service area and the credits required to offset
445 the impacts associated with the proposed project. In
446 implementing this subsection, the department and water
447 management districts shall apply a proximity factor to determine
448 adequate compensatory mitigation as follows:

449 1. A 1.0 multiplier shall be applied for use of in-kind
450 credits within the service area.

451 2. A 1.0 multiplier shall be applied for use of in-kind and
452 out-of-service-area credits when the service area overlays part
453 of the same regional watershed as the proposed impacts only
454 after credit deficiency has been established by the procedure
455 set forth in paragraph (f).

456 3. A 1.2 multiplier shall be applied for use of in-kind and
457 out-of-service-area credits located within a regional watershed
458 immediately adjacent to the regional watershed overlain by a
459 bank service area in which proposed impacts are located only
460 after credit deficiency has been established by the procedure
461 set forth in paragraph (f).

462 4. When in-kind credits are not available to offset impacts
463 in the regional watershed immediately adjacent to the regional
464 watershed overlain by a mitigation bank service area in which

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465 the proposed impacts are located, an additional 0.25 multiplier
466 shall be applied for each additional regional watershed boundary
467 crossed only after credit deficiency has been established by the
468 procedure set forth in paragraph (f).

469 5. An additional 0.50 multiplier shall be applied after any
470 multipliers required in subparagraphs 1.-4., if the mitigation
471 used to offset impacts entails out-of-kind replacement.

472 Section 10. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

13 Jan 2025 Meeting Date

SB848 Bill Number or Topic

Env. + Natural Resources Committee

563518 Amendment Barcode (if applicable)

Name Ansley Tilley

Phone 305 342 3330

Address 2875 S Ocean Blvd Ste 200-64 Street

Email atilley@ecostasis.net

Palm Beach FL 33480 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

January 13, 2025

Meeting Date

SB 848

Bill Number or Topic

Environment and Natural Resources

Deliver both copies of this form to Senate professional staff conducting the meeting

563518

Amendment Barcode (if applicable)

Holly Heidemanns

Name

Phone

817-996-2425

312 SE 17th Street, suite 200

Address

Email

hheidemanns@res.us

Street

Lauderdale, FL

City

33314

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1/13/2026

Meeting Date

848

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Rusty Payton

Phone 850-567-1073

Address 1319 Thomas Wood Drive

Email rpayton@fhba.com

Street

Tallahassee FL 32317

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Home Builders Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 5, 2026

The Honorable Senator Ana Rodriguez
410 Senate Office Building
Tallahassee, FL 32399

Dear Chair, Rodriguez,

I would like to request SB 848 Stormwater Treatment/Mitigation Reform be placed on the next available Environment and Natural Resources Committee agenda.

This bill defines "compensating stormwater treatment" and related regulatory terms, it requires mitigation efforts to meet specific environmental permitting requirements; allows mitigation credit producers to sell credits to eligible applicants and updates environmental compliance rules affecting development and land use.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Ellen Rogers, Staff Director
Kim Bonn, Administrative Assistant

REPLY TO:

- Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- 16207 State Road 50, Suite 401, Clermont, Florida 34711
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Environment and Natural Resources

BILL: CS/SB 546

INTRODUCER: Environment and Natural Resources Committee and Senators Mayfield and Harrell

SUBJECT: Conservation Lands

DATE: January 13, 2025 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	Fav/CS
2.			AEG	
3.			RC	

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 546 requires the Division of State Lands and water management districts to provide 30 days’ notice before any meeting to review the proposed sale or exchange of conservation lands. The bill requires the notice to contain certain information, such as the parcels proposed for sale or exchange, the portions of lands which will be preserved in a permanent conservation easement, a statement explaining why the lands are no longer needed for conservation purposes or how the exchange will result in a conservation benefit to the state, and any applicable recommendations. The bill also provides that, for exchanges involving state-owned lands, each parcel proposed for exchange must have at least one appraisal that follows board-approved appraisal criteria, techniques, and methods.

II. Present Situation:

Florida’s Conservation Lands

Florida has a long tradition of conserving land and water areas to protect natural and cultural resources and to support outdoor, resource-based recreation.¹ Florida’s land acquisition and conservation efforts shifted from ad hoc purchases before the 1960s to a series of structured, bond- and tax-funded programs beginning with the creation of the Land Acquisition Trust Fund

¹ Office of Economic and Demographic Research (EDR), *Annual Assessment of Florida’s Conservation Lands: 2025 Edition, Chapter 1*, 6 (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>.

in 1963.² Over the ensuing decades, programs such as Environmentally Endangered Lands, Conservation and Recreation Lands (CARL), Save Our Coast, Save Our Rivers, and Preservation 2000 were created to further the state's commitment to conserve sensitive land and natural resources.³ Florida's current blueprint for public land acquisition is the Florida Forever program, which was created in 1999 as the successor to the Preservation 2000 program.⁴ The Florida Forever program has protected over one million acres since its inception.⁵

In Florida, conservation lands can be owned by public or private entities and can be obtained in fee or less-than-fee simple ownership.⁶ Of the total 10.93 million acres of conservation lands in Florida, 96.9 percent are publicly owned.⁷ Among the publicly owned lands, approximately 55.4 percent is owned by the state, 39.7 percent is owned by the federal government, and 5 percent is owned by local governments.⁸ In total, over 31 percent of all land in the state is currently designated for conservation purposes.⁹

The Board of Trustees of the Internal Improvement Trust Fund—composed of the Governor, Chief Financial Officer, Attorney General, and Commissioner of Agriculture—is charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of state lands.¹⁰ The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations to the board of trustees on the acquisition, management, and disposal of state-owned lands.¹¹ The Division of State Lands within the Department of Environmental Protection (DEP) provides primary staff support for the board of trustees and ARC.¹²

Surplusing State-owned Conservation Lands

The Florida Constitution and state statutes establish the process for surplusing conservation lands. For state-owned conservation lands, the process begins with a review by ARC.¹³ ARC

² *See id.*

³ *See id.* at 6-7.

