



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (3) of section
253.04, Florida Statutes, is amended to read:

253.04 Duty of board to protect, etc., state lands; state
may join in any action brought.—

(3) (a) The duty to conserve and improve state-owned lands
and the products thereof includes ~~shall include~~ the preservation



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11 and regeneration of seagrass, which is deemed essential to the
12 oceans, gulfs, estuaries, and shorelines of the state. A person
13 operating a vessel outside a lawfully marked channel in a
14 careless manner that causes seagrass scarring within an aquatic
15 preserve established in ss. 258.39-258.3991 ~~ss. 258.39-258.399~~,
16 with the exception of the Lake Jackson, Oklawaha River, Wekiva
17 River, and Rainbow Springs aquatic preserves, commits a
18 noncriminal infraction, punishable as provided in s. 327.73.
19 Each violation is a separate offense. As used in this
20 subsection, the term:

21 1. "Seagrass" means Cuban shoal grass (*Halodule wrightii*),
22 turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium*
23 *filiforme*), star grass (*Halophila engelmannii*), paddle grass
24 (*Halophila decipiens*), Johnson's seagrass (*Halophila johnsonii*),
25 or widgeon grass (*Ruppia maritima*).

26 2. "Seagrass scarring" means destruction of seagrass roots,
27 shoots, or stems that results in tracks on the substrate
28 commonly referred to as prop scars or propeller scars caused by
29 the operation of a motorized vessel in waters supporting
30 seagrasses.

31 Section 2. Subsection (33) is added to section 258.39,
32 Florida Statutes, to read:

33 258.39 Boundaries of preserves.—The submerged lands
34 included within the boundaries of Nassau, Duval, St. Johns,
35 Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte,
36 Pinellas, Martin, Palm Beach, Miami-Dade, Monroe, Collier, Lee,
37 Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa,
38 Hernando, and Escambia Counties, as hereinafter described, with
39 the exception of privately held submerged lands lying landward



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40 of established bulkheads and of privately held submerged lands
41 within Monroe County where the establishment of bulkhead lines
42 is not required, are hereby declared to be aquatic preserves.
43 Such aquatic preserve areas include:

44 (33) Kristin Jacobs Coral Reef Ecosystem Conservation Area,
45 as designated by chapter 2021-107, Laws of Florida, the
46 boundaries of which consist of the sovereignty submerged lands
47 and waters of the state offshore of Broward, Martin, Miami-Dade,
48 and Palm Beach Counties from the St. Lucie Inlet to the northern
49 boundary of the Biscayne National Park.

50
51 Any and all submerged lands theretofore conveyed by the Trustees
52 of the Internal Improvement Trust Fund and any and all uplands
53 now in private ownership are specifically exempted from this
54 dedication.

55 Section 3. Subsection (9) is added to section 373.250,
56 Florida Statutes, to read:

57 373.250 Reuse of reclaimed water.—

58 (9) To promote the use of reclaimed water and encourage
59 quantifiable potable water offsets that produce significant
60 water savings beyond those required in a consumptive use permit,
61 each water management district, in coordination with the
62 department, shall develop rules by December 31, 2025, which
63 provide all of the following:

64 (a) If an applicant proposes a water supply development or
65 water resource development project using reclaimed water that
66 meets the advanced waste treatment standards for total nitrogen
67 and total phosphorous as defined in s. 403.086(4) (a), as part of
68 an application for consumptive use, the applicant is eligible



69 for a permit duration of up to 30 years if there is sufficient
70 data to provide reasonable assurance that the conditions for
71 permit issuance will be met for the duration of the permit.
72 Rules developed pursuant to this paragraph must include, at a
73 minimum:

74 1. A requirement that the permittee demonstrate how
75 quantifiable groundwater or surface water savings associated
76 with the new water supply development or water resource
77 development project either meets water demands beyond a 20-year
78 permit duration or is completed to benefit a waterbody with a
79 minimum flow or minimum water level with a recovery or
80 prevention strategy; and

81 2. Guidelines for a district to follow in determining the
82 permit duration based on the project's implementation.

83
84 This paragraph does not limit the existing authority of a water
85 management district to issue a shorter duration permit to
86 protect from harm the water resources or ecology of the area, or
87 to otherwise ensure compliance with the conditions for permit
88 issuance.

89 (b) Authorization for a consumptive use permittee to seek a
90 permit extension of up to 10 years if the permittee proposes a
91 water supply development or water resource development project
92 using reclaimed water that meets the advanced waste treatment
93 standards for total nitrogen and total phosphorous as defined in
94 s. 403.086(4) (a) during the term of its permit which results in
95 the reduction of groundwater or surface water withdrawals or is
96 completed to benefit a waterbody with a minimum flow or minimum
97 water level with a recovery or prevention strategy. Rules



98 associated with this paragraph must include, at a minimum:

99 1. A requirement that the permittee be in compliance with
100 the permittee's consumptive use permit;

101 2. A requirement that the permittee demonstrate how the
102 quantifiable groundwater or surface water savings associated
103 with the new water supply development or water resource
104 development project either meets water demands beyond the issued
105 permit duration or benefits a waterbody with a minimum flow or
106 minimum water level with a recovery or prevention strategy;

107 3. A requirement that the permittee demonstrate a water
108 demand for the permit's allocation through the term of the
109 extension; and

110 4. Guidelines for a district to follow in determining the
111 number of years extended, including a minimum year requirement,
112 based on the project implementation.

113
114 This paragraph does not limit the existing authority of a water
115 management district to protect from harm the water resources or
116 ecology of the area, or to otherwise ensure compliance with the
117 conditions for permit issuance.

118 Section 4. Present paragraphs (c) and (d) of subsection (2)
119 of section 380.093, Florida Statutes, are redesignated as
120 paragraphs (d) and (e), respectively, a new paragraph (c) is
121 added to that subsection, and present paragraph (c) of
122 subsection (2), paragraphs (b), (c), and (d) of subsection (3),
123 and subsections (4), (5), and (6) of that section are amended,
124 to read:

125 380.093 Resilient Florida Grant Program; comprehensive
126 statewide flood vulnerability and sea level rise data set and



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127 assessment; Statewide Flooding and Sea Level Rise Resilience
128 Plan; regional resilience entities.—

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

130 (c) “Florida Flood Hub” means the Florida Flood Hub for
131 Applied Research and Innovation established pursuant to s.
132 380.0933.

133 (d) ~~(e)~~ “Preconstruction activities” means activities
134 associated with a project that addresses the risks of flooding
135 and sea level rise that occur before construction begins,
136 including, but not limited to, design of the project, permitting
137 for the project, surveys and data collection, site development,
138 solicitation, public hearings, local code or comprehensive plan
139 amendments, establishing local funding sources, and easement
140 acquisition.

141 (3) RESILIENT FLORIDA GRANT PROGRAM.—

142 (b) Subject to appropriation, the department may provide
143 grants to each of the following entities:

144 1. A county or municipality to fund:

145 a. The costs of community resilience planning and necessary
146 data collection for such planning, including comprehensive plan
147 amendments and necessary corresponding analyses that address the
148 requirements of s. 163.3178(2)(f).