⁴ *Id.* at 7; Ch. 99-247, Laws of Fla. (codified as amended at section 259.105, F.S.).

⁵ Department of Environmental Protection (DEP), *2025 Florida Forever Plan*, 3 (2025), available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf.

⁶ EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1* at 4.

⁷ *Id.* at 13. This figure is as of July 2024. *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Section 253.03(1), F.S.; FLA. CONST. art. IV, s. 4(f). *See also* section 253.03, F.S.

¹¹ Sections 259.035(1) and (3), F.S. Four of ARC's 10 members are appointed by the Governor: three from scientific disciplines related to land, water, or environmental sciences and one with least five years of experience in managing lands for both active and passive types of recreation. Four of the members must include the Secretary of Environmental Protection, the director of the Florida Forest Service, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State, or their respective designees. One member is appointed by the Commissioner of Agriculture from a discipline related to agriculture, including silviculture, and one member is appointed by the Fish and Wildlife Conservation Commission from a discipline related to wildlife management or wildlife ecology. Section 259.035(1)(a)-(c), F.S.

¹² DEP, *2025 Florida Forever Plan* at 2.

¹³ Section 253.0341(1), F.S. *See generally* DEP, *FAQ: Disposition of State Lands and Facilities Annual Report*, <https://floridadep.gov/lands/bureau-public-land-administration/content/faq-disposition-state-lands-and-facilities-annual> (last visited Dec. 10, 2025).

reviews requests to surplus lands by private and public entities.¹⁴ In its review, ARC must determine whether the request for surplusing is compatible with the resource values of and management objectives for the subject lands and makes a recommendation to the board of trustees.¹⁵

In addition to surplus requests, ARC also reviews conservation lands that are not actively managed by a state agency, lands that do not have a land management plan, and lands not being used for the purpose for which they were originally leased to a land manager.¹⁶ ARC then recommends to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees.¹⁷

Upon receiving ARC's recommendation, and pursuant to the State Constitution, the board of trustees may dispose of conservation lands if it determines the lands are no longer needed for conservation purposes and upon an affirmative vote of at least three members.¹⁸ The Division of State Lands sets the sale price for surplus lands based on an appraisal of the property.¹⁹ If the estimated value of the land is \$500,000 or less, a comparable sales analysis or broker's opinion of value may be used. The value must be based on the highest and best use of the property, considering all applicable development rights, to ensure the maximum benefit and use to the state.²⁰

Land Exchanges

In addition to selling lands, the board of trustees is also authorized to exchange state lands for other lands in the state, including lands owned by counties, local governments, individuals, or private or public corporations.²¹

A person who owns land contiguous to state-owned land may submit a request to the Division of State Lands to exchange some or all of their private land for some or all of the state land, provided the state keeps a permanent conservation easement on portions of both the state and

¹⁴ Section 253.0341(11), F.S. Local government requests to surplus land, whether for purchase, exchange, or any other means of transfer, must be expedited throughout the surplusing process. Section 253.0341(1), F.S.

¹⁵ Section 253.0341(6), F.S.

¹⁶ Sections 253.0341(4) and (5), F.S. At least every 10 years, as a component of each land management plan or land use plan, each manager must evaluate and indicate to the board of trustees those lands that are not being used for the purpose for which they were originally leased. Section 253.0341(4), F.S.

¹⁷ Section 253.0341(4), F.S.

¹⁸ FLA. CONST. art. X, sec. 18.; section 253.0341(1), F.S. Lands acquired by the state before July 1, 1999, using proceeds from Preservation 2000 bonds, the former CARL Trust Fund, the former Water Management Lands Trust Fund, Environmentally Endangered Lands Program, and the Save Our Coast Program and titled to the board of trustees which are identified as core parcels or within original project boundaries are deemed to have been acquired for conservation purposes. For any lands purchased by the state on or after July 1, 1999, the board of trustees must determine which parcels must be designated as having been acquired for conservation purposes before acquisition. Sections 253.0341(2) and (3), F.S. If the land was acquired under the Preservation 2000 program, the board of trustees (or water management districts, if applicable) must determine that the land no longer needs to be preserved in furtherance of the intent of the Florida Preservation 2000 Act. Section 259.101(5)(b), F.S.

¹⁹ Section 253.0341(8), F.S. The division may require a second appraisal. *Id.*

²⁰ *Id.* "Highest and best use" means the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value. *Id.*

²¹ Section 253.42 (1), F.S. For conservation lands acquired by the state through gift, donation, or any other conveyance for which no consideration was paid, the state may request land of equal conservation value from the county or local government but no other consideration. *Id.*

private lands being exchanged.²² The exchanged state-owned land must be contiguous to the privately owned land upon which the state retains a permanent conservation easement.²³

After receiving a request and the Division of State Lands's recommendations, the board of trustees may approve the request if:

- At least 30 percent of the perimeter of the privately owned land is bordered by state-owned land and the exchange does not create an inholding;
- The approval does not result in a violation of the terms of a preexisting lease or agreement by the board of trustees, DEP, the Department of Agriculture and Consumer Services, or the Fish and Wildlife Conservation Commission;
- For state-owned conservation lands, the board of trustees makes a determination that the exchange of land will result in a net positive conservation benefit;
- The approval does not conflict with any existing flowage easement; and
- The request is approved by three or more members of the board of trustees.²⁴

An appraisal is required for each parcel conveyed to the board of trustees through a land exchange.²⁵ Two appraisals are required when the estimated value of the parcel exceeds \$5 million.²⁶ If both appraisals exceed \$5 million and differ significantly, a third appraisal may be obtained.²⁷ If a parcel is estimated to be worth \$100,000 or less and the director of the Division of State Lands finds that the cost of an outside appraisal is not justified, a comparable sales analysis, an appraisal prepared by the division, or other reasonably prudent procedures may be used by the division to estimate the value of the parcel, provided the public's interest is reasonably protected.²⁸ All appraisals must be prepared by a state-certified appraiser.²⁹ Appraisal fees and associated costs are paid by the agency proposing the acquisition.³⁰

Notice

State agencies must give notice of public meetings, hearings, and workshops by publication in the Florida Administrative Register and on the agency's website at least seven days before the event.³¹ The notice must include a statement of the general subject matter to be considered.³² The agenda and meeting materials must also be published on the agency's website.³³ Changes to the

²² Section 253.42(4)(a), F.S.

²³ *Id.* Land subject to a permanent conservation easement is subject to inspection by DEP to ensure compliance with the terms of such easement. Section 253.42(4)(d), F.S.

²⁴ Section 253.42(4)(b), F.S.

²⁵ Section 253.025(8)(b), F.S. and Fla. Admin. Code R. 18-1.010. However, the state is not required to appraise the value of lands that are being donated. Section 253.025(8)(b), F.S.

²⁶ Section 253.025(8)(b), F.S.

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 253.025(8)(c), F.S. *See also* Fla. Admin. Code R. 18-1.007.

³⁰ Section 253.025(8)(c), F.S.

³¹ Section 120.525(1), F.S. "Agencies" subject to public hearing requirements include, among others, state officers, the Governor, and governmental entities including, but not limited to, state departments; multicounty special districts (unless a majority of its governing board is comprised of nonelected persons); entities described in chapters 163, 373, 380, and 582; and officers and governmental entities in the state having statewide jurisdiction or jurisdiction in more than one county. Section 120.52(1), F.S.

³² Section 120.525(1), F.S.

³³ Section 120.525(2), F.S.

agenda can only be made for good cause, and notice of the change must be provided at the earliest practicable time.³⁴

After receiving an application requesting the board of trustees to sell, exchange, lease, or grant an easement on state-owned land, the board must provide notice of the application and certain information related to the proposal.³⁵ The notice must include:

- Name and address of the applicant;
- A brief description of the proposed activity and any mitigation;
- The location of the proposed activity, including whether it is located within an Outstanding Florida Water³⁶ or aquatic preserve;
- A map identifying the location of the proposed activity subject to the application;
- A diagram of the limits of the proposed activity; and
- A name or number identifying the application and the office where the application can be inspected.³⁷

Any public lands vested in the board of trustees may not be sold, conveyed, or disposed of by the board of trustees until such notice has been given.³⁸ However, state law does not specify when the notice must be issued. Failure to provide notice does not invalidate the sale, exchange, lease, or easement.³⁹ The board may also publish or require an applicant to publish a notice of receipt of the application and intended agency action in a newspaper of general circulation.⁴⁰

Surplusing Water Management District (WMD) Conservation Lands

Like the board of trustees, a WMD's governing board is authorized to sell land it determines to be surplus.⁴¹ For conservation lands, the governing board must make a determination that the lands are no longer needed for conservation purposes and may dispose of them by a two-thirds vote.⁴² For lands acquired with Florida Forever funds, WMDs must first offer title to the board of trustees, with certain exceptions.⁴³ Otherwise, surplus lands must be sold at the highest price

³⁴ *Id.*

³⁵ Section 253.115(1), F.S.

³⁶ An Outstanding Florida Water is a water designated worthy of special protection because of its natural attributes. DEP, *Outstanding Florida Waters*, <https://floridadep.gov/dear/water-quality-standards/content/outstanding-florida-waters> (last visited Dec. 10, 2025); see Fla. Admin. Code R. 62-302.700(2) and (9).

³⁷ Section 253.115(1), F.S.

³⁸ Section 270.07, F.S. Notice requirements do not apply to homestead, railroad, or canal grants, or the conveyance of certain riparian lands. *Id.*

³⁹ Section 253.115(4), F.S.

⁴⁰ Section 253.115(3), F.S.

⁴¹ Section 373.089(1)(a), F.S.

⁴² Section 373.089(6)(a), F.S. and FLA. CONST. art. X, s. 18. Any land a governing board owned before July 1, 1999, is considered to have been acquired for conservation purposes. For lands acquired after this date, the governing board must determine which parcels will be designated as having been acquired for conservation purposes. Section 373.089(6)(c) and (d), F.S.