149 b. Vulnerability assessments that identify or address risks
150 of inland or coastal flooding and sea level rise.

151 c. Updates to the county’s or municipality’s inventory of
152 critical assets, including regionally significant assets that
153 are currently or reasonably expected to be impacted by flooding
154 and sea level rise. The updated inventory must be submitted to
155 the department and, at the time of submission, must reflect all



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156 such assets that are currently, or within 50 years may
157 reasonably be expected to be, impacted by flooding and sea level
158 rise.

159 d. The development of projects, plans, strategies, and
160 policies that enhance community preparations allow communities
161 to prepare for threats from flooding and sea level rise,
162 including adaptation plans that help local governments
163 prioritize project development and implementation across one or
164 more jurisdictions in a manner consistent with departmental
165 guidance.

166 e.d. Preconstruction activities for projects to be
167 submitted for inclusion in the Statewide Flooding and Sea Level
168 Rise Resilience Plan. Only a county or municipality eligible for
169 a reduced cost share as defined in paragraph (5) (e) is eligible
170 for such preconstruction activities that are located in a
171 municipality that has a population of 10,000 or fewer or a
172 county that has a population of 50,000 or fewer, according to
173 the most recent April 1 population estimates posted on the
174 Office of Economic and Demographic Research's website.

175 f.e. Feasibility studies and the cost of permitting for
176 nature-based solutions that reduce the impact of flooding and
177 sea level rise.

178 g. The cost of permitting for projects designed to achieve
179 reductions in the risks or impacts of flooding and sea level
180 rise using nature-based solutions.

181 2. A water management district identified in s. 373.069 to
182 support local government adaptation planning, which may be
183 conducted by the water management district or by a third party
184 on behalf of the water management district. Such grants must be



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185 used for the express purpose of supporting the Florida Flood Hub
186 ~~for Applied Research and Innovation~~ and the department in
187 implementing this section through data creation and collection,
188 modeling, and the implementation of statewide standards.
189 Priority must be given to filling critical data gaps identified
190 by the Florida Flood Hub ~~for Applied Research and Innovation~~
191 under s. 380.0933(2) (a).

192 (c) A vulnerability assessment conducted pursuant to
193 paragraph (b) must encompass the entire county or municipality;
194 include all critical assets owned or maintained by the grant
195 applicant; and use the most recent publicly available Digital
196 Elevation Model and generally accepted analysis and modeling
197 techniques. An assessment may encompass a smaller geographic
198 area or include only a portion of the critical assets owned or
199 maintained by the grant applicant with appropriate rationale and
200 upon approval by the department. Locally collected elevation
201 data may also be included as part of the assessment as long as
202 it is submitted to the department pursuant to this paragraph.

203 1. The assessment must include an analysis of the
204 vulnerability of and risks to critical assets, including
205 regionally significant assets, owned or managed by the county or
206 municipality.

207 2. Upon completion of a vulnerability assessment, the
208 county or municipality shall submit to the department all of the
209 following:

210 a. A report detailing the findings of the assessment.

211 b. All electronic mapping data used to illustrate flooding
212 and sea level rise impacts identified in the assessment. When
213 submitting such data, the county or municipality shall include:



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214 (I) Geospatial data in an electronic file format suitable
215 for input to the department's mapping tool.

216 (II) Geographic information system (GIS) data that has been
217 projected into the appropriate Florida State Plane Coordinate
218 System and that is suitable for the department's mapping tool.
219 The county or municipality must also submit metadata using
220 standards prescribed by the department.

221 c. An inventory ~~A list~~ of critical assets, including
222 regionally significant assets, that are currently, or within 50
223 years are reasonably expected to be, impacted by flooding and
224 sea level rise.

225 (d) A vulnerability assessment conducted pursuant to
226 paragraph (b) must do ~~include~~ all of the following:

227 1. Include peril of flood comprehensive plan amendments
228 that address the requirements of s. 163.3178(2)(f), if the
229 county or municipality is subject to such requirements and has
230 not complied with such requirements as determined by the
231 Department of Commerce ~~Economic Opportunity~~.

232 2. Make use of the best available information through the
233 Florida Flood Hub as certified by the Chief Science Officer, in
234 consultation with the Chief Resilience Officer, including, as ~~if~~
235 applicable, analyzing impacts related to the depth of:

236 a. Tidal flooding, including future high tide flooding,
237 which must use thresholds published and provided by the
238 department. To the extent practicable, the analysis should also
239 geographically display the number of tidal flood days expected
240 for each scenario and planning horizon.

241 b. Current and future storm surge flooding ~~using publicly~~
242 ~~available National Oceanic and Atmospheric Administration or~~



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243 ~~Federal Emergency Management Agency storm surge data.~~ The
244 initial storm surge event used must equal or exceed the current
245 100-year flood event. Higher frequency storm events may be
246 analyzed to understand the exposure of a critical asset or
247 regionally significant asset. Publicly available National
248 Oceanic and Atmospheric Administration (NOAA) or Federal
249 Emergency Management Agency storm surge data may be used in the
250 absence of applicable data from the Florida Flood Hub.

251 c. To the extent practicable, rainfall-induced flooding
252 using a GIS-based spatiotemporal analysis or existing hydrologic
253 and hydraulic modeling results. Future boundary conditions
254 should be modified to consider sea level rise and high tide
255 conditions. Vulnerability assessments for rainfall-induced
256 flooding must include the depth of rainfall-induced flooding for
257 a 100-year storm and a 500-year storm, as defined by the
258 applicable water management district or, if necessary, the
259 appropriate federal agency. Future rainfall conditions should be
260 used, if available. Noncoastal communities must perform a
261 rainfall-induced flooding assessment.

262 d. To the extent practicable, compound flooding or the
263 combination of tidal, storm surge, and rainfall-induced
264 flooding.

265 3. Apply the following scenarios and standards:

266 a. All analyses in the North American Vertical Datum of
267 1988.

268 b. For a vulnerability assessment initiated after July 1,
269 2024, at a minimum ~~least two local sea level rise scenarios,~~
270 ~~which must include the~~ 2022 NOAA ~~2017 National Oceanic and~~
271 ~~Atmospheric Administration~~ intermediate-low and intermediate



272 ~~intermediate-high~~ sea level rise scenarios or the statewide sea
273 level rise projections developed pursuant to paragraph (4) (a)
274 projections.