⁴³ Section 373.089(7), F.S. These exceptions include the disposition of lands for the following purposes: (a) linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances; (b) the disposition of the fee interest in the land where a conservation easement is retained by the district to fulfill the conservation objectives for which the land was acquired; (c) an exchange of the land for other lands that meet or exceed the conservation objectives for

obtainable, but not less than the appraised value of the lands, as determined by a certified appraisal obtained within 360 days before the effective date of the contract for sale.⁴⁴ When a parcel is no longer necessary for conservation purposes and is valued at \$25,000 or less, a WMD may offer it for sale to adjacent landowners before being made available to the general public.⁴⁵

WMD governing boards can also exchange district-owned lands for other lands within the state.⁴⁶ The WMD's governing board sets the terms and conditions of any such exchange and may pay or receive any sum of money the governing board considers necessary to equalize the values of exchanged properties.⁴⁷

Notice

Before selling surplus land, a WMD's governing board must publish a notice of intention to sell on its website and in a newspaper published in the county where the land is situated once each week for three successive weeks.⁴⁸ The first publication must occur at least 30 days, but not more than 360 days, before the governing board approves the sale.⁴⁹

If the governing board elects to offer for sale the parcel to adjacent property owners, the governing board only needs to publish the notice one time; however, the governing board must also send the notice to adjacent property owners by certified mail and publish the notice on its website.⁵⁰ Fourteen days after publication of such notice, the governing board may sell the parcel to an adjacent property owner or, if there are two or more owners of adjacent property, accept sealed bids and sell the parcel to the highest bidder.⁵¹ If the parcel is not sold to an adjacent property owner, the governing board may sell the parcel at any time to the general public for the highest price obtainable.⁵²

Summary of Recent Surplus Conservation Land Sales

The table below summarizes recent surplus conservation land sales and available surplus.⁵³

which the original land was acquired; (d) lands to be used by a governmental entity for a public purpose; (e) the portion of an overall purchase deemed surplus at the time of the acquisition. *Id.*

⁴⁴ Section 373.089(6)(b), F.S.

⁴⁵ Section 373.089(8)(a), F.S.

⁴⁶ Section 373.089(4), F.S.

⁴⁷ *Id.*

⁴⁸ Section 373.089(3), F.S.

⁴⁹ *Id.*

⁵⁰ Section 373.089(8)(a), F.S.

⁵¹ Section 373.089(8)(b), F.S.

⁵² Section 373.089(8)(c), F.S.

⁵³ EDR, *Annual Assessment of Florida's Conservation Lands: 2025 Edition, Chapter 1, 8* (2025), available at <https://edr.state.fl.us/Content/natural-resources/index.cfm>; Division of State Lands, *2025 Disposition of State Lands and Facilities Report*, 6-7 (2025), available at <https://dms-media.ccplatform.net/content/download/439934/file/10.1.25%202025%20DEP%20Disposition%20of%20State%20Lands%20and%20Facilities%20Report.pdf>.

WMD/State	FY 2021-22		FY 2022-23		FY 2023-24		FY 2024-25		Available Acres for Surplus
	Acres	Revenue (\$Millions)	Acres	Revenue (\$Millions)	Acres	Revenue (\$Millions)	Acres	Revenue (\$Millions)	
NWFWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	115.0
SJRWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-
SFWMD	1,052.0	\$ 11.29	-	\$ -	-	\$ -	-	\$ -	-
SWFWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	23.5
SRWMD	-	\$ -	-	\$ -	-	\$ -	-	\$ -	-
Board of Trustees	1.3	\$ 0.07	-	\$ -	20.3	\$ 0.29	-	\$ -	6.9
Total	1,053.3	\$ 11.36	-	\$ -	20.3	\$ 0.29	-	\$ -	145.4

III. Effect of Proposed Changes:

Section 1 amends s. 253.0341, F.S., regarding surplus of state-owned lands. The bill provides that at least 30 days before any meeting of the Acquisition and Restoration Council or Board of Trustees of the Internal Improvement Trust Fund to review the proposed sale of conservation lands, the Division of State Lands⁵⁴ must publish the following information on its website:

- The parcels of state-owned land for sale; and
- A statement explaining why the lands are no longer needed for conservation purposes.

Section 2 amends s. 253.42, F.S., regarding land exchanges by the board of trustees. The bill provides that each parcel proposed for exchange must have at least one appraisal that follows the appraisal criteria, techniques, and methods adopted by the board of trustees.

The bill provides that at least 30 days before any meeting of Acquisition and Restoration Council or board of trustees to review the proposed land exchange of conservation lands, the Division of State Lands must publish the following information on its website:

- The parcels of state-owned lands proposed for exchange;
- The privately owned parcels of land proposed for exchange;
- The portions of such lands which will be preserved in a permanent conservation easement;
- A statement from the division explaining how the exchange will result in a conservation benefit to the state; and
- Any recommendations from the division and the council related to the request.

Section 3 amends s. 373.089, F.S., regarding the sale or exchange of lands by governing boards of water management districts. The bill provides that at least 30 days before the governing board meets to review the proposed sale or exchange of conservation lands, it must publish the following information on its website, as applicable:

- The parcels of district-owned lands for sale or proposed for exchange;
- The parcels of privately owned lands proposed for exchange;
- The portions of such lands which will be preserved in a permanent conservation easement; and

⁵⁴ The Division of State Lands provides primary staff support for the board of trustees and the Acquisition and Restoration Council. DEP, *2025 Florida Forever Plan, 2 (2025)*, available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2025_FloridaForeverAnnualPlan.pdf.

- A statement from the district explaining why the lands are no longer needed for conservation purposes.

Section 4 makes conforming changes.

Section 5 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Division of State Lands and water management districts may incur indeterminate costs to implement to the bill's notice requirements.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 253.0341, 253.42, 373.089, and 215.196.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environment and Natural Resources Committee on January 13, 2026:

Clarified that the same notice requirements apply to the Acquisition and Restoration Council, the Board of Trustees of the Internal Improvement Trust Fund, and water management districts for any meeting to review the proposed sale or exchange of conservations lands.

B. Amendments:

None.



730190

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2026	.	
	.	
	.	
	.	

The Committee on Environment and Natural Resources (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete lines 32 - 78

and insert:

Section 1. Present subsections (7) through (19) of section 253.0341, Florida Statutes, are redesignated as subsections (8) through (20), respectively, and a new subsection (7) is added to that section, to read:

253.0341 Surplus of state-owned lands.—

(7) At least 30 days before any meeting of the Acquisition



730190

11 and Restoration Council or board of trustees to review the
12 proposed sale of conservation lands, the Division of State Lands
13 must publish the following information on its website:

- 14 (a) The parcels of state-owned land for sale; and
15 (b) A statement from the division explaining why the lands
16 are no longer needed for conservation purposes.

17 Section 2. Present paragraphs (b), (c), and (d) of
18 subsection (4) of section 253.42, Florida Statutes, are
19 redesignated as paragraphs (d), (e), and (f), respectively, new
20 paragraphs (b) and (c) are added to that subsection, and
21 paragraph (a) of that subsection is amended, to read:

22 253.42 Board of trustees may exchange lands.—This section
23 applies to all lands owned by, vested in, or titled in the name
24 of the board of trustees whether the lands were acquired by the
25 state as a purchase, or through gift, donation, or any other
26 conveyance for which no consideration was paid.

27 (4) (a) A person who owns land contiguous to state-owned
28 land titled to the board of trustees may submit a request to the
29 Division of State Lands to exchange all or a portion of the
30 privately owned land for all or a portion of the state-owned
31 land, whereby the state retains a permanent conservation
32 easement over all or a portion of the exchanged state-owned land
33 and a permanent conservation easement over all or a portion of
34 the exchanged privately owned land. State-owned land exchanged
35 pursuant to this subsection must ~~shall~~ be contiguous to the
36 privately owned land upon which the state retains a permanent
37 conservation easement. Each parcel proposed for exchange
38 pursuant to this subsection must have at least one appraisal
39 that follows the appraisal criteria, techniques, and methods



730190

40 adopted by the board of trustees pursuant to s. 253.025(8)(e) ~~if~~
41 ~~the division elects to proceed with a request, the division must~~
42 ~~submit the request to the Acquisition and Restoration Council~~
43 ~~for review and the council must provide recommendations to the~~
44 ~~division. If the division elects to forward a request to the~~
45 ~~board of trustees, the division must provide its recommendations~~
46 ~~and the recommendations of the council to the board. This~~
47 subsection does not apply to state-owned sovereign submerged
48 land.

49 (b) At least 30 days before any meeting of the Acquisition
50 and Restoration Council or board of trustees to review the
51 proposed land exchange of

52
53
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete lines 5 - 16

57 and insert:

58 the Acquisition and Restoration Council or the Board
59 of Trustees of the Internal Improvement Trust Fund
60 meets to review the proposed sale of conservation
61 lands; amending s. 253.42, F.S.; requiring that
62 certain parcels proposed for exchange be appraised in
63 accordance with certain criteria; deleting provisions
64 requiring the division to submit certain requests to
65 the council for review; deleting provisions requiring
66 the division to provide certain recommendations to the
67 board; requiring the division to publish certain
68 information on its website before the council or the



730190

69
70

board meets to review a proposed land exchange;
requiring the

By Senator Mayfield

19-00386C-26

2026546__

1 A bill to be entitled
2 An act relating to conservation lands; amending s.
3 253.0341, F.S.; requiring the Division of State Lands
4 to publish certain information on its website before
5 the Board of Trustees of the Internal Improvement
6 Trust Fund meets to review the proposed sale of
7 conservation lands; amending s. 253.42, F.S.;
8 requiring that certain parcels proposed for exchange
9 be appraised in accordance with certain criteria;
10 deleting provisions requiring the division to submit
11 certain requests to the Acquisition and Restoration
12 Council for review; deleting provisions requiring the
13 division to provide certain recommendations to the
14 board; requiring the division to publish certain
15 information on its website before the council meets to
16 review a proposed land exchange; requiring the
17 division to submit certain requests to the council for
18 review and requiring the council to provide
19 recommendations to the division in certain
20 circumstances; requiring the division to provide
21 certain recommendations to the board of trustees in
22 certain circumstances; making a technical change;
23 amending s. 373.089, F.S.; requiring the governing
24 board of a water management district to publish
25 certain information on its website before meeting to
26 review the proposed sale or exchange of certain lands;
27 amending s. 215.196, F.S.; conforming a cross-
28 reference; providing an effective date.
29

19-00386C-26

2026546__

30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Present subsections (8) through (19) of section
33 253.0341, Florida Statutes, are redesignated as subsections (9)
34 through (20), respectively, and a new subsection (8) is added to
35 that section, to read:

36 253.0341 Surplus of state-owned lands.-

37 (8) At least 30 days before the board of trustees meets to
38 review the proposed sale of conservation lands, the Division of
39 State Lands must publish the following information on its
40 website:

41 (a) The parcels of state-owned land for sale; and

42 (b) A statement explaining why the lands are no longer
43 needed for conservation purposes, for consideration by the board
44 of trustees.