275 c. At least two planning horizons identified in the
276 following table which correspond with the appropriate
277 comprehensive statewide flood vulnerability and sea level rise
278 assessment for which the department, at the time of award,
279 determines such local vulnerability assessment will be
280 incorporated:

281

<u>Year of assessment</u>	<u>20-year planning horizon</u>	<u>50-year planning horizon</u>
<u>2024</u>	<u>2040</u>	<u>2070</u>
<u>2029</u>	<u>2050</u>	<u>2080</u>
<u>2034</u>	<u>2055</u>	<u>2085</u>
<u>2039</u>	<u>2060</u>	<u>2090</u>
<u>2044</u>	<u>2065</u>	<u>2095</u>
<u>2049</u>	<u>2070</u>	<u>2100</u>

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290 ~~that include planning horizons for the years 2040 and 2070.~~

291 d. Local sea level data maintained by the Florida Flood Hub



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292 which reflect the best available scientific information as
293 certified by the Chief Science Officer, in consultation with the
294 Chief Resilience Officer. If such data is not available, local
295 sea level data may be ~~that has been~~ interpolated between the two
296 closest NOAA National Oceanic and Atmospheric Administration
297 tide gauges; however, such. ~~Local sea level~~ data may be taken
298 from only one of the two closest NOAA tide gauges ~~such gauge~~ if
299 the gauge has a higher mean sea level or may be. ~~Data~~ taken from
300 an alternate tide gauge ~~may be used~~ with appropriate rationale
301 and department approval, as long as it is publicly available or
302 submitted to the department pursuant to paragraph (b).

303 (4) COMPREHENSIVE STATEWIDE FLOOD VULNERABILITY AND SEA
304 LEVEL RISE DATA SET AND ASSESSMENT.—

305 (a) ~~By July 1, 2023,~~ The department shall develop and
306 maintain ~~complete the development of~~ a comprehensive statewide
307 flood vulnerability and sea level rise data set sufficient to
308 conduct a comprehensive statewide flood vulnerability and sea
309 level rise assessment. In developing and maintaining the data
310 set, the department shall, in coordination with the Chief
311 Resilience Officer and the Florida Flood Hub ~~for Applied~~
312 ~~Research and Innovation~~, compile, analyze, and incorporate, as
313 appropriate, information related to vulnerability assessments
314 and critical asset inventories submitted to the department
315 pursuant to subsection (3) or any previously completed
316 assessments that meet the requirements of subsection (3).

317 1. The Chief Science Officer shall, in coordination with
318 the Chief Resilience Officer and the Florida Flood Hub ~~necessary~~
319 ~~experts and resources~~, develop statewide sea level rise
320 projections that incorporate temporal and spatial variability,



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321 to the extent practicable, for inclusion in the data set. This
322 subparagraph does not supersede regionally adopted projections.

323 2. The data set must include information necessary to
324 determine the risks to inland and coastal communities,
325 including, but not limited to, elevation, tidal levels, and
326 precipitation.

327 (b) By July 1, 2024, The department, in coordination with
328 the Chief Resilience Officer and the Florida Flood Hub, shall
329 complete a comprehensive statewide flood vulnerability and sea
330 level rise assessment that identifies inland and coastal
331 infrastructure, geographic areas, and communities in this ~~the~~
332 state which ~~that~~ are vulnerable to flooding and sea level rise
333 and the associated risks.

334 1. The department shall use the comprehensive statewide
335 flood vulnerability and sea level rise data set to conduct the
336 assessment.

337 2. The assessment must incorporate local and regional
338 analyses of vulnerabilities and risks, including, as
339 appropriate, local mitigation strategies and postdisaster
340 redevelopment plans.

341 3. The assessment must include an inventory of critical
342 assets, including regionally significant assets, that are
343 essential for critical government and business functions,
344 national security, public health and safety, the economy, flood
345 and storm protection, water quality management, and wildlife
346 habitat management, and must identify and analyze the
347 vulnerability of and risks to such critical assets. When
348 identifying critical assets for inclusion in the assessment, the
349 department shall also take into consideration the critical



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350 assets identified by local governments and submitted to the
351 department pursuant to subsection (3).

352 4. The assessment must include the 20-year and 50-year
353 projected sea level rise at each active NOAA tidal gauge off the
354 coast of this state as derived from the statewide sea level rise
355 projections developed pursuant to paragraph (a).

356 (c) The department, in coordination with the Chief
357 Resilience Officer and the Florida Flood Hub, shall update the
358 comprehensive statewide flood vulnerability and sea level rise
359 data set with the best available information each year and shall
360 update the assessment at least every 5 years. ~~The department may~~
361 ~~update the data set and assessment more frequently if it~~
362 ~~determines that updates are necessary to maintain the validity~~
363 ~~of the data set and assessment.~~

364 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE PLAN.—

365 (a) By December 1 ~~of, 2021,~~ and each year ~~December 1~~
366 ~~thereafter,~~ the department shall develop a Statewide Flooding
367 and Sea Level Rise Resilience Plan on a 3-year planning horizon
368 and submit it to the Governor, the President of the Senate, and
369 the Speaker of the House of Representatives. The plan must
370 consist of ranked projects that address risks of flooding and
371 sea level rise to coastal and inland communities in the state.
372 All eligible projects submitted to the department pursuant to
373 this section must be ranked and included in the plan. Each plan
374 must include a detailed narrative overview describing how the
375 plan was developed, including a description of the methodology
376 used by the department to determine project eligibility, a
377 description of the methodology used to rank projects, the
378 specific scoring system used, the project proposal application



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379 form, a copy of each submitted project proposal application form
380 separated by eligible projects and ineligible projects, the
381 total number of project proposals received and deemed eligible,
382 the total funding requested, and the total funding requested for
383 eligible projects.

384 ~~(b) The plan submitted by December 1, 2021, before the~~
385 ~~comprehensive statewide flood vulnerability and sea level rise~~
386 ~~assessment is completed, will be a preliminary plan that~~
387 ~~includes projects that address risks of flooding and sea level~~
388 ~~rise identified in available local government vulnerability~~
389 ~~assessments and projects submitted by water management districts~~
390 ~~that mitigate the risks of flooding or sea level rise on water~~
391 ~~supplies or water resources of the state. The plan submitted by~~
392 ~~December 1, 2022, and the plan submitted by December 1, 2023,~~
393 ~~will be updates to the preliminary plan. The plan submitted by~~
394 ~~December 1, 2024, and each plan submitted by December 1~~
395 ~~thereafter:~~

396 1. Shall primarily address risks of flooding and sea level
397 rise identified in the comprehensive statewide flood
398 vulnerability and sea level rise assessment; and

399 2. May include, at the discretion of the department in
400 consultation with the Chief Resilience Officer, other projects
401 submitted pursuant to paragraph (d) which address risks of
402 flooding and sea level rise to critical assets not yet
403 identified in the comprehensive statewide flood vulnerability
404 and sea level rise assessment.

405 (c) Each plan submitted by the department pursuant to this
406 subsection must include all of the following information for
407 each recommended project:



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- 408 1. A description of the project.
409 2. The location of the project.
410 3. An estimate of how long the project will take to
411 complete.
412 4. An estimate of the cost of the project.
413 5. The cost-share percentage available for the project.
414 6. A summary of the priority score assigned to the project.
415 7. The project sponsor.

416 (d)1. By September 1 ~~of, 2021, and each year September 1~~
417 ~~thereafter~~, all of the following entities may submit to the
418 department a list of proposed projects that address risks of
419 flooding or sea level rise identified in the comprehensive
420 statewide flood vulnerability and sea level rise assessment or
421 vulnerability assessments that meet the requirements of
422 subsection (3):

423 a. Counties.

424 b. Municipalities.

425 c. Special districts as defined in s. 189.012 which ~~that~~
426 are responsible for the management and maintenance of inlets and
427 intracoastal waterways or for the operation and maintenance of a
428 potable water facility, a wastewater facility, an airport, or a
429 seaport facility.

430 d. Regional resilience entities acting on behalf of one or
431 more member counties or municipalities.

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433 For the plans submitted by December 1, 2024, such entities may
434 submit projects identified in existing vulnerability assessments
435 that do not comply with subsection (3) only if the entity is
436 actively developing a vulnerability assessment that is either



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437 under a signed grant agreement with the department pursuant to
438 subsection (3) or funded by another state or federal agency, or
439 is self-funded and intended to meet the requirements of
440 paragraph (3)(d) or the existing vulnerability assessment was
441 completed using previously compliant statutory requirements.

442 Projects identified from this category of vulnerability
443 assessments are eligible for submittal until the prior
444 vulnerability assessment has been updated to meet most recent
445 statutory requirements 2021; December 1, 2022; and December 1,
446 2023, such entities may submit projects identified in existing
447 vulnerability assessments that do not comply with subsection
448 (3). A regional resilience entity may also submit proposed
449 projects to the department pursuant to this subparagraph on
450 behalf of one or more member counties or municipalities.

451 2. By September 1 of, 2021, and each year September 1
452 thereafter, all of the following entities may submit to the
453 department a list of any proposed projects that address risks of
454 flooding or sea level rise identified in the comprehensive
455 statewide flood vulnerability and sea level rise assessment or
456 vulnerability assessments that meet the requirements of
457 subsection (3), or that mitigate the risks of flooding or sea
458 level rise on water supplies or water resources of the state and
459 a corresponding evaluation of each project:

- 460 a. Water management districts.
461 b. Drainage districts.
462 c. Erosion control districts.
463 d. Flood control districts.
464 e. Regional water supply authorities.
465 3. Each project submitted to the department pursuant to



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466 this paragraph for consideration by the department for inclusion
467 in the plan must include all of the following information:

468 a. A description of the project.

469 b. The location of the project.

470 c. An estimate of how long the project will take to
471 complete.

472 d. An estimate of the cost of the project.

473 e. The cost-share percentage available for the project.

474 f. The project sponsor.

475 (e) Each project included in the plan must have a minimum
476 50 percent cost share unless the project assists or is within a
477 ~~financially disadvantaged small~~ community eligible for a reduced
478 cost share. For purposes of this section, the term "community
479 eligible for a reduced cost share" ~~"financially disadvantaged~~
480 ~~small community"~~ means:

481 1. A municipality that has a population of 10,000 or fewer,
482 according to the most recent April 1 population estimates posted
483 on the Office of Economic and Demographic Research's website,
484 and a per capita annual income that is less than the state's per
485 capita annual income as shown in the most recent release from
486 the Bureau of the Census of the United States Department of
487 Commerce that includes both measurements; ~~or~~

488 2. A county that has a population of 50,000 or fewer,
489 according to the most recent April 1 population estimates posted
490 on the Office of Economic and Demographic Research's website,
491 and a per capita annual income that is less than the state's per
492 capita annual income as shown in the most recent release from
493 the Bureau of the Census of the United States Department of
494 Commerce that includes both measurements; or



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495 3. A municipality or a county with a per capita annual
496 income that is equal to or less than 75 percent of the state's
497 per capita annual income as shown in the most recent release
498 from the Bureau of the Census of the United States Department of
499 Commerce.

500 ~~(f) To be eligible for inclusion in the plan, a project~~
501 ~~must have been submitted pursuant to paragraph (d) or must have~~
502 ~~been identified in the comprehensive statewide flood~~
503 ~~vulnerability and sea level rise assessment, as applicable.~~

504 ~~(g)~~ Expenses ineligible for inclusion in the plan include,
505 but are not limited to, expenses associated with any of the
506 following:

507 1. Aesthetic vegetation.

508 2. Recreational structures such as piers, docks, and
509 boardwalks.

510 3. Water quality components of stormwater and wastewater
511 management systems, except for expenses to mitigate water
512 quality impacts caused by the project or expenses related to
513 water quality which are necessary to obtain a permit for the
514 project.

515 4. Maintenance and repair of over-walks.

516 5. Park activities and facilities, except expenses to
517 control flooding or erosion.

518 6. Navigation construction, operation, and maintenance
519 activities.

520 7. Projects that provide only recreational benefits.

521 (g)~~(h)~~ The department shall implement a scoring system for
522 assessing each project eligible for inclusion in the plan
523 pursuant to this subsection. The scoring system must include the



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524 following tiers and associated criteria:

525 1. Tier 1 must account for 40 percent of the total score
526 and consist of all of the following criteria:

527 a. The degree to which the project addresses the risks
528 posed by flooding and sea level rise identified in the local
529 government vulnerability assessments or the comprehensive
530 statewide flood vulnerability and sea level rise assessment, as
531 applicable.

532 b. The degree to which the project addresses risks to
533 regionally significant assets.

534 c. The degree to which the project reduces risks to areas
535 with an overall higher percentage of vulnerable critical assets.

536 d. The degree to which the project contributes to existing
537 flooding mitigation projects that reduce upland damage costs by
538 incorporating new or enhanced structures or restoration and
539 revegetation projects.

540 2. Tier 2 must account for 30 percent of the total score
541 and consist of all of the following criteria:

542 a. The degree to which flooding and erosion currently
543 affect the condition of the project area.

544 b. The overall readiness of the project to proceed in a
545 timely manner, considering the project's readiness for the
546 construction phase of development, the status of required
547 permits, the status of any needed easement acquisition, and the
548 availability of local funding sources.

549 c. The environmental habitat enhancement or inclusion of
550 nature-based options for resilience, with priority given to
551 state or federal critical habitat areas for threatened or
552 endangered species.



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553 d. The cost-effectiveness of the project.
554 3. Tier 3 must account for 20 percent of the total score
555 and consist of all of the following criteria:
556 a. The availability of local, state, and federal matching
557 funds, considering the status of the funding award, and federal
558 authorization, if applicable.
559 b. Previous state commitment and involvement in the
560 project, considering previously funded phases, the total amount
561 of previous state funding, and previous partial appropriations
562 for the proposed project.
563 c. The exceedance of the flood-resistant construction
564 requirements of the Florida Building Code and applicable flood
565 plain management regulations.
566 4. Tier 4 must account for 10 percent of the total score
567 and consist of all of the following criteria:
568 a. The proposed innovative technologies designed to reduce
569 project costs and provide regional collaboration.
570 b. The extent to which the project assists financially
571 disadvantaged communities.
572 (h) ~~(i)~~ The total amount of funding proposed for each year
573 of the plan may not be less than \$100 million. Upon review and
574 subject to appropriation, the Legislature shall approve funding
575 for the projects as specified in the plan. Multiyear projects
576 that receive funding for the first year of the project must be
577 included in subsequent plans and funded until the project is
578 complete, provided that the project sponsor has complied with
579 all contractual obligations and funds are available.
580 (i) ~~(j)~~ The department shall adopt rules ~~initiate rulemaking~~
581 ~~by August 1, 2021,~~ to implement this section.