45 Section 2. Present paragraphs (b), (c), and (d) of
46 subsection (4) of section 253.42, Florida Statutes, are
47 redesignated as paragraphs (d), (e), and (f), respectively, new
48 paragraphs (b) and (c) are added to that subsection, and
49 paragraph (a) of that subsection is amended, to read:

50 253.42 Board of trustees may exchange lands.-This section
51 applies to all lands owned by, vested in, or titled in the name
52 of the board of trustees whether the lands were acquired by the
53 state as a purchase, or through gift, donation, or any other
54 conveyance for which no consideration was paid.

55 (4) (a) A person who owns land contiguous to state-owned
56 land titled to the board of trustees may submit a request to the
57 Division of State Lands to exchange all or a portion of the
58 privately owned land for all or a portion of the state-owned

19-00386C-26

2026546__

59 land, whereby the state retains a permanent conservation
60 easement over all or a portion of the exchanged state-owned land
61 and a permanent conservation easement over all or a portion of
62 the exchanged privately owned land. State-owned land exchanged
63 pursuant to this subsection must ~~shall~~ be contiguous to the
64 privately owned land upon which the state retains a permanent
65 conservation easement. Each parcel proposed for exchange
66 pursuant to this subsection must have at least one appraisal
67 that follows the appraisal criteria, techniques, and methods
68 adopted by the board of trustees pursuant to s. 253.025(8)(e) ~~If~~
69 ~~the division elects to proceed with a request, the division must~~
70 ~~submit the request to the Acquisition and Restoration Council~~
71 ~~for review and the council must provide recommendations to the~~
72 ~~division. If the division elects to forward a request to the~~
73 ~~board of trustees, the division must provide its recommendations~~
74 ~~and the recommendations of the council to the board. This~~
75 subsection does not apply to state-owned sovereign submerged
76 land.

77 (b) At least 30 days before the Acquisition and Restoration
78 Council meets to review the proposed land exchange of
79 conservation lands, the Division of State Lands shall publish
80 the following information on its website:

- 81 1. The parcels of state-owned lands proposed for exchange;
- 82 2. The privately owned parcels of land proposed for
83 exchange;
- 84 3. The portions of the lands identified in subparagraphs 1.
85 and 2. which will be preserved in a permanent conservation
86 easement;
- 87 4. A statement from the division explaining how the

19-00386C-26

2026546__

88 exchange will result in a conservation benefit to the state; and

89 5. Any recommendations from the division and the council
90 related to the request.

91 (c) If the Division of State Lands elects to proceed with a
92 request, the division must submit the request to the council for
93 review, and the council must provide recommendations to the
94 division. If the division elects to forward a request to the
95 board of trustees, the division must provide its recommendations
96 and the recommendations of the council to the board.

97 Section 3. Paragraph (a) of subsection (6) of section
98 373.089, Florida Statutes, is amended to read:

99 373.089 Sale or exchange of lands, or interests or rights
100 in lands.—The governing board of the district may sell lands, or
101 interests or rights in lands, to which the district has acquired
102 title or to which it may hereafter acquire title in the
103 following manner:

104 (6) Any lands the title to which is vested in the governing
105 board of a water management district may be surplused pursuant
106 to the procedures set forth in this section and s. 373.056 and
107 the following:

108 (a) For those lands designated as acquired for conservation
109 purposes, the governing board shall make a determination that
110 the lands are no longer needed for conservation purposes and may
111 dispose of them by a two-thirds vote. At least 30 days before
112 the governing board meets to review the proposed sale or
113 exchange of such lands, the governing board shall publish the
114 following information on its website, as applicable:

115 1. The parcels of district-owned lands for sale or proposed
116 for exchange;

19-00386C-26

2026546__

117 2. The parcels of privately owned lands proposed for
118 exchange;

119 3. The portions of the lands identified in subparagraphs 1.
120 and 2. which will be preserved in a permanent conservation
121 easement; and

122 4. A statement from the district explaining why the lands
123 are no longer needed for conservation purposes.

124

125 If the Board of Trustees of the Internal Improvement Trust Fund
126 declines to accept title to the lands offered under this
127 section, the land may be disposed of by the district under the
128 provisions of this section.

129 Section 4. Subsection (1) of section 215.196, Florida
130 Statutes, is amended to read:

131 215.196 Architects Incidental Trust Fund; creation;
132 assessment.—

133 (1) There is created the Architects Incidental Trust Fund
134 for the purpose of:

135 (a) Collecting all funds received through the sale of
136 surplus state-owned office buildings, as defined in s. 255.248,
137 and the nonconservation lands associated with such buildings;

138 (b) Diverting funds referenced in s. 253.0341(15)(b) ~~s.~~
139 ~~253.0341(14)(b)~~; and

140 (c) Providing sufficient funds for the operation of the
141 facilities development activities of the Department of
142 Management Services.

143 Section 5. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

1-13-26

Meeting Date

ENR

Committee

546

Bill Number or Topic

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020

Email travis@moore-relations.com

Street

St. Petersburg FL

33731

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Native Plant Society

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1-13-25

Meeting Date

5416

Bill Number or Topic

ENV & Nat Res

Committee

Amendment Barcode (if applicable)

Name Leslie Reed

Phone 757-870-4004

Address 204 S. Monroe ST

Email Leslie@BrightwaterStrategies.com

Street

TIH

City

FL

State

32301

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Conservation Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 546

1/13

Meeting Date
Enviro + Nat'l Resources

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jennifer Webb

Phone 727-320-6275

Address 6019 17th Ave S.