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582 (6) REGIONAL RESILIENCE ENTITIES.—Subject to specific
583 legislative appropriation, the department may provide funding
584 for all of the following purposes to regional entities,
585 including regional planning councils and estuary partnerships,
586 that are established by general purpose local governments and
587 whose responsibilities include planning for the resilience needs
588 of communities and coordinating intergovernmental solutions to
589 mitigate adverse impacts of flooding and sea level rise:

590 (a) Providing technical assistance to counties and
591 municipalities.

592 (b) Coordinating and conducting activities authorized by
593 subsection (3) with broad regional benefit or on behalf of
594 multiple member counties and municipalities ~~multijurisdictional~~
595 ~~vulnerability assessments.~~

596 (c) Developing project proposals to be submitted for
597 inclusion in the Statewide Flooding and Sea Level Rise
598 Resilience Plan.

599 Section 5. Subsection (1) of section 381.0061, Florida
600 Statutes, is amended to read:

601 381.0061 Administrative fines.—

602 (1) In addition to any administrative action authorized by
603 chapter 120 or by other law, the department may impose a fine,
604 which may not exceed \$500 for each violation, for a violation of
605 s. 381.006(15) ~~or, s. 381.0065, s. 381.0066,~~ s. 381.0072, ~~or~~
606 ~~part III of chapter 489,~~ for a violation of any rule adopted by
607 the department under this chapter, or for a violation of chapter
608 386 not involving onsite sewage treatment and disposal systems.
609 The department shall give an alleged violator a notice of intent
610 to impose such fine ~~shall be given by the department to the~~



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611 ~~alleged violator~~. Each day that a violation continues may
612 constitute a separate violation.

613 Section 6. The Legislature intends that the transfer of the
614 regulation of the Onsite Sewage Program from the Department of
615 Health to the Department of Environmental Protection, as
616 required by the Clean Waterways Act, chapter 2020-150, Laws of
617 Florida, be completed in a phased approach.

618 (1) Before the phased transfer, the Department of
619 Environmental Protection shall coordinate with the Department of
620 Health to identify equipment and vehicles that were previously
621 used to carry out the program in each county and that are no
622 longer needed for such purpose. The Department of Health shall
623 transfer the agreed-upon equipment and vehicles to the
624 Department of Environmental Protection, to the extent that each
625 county agrees to relinquish ownership of such equipment and
626 vehicles to the Department of Health.

627 (2) When the Department of Environmental Protection begins
628 implementing the program within a county, the Department of
629 Health may no longer implement or collect fees for the program
630 unless specified by separate delegation or contract with the
631 Department of Environmental Protection.

632 Section 7. Paragraph (h) of subsection (3) and subsections
633 (5) and (7) of section 381.0065, Florida Statutes, are amended,
634 paragraph (o) is added to subsection (3) of that section, and
635 subsection (9) is added to that section, to read:

636 381.0065 Onsite sewage treatment and disposal systems;
637 regulation.—

638 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL
639 PROTECTION.—The department shall:



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640 (h) Conduct enforcement activities in accordance with part
641 I of chapter 403, including imposing fines, issuing citations,
642 suspensions, revocations, injunctions, and emergency orders for
643 violations of this section, part I of chapter 386, or part III
644 of chapter 489 or for a violation of any rule adopted by the
645 department under this section, part I of chapter 386, or part
646 III of chapter 489. All references to part I of chapter 386 in
647 this section relate solely to nuisances involving improperly
648 built or maintained septic tanks or other onsite sewage
649 treatment and disposal systems, and untreated or improperly
650 treated or transported waste from onsite sewage treatment and
651 disposal systems. The department shall have all the duties and
652 authorities of the Department of Health in part I of chapter 386
653 for nuisances involving onsite sewage treatment and disposal
654 systems. The department's authority under part I of chapter 386
655 is in addition to and may be pursued independently of or
656 simultaneously with the enforcement remedies provided under this
657 section and chapter 403.

658 (o) Adopt rules establishing and implementing a program of
659 general permits for this section for projects, or categories of
660 projects, which have, individually or cumulatively, a minimal
661 adverse impact on public health or the environment. Such rules
662 must:

663 1. Specify design or performance criteria which, if
664 applied, would result in compliance with appropriate standards;
665 and

666 2. Authorize a person who complies with the general permit
667 eligibility requirements to use the permit 30 days after giving
668 notice to the department without any agency action by the



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669 department. Within the 30-day notice period, the department
670 shall determine whether the activity qualifies for a general
671 permit. If the activity does not qualify or the notice does not
672 contain all the required information, the department must notify
673 the person.

674 (5) ENFORCEMENT; RIGHT OF ENTRY; ~~CITATIONS.~~—

675 (a) Department personnel who have reason to believe
676 noncompliance exists, may at any reasonable time, enter the
677 premises permitted under ss. 381.0065-381.0066, or the business
678 premises of any septic tank contractor or master septic tank
679 contractor registered under part III of chapter 489, or any
680 premises that the department has reason to believe is being
681 operated or maintained not in compliance, to determine
682 compliance with the provisions of this section, part I of
683 chapter 386, or part III of chapter 489 or rules or standards
684 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
685 part III of chapter 489. As used in this paragraph, the term
686 “premises” does not include a residence or private building. To
687 gain entry to a residence or private building, the department
688 must obtain permission from the owner or occupant or secure an
689 inspection warrant from a court of competent jurisdiction
690 pursuant to the procedures of s. 403.091.

691 ~~(b)1. The department has all of the judicial and~~
692 ~~administrative remedies available to it pursuant to part I of~~
693 ~~chapter 403 may issue citations that may contain an order of~~
694 ~~correction or an order to pay a fine, or both, for violations of~~
695 ~~ss. 381.0065-381.0067, part I of chapter 386, or part III of~~
696 ~~chapter 489 or the rules adopted by the department, when a~~
697 ~~violation of these sections or rules is enforceable by an~~



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698 ~~administrative or civil remedy, or when a violation of these~~
699 ~~sections or rules is a misdemeanor of the second degree. A~~
700 ~~citation issued under ss. 381.0065-381.0067, part I of chapter~~
701 ~~386, or part III of chapter 489 constitutes a notice of proposed~~
702 ~~agency action.~~

703 ~~2. A citation must be in writing and must describe the~~
704 ~~particular nature of the violation, including specific reference~~
705 ~~to the provisions of law or rule allegedly violated.~~

706 ~~3. The fines imposed by a citation issued by the department~~
707 ~~may not exceed \$500 for each violation. Each day the violation~~
708 ~~exists constitutes a separate violation for which a citation may~~
709 ~~be issued.~~

710 ~~4. The department shall inform the recipient, by written~~
711 ~~notice pursuant to ss. 120.569 and 120.57, of the right to an~~
712 ~~administrative hearing to contest the citation within 21 days~~
713 ~~after the date the citation is received. The citation must~~
714 ~~contain a conspicuous statement that if the recipient fails to~~
715 ~~pay the fine within the time allowed, or fails to appear to~~
716 ~~contest the citation after having requested a hearing, the~~
717 ~~recipient has waived the recipient's right to contest the~~
718 ~~citation and must pay an amount up to the maximum fine.~~

719 ~~5. The department may reduce or waive the fine imposed by~~
720 ~~the citation. In determining whether to reduce or waive the~~
721 ~~fine, the department must consider the gravity of the violation,~~
722 ~~the person's attempts at correcting the violation, and the~~
723 ~~person's history of previous violations including violations for~~
724 ~~which enforcement actions were taken under ss. 381.0065-~~
725 ~~381.0067, part I of chapter 386, part III of chapter 489, or~~
726 ~~other provisions of law or rule.~~



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727 ~~6. Any person who willfully refuses to sign and accept a~~
728 ~~citation issued by the department commits a misdemeanor of the~~
729 ~~second degree, punishable as provided in s. 775.082 or s.~~
730 ~~775.083.~~

731 ~~7. The department, pursuant to ss. 381.0065-381.0067, part~~
732 ~~I of chapter 386, or part III of chapter 489, shall deposit any~~
733 ~~damages, costs, or penalties fines it collects pursuant to this~~
734 ~~section and part I of chapter 403 in the Water Quality Assurance~~
735 ~~Trust Fund county health department trust fund for use in~~
736 ~~providing services specified in those sections.~~

737 ~~8. This section provides an alternative means of enforcing~~
738 ~~ss. 381.0065-381.0067, part I of chapter 386, and part III of~~
739 ~~chapter 489. This section does not prohibit the department from~~
740 ~~enforcing ss. 381.0065-381.0067, part I of chapter 386, or part~~
741 ~~III of chapter 489, or its rules, by any other means. However,~~
742 ~~the department must elect to use only a single method of~~
743 ~~enforcement for each violation.~~

744 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
745 TREATMENT AND DISPOSAL SYSTEMS.-To meet the requirements of a
746 total maximum daily load, the department shall implement a fast-
747 track approval process of no longer than 6 months for the
748 determination of the use of American National Standards
749 Institute 245 systems approved by NSF International before July
750 1, 2020. The department shall also establish an enhanced
751 nutrient-reducing onsite sewage treatment and disposal system
752 approval program that will expeditiously evaluate and approve
753 such systems for use in this state to comply with ss.
754 403.067(7)(a)10. and 373.469(3)(d).

755 (9) CONTRACT OR DELEGATION AUTHORITY.-The department may



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756 contract with or delegate its powers and duties under this
757 section to a county as provided in s. 403.061 or s. 403.182.

758 Section 8. Subsection (2) of section 381.0066, Florida
759 Statutes, is amended to read:

760 381.0066 Onsite sewage treatment and disposal systems;
761 fees.—

762 (2) The minimum fees in the following fee schedule apply
763 until changed by rule by the department within the following
764 limits:

765 (a) Application review, permit issuance, or system
766 inspection, when performed by the department or a private
767 provider inspector, including repair of a subsurface, mound,
768 filled, or other alternative system or permitting of an
769 abandoned system: a fee of not less than \$25, or more than \$125.

770 (b) Site evaluation, site reevaluation, evaluation of a
771 system previously in use, or a per annum septage disposal site
772 evaluation: a fee of not less than \$40, or more than \$115.

773 (c) Biennial operating permit for aerobic treatment units
774 or performance-based treatment systems: a fee of not more than
775 \$100.

776 (d) Annual operating permit for systems located in areas
777 zoned for industrial manufacturing or equivalent uses or where
778 the system is expected to receive wastewater which is not
779 domestic in nature: a fee of not less than \$150, or more than
780 \$300.

781 (e) Innovative technology: a fee not to exceed \$25,000.

782 (f) Septage disposal service, septage stabilization
783 facility, portable or temporary toilet service, tank
784 manufacturer inspection: a fee of not less than \$25, or more



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785 than \$200, per year.

786 (g) Application for variance: a fee of not less than \$150,
787 or more than \$300.

788 (h) Annual operating permit for waterless, incinerating, or
789 organic waste composting toilets: a fee of not less than \$15, or
790 more than \$30.

791 (i) Aerobic treatment unit or performance-based treatment
792 system maintenance entity permit: a fee of not less than \$25, or
793 more than \$150, per year.

794 (j) Reinspection fee per visit for site inspection after
795 system construction approval or for noncompliant system
796 installation per site visit: a fee of not less than \$25, or more
797 than \$100.

798 (k) Research: An additional \$5 fee shall be added to each
799 new system construction permit issued to be used to fund onsite
800 sewage treatment and disposal system research, demonstration,
801 and training projects. Five dollars from any repair permit fee
802 collected under this section shall be used for funding the
803 hands-on training centers described in s. 381.0065(3)(j).

804 (l) Annual operating permit, including annual inspection
805 and any required sampling and laboratory analysis of effluent,
806 for an engineer-designed performance-based system: a fee of not
807 less than \$150, or more than \$300.

808

809 The funds collected pursuant to this subsection for the
810 implementation of onsite sewage treatment and disposal system
811 regulation and for the purposes of ss. 381.00655 and 381.0067,
812 subsequent to any phased transfer of implementation from the
813 Department of Health to the department within any county



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814 pursuant to s. 381.0065, must be deposited in the Florida Permit
815 Fee Trust Fund under s. 403.0871, to be administered by the
816 department ~~a trust fund administered by the department, to be~~
817 ~~used for the purposes stated in this section and ss. 381.0065~~
818 ~~and 381.00655.~~

819 Section 9. Subsection (4) of section 403.061, Florida
820 Statutes, is amended to read:

821 403.061 Department; powers and duties.—The department shall
822 have the power and the duty to control and prohibit pollution of
823 air and water in accordance with the law and rules adopted and
824 promulgated by it and, for this purpose, to:

825 (4) Secure necessary scientific, technical, research,
826 administrative, and operational services by interagency
827 agreement, by contract, or otherwise. All state agencies and
828 counties, upon direction of the department, shall make these
829 services and facilities available.

830
831 The department shall implement such programs in conjunction with
832 its other powers and duties and shall place special emphasis on
833 reducing and eliminating contamination that presents a threat to
834 humans, animals or plants, or to the environment.

835 Section 10. Subsections (1), (2), (14), and (15) of section
836 403.064, Florida Statutes, are amended to read:

837 403.064 Reuse of reclaimed water.—

838 (1) The encouragement and promotion of water conservation,
839 and reuse of reclaimed water, as defined by the department, are
840 state objectives and are considered to be in the public
841 interest. The Legislature finds that the reuse of reclaimed
842 water is a critical component of meeting the state's existing



843 and future water supply needs while sustaining natural systems
844 and encouraging its best and most beneficial use. The
845 Legislature further finds that for those wastewater treatment
846 plants permitted and operated under an approved reuse program by
847 the department, the reclaimed water shall be considered
848 environmentally acceptable and not a threat to public health and
849 safety. The Legislature encourages the development of incentive-
850 based programs for reuse implementation.