Email jw@jw-consultants.com

Street
City Gulfport State FL Zip 33707

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Sierra Club - FL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/13/20

Meeting Date

SB546

Bill Number or Topic

Sen. Nat Resources

Committee

Amendment Barcode (if applicable)

Name Chadwick Leonard

Phone

Address 308 N. Monroe

Street

Email cleonard@1000fof.org

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

1000 Friends of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Transportation,
Tourism, and Economic Development
Commerce and Tourism
Finance and Tax
Fiscal Policy
Regulated Industries

SELECT COMMITTEE:
Joint Select Committee on Collective
Bargaining, *Alternating Chair*

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR DEBBIE MAYFIELD

19th District

December 9, 2025

Senator Ana Maria Rodriguez, Chair
Committee on Environment and Natural Resources
Room 410, Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Rodriguez,

I respectfully request that you place Senate Bill 546 – Conservation Lands on the agenda for your next committee meeting. Senate Bill 546 improves public transparency in decisions to sell or exchange conservation lands.

Specifically, the bill requires at least 30 days' notice before the Acquisition and Restoration Council, the Board of Trustees of the Internal Land Trust, and water management districts meet to review a proposed sale or exchange.

Thank you for your consideration of this request.

Sincerely,

Debbie Mayfield,
State Senator, District 19

CC: Ellen Rogers, Staff Director
Kim Bonn, Committee Administrative Assistant
Teri Cariota, Legislative Aide

REPLY TO:

- 900 East Strawbridge Avenue, Room 408, Melbourne, Florida 32901 (321) 409-2025
- 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



OUR LANDS. OUR LEGACY.

THE PATH AHEAD: SECURING FLORIDA'S CONSERVATION LEGACY.



FLORIDA STATE PARKS

Senate Committee on Environment and Natural Resources

January 13, 2026

Bryan Bradner

**Deputy Secretary for Land and Recreation
Department of Environmental Protection**

STATE PARK AMENITIES

OVERVIEW



- Florida's state parks encompass a vast and diverse network of natural, cultural and recreational amenities designed to support both recreation and conservation.
- Serving as a foundation of the Florida Parks Service mission of providing resource-based recreation while preserving, interpreting and restoring Florida's natural and cultural resources, these amenities include:
 - Pavilions.
 - Restrooms and bathhouses.
 - Boardwalks.
 - Trails.
 - Fishing platforms and piers.
 - Campsites and cabins.



Curry Hammock State Park
Marathon

STATE PARK AMENITIES

REPAIRS, MAINTENANCE AND UPGRADES



John D. MacArthur Beach State Park
North Palm Beach

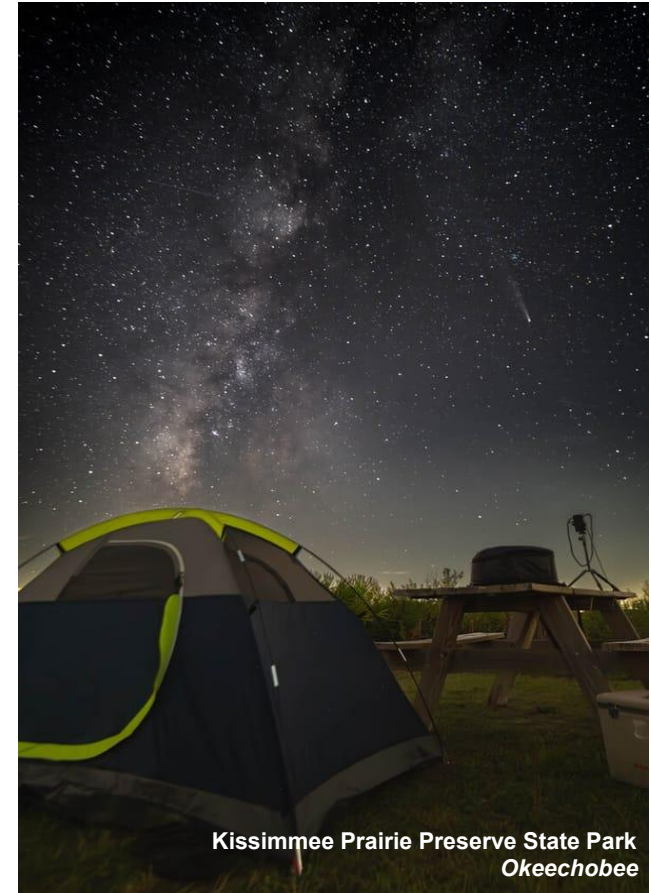
- Chapter 2025-76, Laws of Florida, directed DEP to submit a report last month including information on amenities within Florida's state parks.
- Through an analysis to determine state park needs over the next 10 years, DEP identified nearly \$759 million in repair, maintenance and upgrade projects to existing state park facilities to address:
 - Aging infrastructure.
 - Safety improvements.
 - Accessibility upgrades.
 - Modernization of existing facilities.

STATE PARK AMENITIES

NEW CONSTRUCTION AND DEVELOPMENT



- This analysis also evaluated future growth and recreation demand through the review of each park's existing, approved Unit Management Plan, the guiding document for long-term planning, improvements and resource protection.
- An additional \$1.39 billion in new construction and development projects are contemplated within these plans.
- These projects include new recreational facilities, expanded visitor amenities and infrastructure enhancements designed to meet evolving community needs, tourism trends and environmental priorities.