851 (2) All applicants for permits to construct or operate a
852 domestic wastewater treatment facility ~~located within, serving a~~
853 ~~population located within, or discharging within a water~~
854 ~~resource caution area~~ shall prepare a reuse feasibility study as
855 part of their application for the permit. Reuse feasibility
856 studies must ~~shall~~ be prepared in accordance with department
857 guidelines adopted by rule and shall include, but are not
858 limited to:

859 (a) Evaluation of monetary costs and benefits for several
860 levels and types of reuse.

861 (b) Evaluation of the estimated water savings resulting
862 from different types of ~~if~~ reuse, if ~~is~~ implemented.

863 (c) Evaluation of rates and fees necessary to implement
864 reuse.

865 (d) Evaluation of environmental and water resource benefits
866 associated with the different types of reuse.

867 (e) Evaluation of economic, environmental, and technical
868 constraints associated with the different types of reuse,
869 including any constraints caused by potential water quality
870 impacts.

871 (f) A schedule for implementation of reuse. The schedule



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872 ~~must shall~~ consider phased implementation.

873 (14) After conducting a feasibility study under subsection
874 (2), a domestic wastewater treatment facility facilities that
875 disposes dispose of effluent by Class I deep well injection, as
876 defined in 40 C.F.R. s. 144.6(a), surface water discharge, land
877 application, or other method to dispose of effluent or a portion
878 thereof must implement reuse to the degree that reuse is
879 feasible, based upon the applicant's reuse feasibility study,
880 with consideration given to direct ecological or public water
881 supply benefits afforded by any disposal. Applicable permits
882 issued by the department ~~must shall~~ be consistent with the
883 requirements of this subsection.

884 (a) This subsection does not limit the use of a Class I
885 deep well injection as defined in 40 C.F.R. s. 144.6(a), surface
886 water discharge, land application, or another method to dispose
887 of effluent or a portion thereof for backup use only facility as
888 backup for a reclaimed water reuse system.

889 ~~(b) This subsection applies only to domestic wastewater~~
890 ~~treatment facilities located within, serving a population~~
891 ~~located within, or discharging within a water resource caution~~
892 ~~area.~~

893 ~~(15) After conducting a feasibility study under subsection~~
894 ~~(2), domestic wastewater treatment facilities that dispose of~~
895 ~~effluent by surface water discharges or by land application~~
896 ~~methods must implement reuse to the degree that reuse is~~
897 ~~feasible, based upon the applicant's reuse feasibility study.~~
898 This subsection does not apply to surface water discharges or
899 land application systems which are currently categorized as
900 reuse under department rules. ~~Applicable permits issued by the~~



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901 ~~department shall be consistent with the requirements of this~~
902 ~~subsection.~~

903 ~~(a) This subsection does not limit the use of a surface~~
904 ~~water discharge or land application facility as backup for a~~
905 ~~reclaimed water reuse system.~~

906 ~~(b) This subsection applies only to domestic wastewater~~
907 ~~treatment facilities located within, serving a population~~
908 ~~located within, or discharging within a water resource caution~~
909 ~~area.~~

910 Section 11. Paragraph (a) of subsection (7) of section
911 403.067, Florida Statutes, is amended to read:

912 403.067 Establishment and implementation of total maximum
913 daily loads.—

914 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
915 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

916 (a) *Basin management action plans.*—

917 1. In developing and implementing the total maximum daily
918 load for a waterbody, the department, or the department in
919 conjunction with a water management district, may develop a
920 basin management action plan that addresses some or all of the
921 watersheds and basins tributary to the waterbody. Such plan must
922 integrate the appropriate management strategies available to the
923 state through existing water quality protection programs to
924 achieve the total maximum daily loads and may provide for phased
925 implementation of these management strategies to promote timely,
926 cost-effective actions as provided for in s. 403.151. The plan
927 must establish a schedule implementing the management
928 strategies, establish a basis for evaluating the plan's
929 effectiveness, and identify feasible funding strategies for



930 implementing the plan's management strategies. The management
931 strategies may include regional treatment systems or other
932 public works, when appropriate, and voluntary trading of water
933 quality credits to achieve the needed pollutant load reductions.

934 2. A basin management action plan must equitably allocate,
935 pursuant to paragraph (6) (b), pollutant reductions to individual
936 basins, as a whole to all basins, or to each identified point
937 source or category of nonpoint sources, as appropriate. For
938 nonpoint sources for which best management practices have been
939 adopted, the initial requirement specified by the plan must be
940 those practices developed pursuant to paragraph (c). When
941 appropriate, the plan may take into account the benefits of
942 pollutant load reduction achieved by point or nonpoint sources
943 that have implemented management strategies to reduce pollutant
944 loads, including best management practices, before the
945 development of the basin management action plan. The plan must
946 also identify the mechanisms that will address potential future
947 increases in pollutant loading.

948 3. The basin management action planning process is intended
949 to involve the broadest possible range of interested parties,
950 with the objective of encouraging the greatest amount of
951 cooperation and consensus possible. In developing a basin
952 management action plan, the department shall assure that key
953 stakeholders, including, but not limited to, applicable local
954 governments, water management districts, the Department of
955 Agriculture and Consumer Services, other appropriate state
956 agencies, local soil and water conservation districts,
957 environmental groups, regulated interests, and affected
958 pollution sources, are invited to participate in the process.



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959 The department shall hold at least one public meeting in the
960 vicinity of the watershed or basin to discuss and receive
961 comments during the planning process and shall otherwise
962 encourage public participation to the greatest practicable
963 extent. Notice of the public meeting must be published in a
964 newspaper of general circulation in each county in which the
965 watershed or basin lies at least 5 days, but not more than 15
966 days, before the public meeting. A basin management action plan
967 does not supplant or otherwise alter any assessment made under
968 subsection (3) or subsection (4) or any calculation or initial
969 allocation.

970 4. Each new or revised basin management action plan must
971 include all of the following:

972 a. The appropriate management strategies available through
973 existing water quality protection programs to achieve total
974 maximum daily loads, which may provide for phased implementation
975 to promote timely, cost-effective actions as provided for in s.
976 403.151.

977 b. A description of best management practices adopted by
978 rule.

979 c. For the applicable 5-year implementation milestone, a
980 list of projects that will achieve the pollutant load reductions
981 needed to meet the total maximum daily load or the load
982 allocations established pursuant to subsection (6). Each project
983 must include a planning-level cost estimate and an estimated
984 date of completion.

985 d. A list of projects developed pursuant to paragraph (e),
986 if applicable.

987 e. The source and amount of financial assistance to be made



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988 available by the department, a water management district, or
989 other entity for each listed project, if applicable.

990 f. A planning-level estimate of each listed project's
991 expected load reduction, if applicable.