Kissimmee Prairie Preserve State Park
Okeechobee



THANK YOU

**For any questions contact:
Alex Cronin, Legislative Affairs Director
Alex.Cronin@FloridaDEP.gov
850-245-2092**

The Florida Senate

APPEARANCE RECORD

Presentation

1/13/26

Meeting Date

Bill Number or Topic

S Environment and Natural Resources

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Bryan Bradner

Phone 850-245-2092

Address 3900 Commonwealth Blvd

Email alex.cronin@Florida DEP.gov

Street

Tallahassee

FL

32399

City

State

Zip

Speaking: [] For [] Against [x] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FL Dept. of Environmental Protection

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Environment and Natural Resources Committee

Judge:

Started: 1/13/2026 1:30:36 PM

Ends: 1/13/2026 2:12:46 PM **Length:** 00:42:11

1:30:37 PM Chair Rodriguez calls meeting to order
1:30:40 PM Roll call
1:30:50 PM Quorum announced
1:31:20 PM Pledge of Allegiance
1:31:24 PM Chair with comments
1:31:43 PM Tab 2, SB 636 by Senator Leek, Beach Management introduced by Chair Rodriguez
1:31:46 PM Senator Leek
1:33:22 PM Chair Rodriguez
1:33:30 PM Senator Smith
1:34:29 PM Senator Leek
1:34:59 PM Senator Smith
1:35:28 PM Senator Leek
1:36:02 PM Senator Harrell
1:36:43 PM Senator Leek
1:37:17 PM Senator Harrell
1:37:28 PM Senator Leek
1:38:24 PM Speaker Pepper Uchino, Florida Shore & Beach Preservation Association
1:41:30 PM Chair Rodriguez
1:41:38 PM Closure waived
1:41:41 PM Roll call
1:41:51 PM SB 636 reported favorably
1:42:17 PM Tab 1, SB 544 by Senator Truenow, Golf Courses
1:42:20 PM Senator Truenow
1:43:00 PM Chair Rodriguez
1:43:03 PM Senator Smith
1:43:41 PM Senator Truenow
1:44:15 PM Senator Smith
1:44:36 PM Senator Truenow
1:44:41 PM Senator Smith
1:45:05 PM Senator Truenow
1:45:54 PM Senator Smith
1:46:39 PM Senator Truenow
1:47:10 PM Senator Smith
1:47:48 PM Senator Truenow
1:47:56 PM Chair Rodriguez
1:48:02 PM Senator Harrell
1:48:53 PM Senator Truenow
1:49:22 PM Amendment Barcode No. 631778 introduced by Chair Rodriguez
1:49:31 PM Explanation of Amendment by Senator Truenow
1:49:36 PM Chair Rodriguez
1:49:42 PM Closure waived
1:49:45 PM Amendment adopted

1:49:51 PM Chair Rodriguez
1:50:11 PM Speaker Travis Moore, Florida Springs Council
1:52:30 PM Speaker David Shepp, Florida Golf Course Superintendents Association
1:53:56 PM Chair Rodriguez
1:54:03 PM Debate
1:54:07 PM Senator Polsky
1:54:35 PM Closure by Senator Truenow
1:55:33 PM Roll call
1:55:48 PM CS/SB 544 reported favorably
1:56:07 PM Tab 3, SB 848 by Senator Truenow, Stormwater Treatment
1:56:11 PM Senator Truenow
1:57:32 PM Chair Rodriguez
1:57:44 PM Amendment Barcode No. 453862 introduced by Chair Rodriguez
1:57:58 PM Explanation of Amendment by Senator Truenow
1:58:32 PM Chair Rodriguez
1:58:39 PM Ansley Tilley waives
1:59:01 PM Speaker Holly Heidemanns
2:00:57 PM Chair Rodriguez
2:01:00 PM Closure waived
2:01:02 PM Amendment adopted
2:01:14 PM Chair Rodriguez
2:01:20 PM Rusty Payton, Florida Home Builders Association waives
2:01:25 PM Chair Rodriguez
2:01:38 PM Senator Truenow with closure
2:02:04 PM Roll call
2:02:17 PM CS/SB 848 reported favorably
2:02:36 PM Tab 4, SB 545 by Senator Mayfield, Conservation Lands
2:02:43 PM Senator Mayfield
2:03:19 PM Chair Rodriguez
2:03:25 PM Amendment Barcode No. 730190 introduced by Chair Rodriguez
2:03:32 PM Explanation of Amendment by Senator Mayfield
2:03:58 PM Chair Rodriguez
2:04:06 PM Closure waived
2:04:11 PM Amendment adopted
2:04:15 PM Chair Rodriguez
2:04:24 PM Travis Moore, Florida Native Plant Society waives
2:04:30 PM Leslie Reed, Conservation Florida waives
2:04:51 PM Speaker Jennifer Webb, Sierra Club of Florida
2:05:58 PM Chadwick Leonard, 1000 Friends of Florida waives
2:06:05 PM Chair Rodriguez
2:06:08 PM Debate
2:06:12 PM Senator Smith
2:07:24 PM Senator Mayfield with closure
2:07:28 PM Roll call
2:07:40 PM CS/SB 546 reported favorably
2:07:46 PM Chair Rodriguez
2:08:06 PM Tab 5, Presentation by the Department of Environmental Protection on the State Park Amenities
2:08:32 PM Presenter Bryan Bradner
2:12:00 PM Chair Rodriguez
2:12:32 PM Senator DiCeglie moves to adjourn
2:12:37 PM Meeting adjourned