992 5. The department shall adopt all or any part of a basin
993 management action plan and any amendment to such plan by
994 secretarial order pursuant to chapter 120 to implement this
995 section.

996 6. The basin management action plan must include 5-year
997 milestones for implementation and water quality improvement, and
998 an associated water quality monitoring component sufficient to
999 evaluate whether reasonable progress in pollutant load
1000 reductions is being achieved over time. An assessment of
1001 progress toward these milestones shall be conducted every 5
1002 years, and revisions to the plan shall be made as appropriate.
1003 Any entity with a specific pollutant load reduction requirement
1004 established in a basin management action plan shall identify the
1005 projects or strategies that such entity will undertake to meet
1006 current 5-year pollution reduction milestones, beginning with
1007 the first 5-year milestone for new basin management action
1008 plans, and submit such projects to the department for inclusion
1009 in the appropriate basin management action plan. Each project
1010 identified must include an estimated amount of nutrient
1011 reduction that is reasonably expected to be achieved based on
1012 the best scientific information available. Revisions to the
1013 basin management action plan shall be made by the department in
1014 cooperation with basin stakeholders. Revisions to the management
1015 strategies required for nonpoint sources must follow the
1016 procedures in subparagraph (c)4. Revised basin management action



1017 plans must be adopted pursuant to subparagraph 5.

1018 7. In accordance with procedures adopted by rule under
1019 paragraph (9)(c), basin management action plans, and other
1020 pollution control programs under local, state, or federal
1021 authority as provided in subsection (4), may allow point or
1022 nonpoint sources that will achieve greater pollutant reductions
1023 than required by an adopted total maximum daily load or
1024 wasteload allocation to generate, register, and trade water
1025 quality credits for the excess reductions to enable other
1026 sources to achieve their allocation; however, the generation of
1027 water quality credits does not remove the obligation of a source
1028 or activity to meet applicable technology requirements or
1029 adopted best management practices. Such plans must allow trading
1030 between NPDES permittees, and trading that may or may not
1031 involve NPDES permittees, where the generation or use of the
1032 credits involve an entity or activity not subject to department
1033 water discharge permits whose owner voluntarily elects to obtain
1034 department authorization for the generation and sale of credits.

1035 8. The department's rule relating to the equitable
1036 abatement of pollutants into surface waters do not apply to
1037 water bodies or waterbody segments for which a basin management
1038 plan that takes into account future new or expanded activities
1039 or discharges has been adopted under this section.

1040 9. In order to promote resilient wastewater utilities, if
1041 the department identifies domestic wastewater treatment
1042 facilities or onsite sewage treatment and disposal systems as
1043 contributors of at least 20 percent of point source or nonpoint
1044 source nutrient pollution or if the department determines
1045 remediation is necessary to achieve the total maximum daily



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1046 load, a basin management action plan for a nutrient total
1047 maximum daily load must include the following:

1048 a. A domestic wastewater treatment plan developed by each
1049 local government, in cooperation with the department, the water
1050 management district, and the public and private domestic
1051 wastewater treatment facilities providing services or located
1052 within the jurisdiction of the local government, which ~~that~~
1053 addresses domestic wastewater. Private domestic wastewater
1054 facilities and special districts providing domestic wastewater
1055 services must provide the required wastewater facility
1056 information to the applicable local governments. The domestic
1057 wastewater treatment plan must:

1058 (I) Provide for construction, expansion, or upgrades
1059 necessary to achieve the total maximum daily load requirements
1060 applicable to the domestic wastewater treatment facility.

1061 (II) Include the permitted capacity in average annual
1062 gallons per day for the domestic wastewater treatment facility;
1063 the average nutrient concentration and the estimated average
1064 nutrient load of the domestic wastewater; a projected timeline
1065 of the dates by which the construction of any facility
1066 improvements will begin and be completed and the date by which
1067 operations of the improved facility will begin; the estimated
1068 cost of the improvements; and the identity of responsible
1069 parties.

1070
1071 The domestic wastewater treatment plan must be adopted as part
1072 of the basin management action plan no later than July 1, 2025.
1073 A local government that does not have a domestic wastewater
1074 treatment facility in its jurisdiction is not required to



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1075 develop a domestic wastewater treatment plan unless there is a
1076 demonstrated need to establish a domestic wastewater treatment
1077 facility within its jurisdiction to improve water quality
1078 necessary to achieve a total maximum daily load. A local
1079 government is not responsible for a private domestic wastewater
1080 facility's compliance with a basin management action plan unless
1081 such facility is operated through a public-private partnership
1082 to which the local government is a party.

1083 b. An onsite sewage treatment and disposal system
1084 remediation plan developed by each local government in
1085 cooperation with the department, the Department of Health, water
1086 management districts, and public and private domestic wastewater
1087 treatment facilities.

1088 (I) The onsite sewage treatment and disposal system
1089 remediation plan must identify cost-effective and financially
1090 feasible projects necessary to achieve the nutrient load
1091 reductions required for onsite sewage treatment and disposal
1092 systems. To identify cost-effective and financially feasible
1093 projects for remediation of onsite sewage treatment and disposal
1094 systems, the local government shall:

1095 (A) Include an inventory of onsite sewage treatment and
1096 disposal systems based on the best information available;

1097 (B) Identify onsite sewage treatment and disposal systems
1098 that would be eliminated through connection to existing or
1099 future central domestic wastewater infrastructure in the
1100 jurisdiction or domestic wastewater service area of the local
1101 government, that would be replaced with or upgraded to enhanced
1102 nutrient-reducing onsite sewage treatment and disposal systems,
1103 or that would remain on conventional onsite sewage treatment and



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1104 disposal systems;

1105 (C) Estimate the costs of potential onsite sewage treatment
1106 and disposal system connections, upgrades, or replacements; and

1107 (D) Identify deadlines and interim milestones for the
1108 planning, design, and construction of projects.

1109 (II) The department shall adopt the onsite sewage treatment
1110 and disposal system remediation plan as part of the basin
1111 management action plan no later than July 1, 2025, or as
1112 required for Outstanding Florida Springs under s. 373.807.

1113 10. The installation of new onsite sewage treatment and
1114 disposal systems constructed within a basin management action
1115 plan area adopted under this section, a reasonable assurance
1116 plan, or a pollution reduction plan is prohibited where
1117 connection to a publicly owned or investor-owned sewerage system
1118 is available as defined in s. 381.0065(2) (a). On lots of 1 acre
1119 or less within a basin management action plan adopted under this
1120 section, a reasonable assurance plan, or a pollution reduction
1121 plan where a publicly owned or investor-owned sewerage system is
1122 not available, the installation of enhanced nutrient-reducing
1123 onsite sewage treatment and disposal systems or other wastewater
1124 treatment systems that achieve at least 65 percent nitrogen
1125 reduction is required.

1126 11. When identifying wastewater projects in a basin
1127 management action plan, the department may not require the
1128 higher cost option if it achieves the same nutrient load
1129 reduction as a lower cost option. A regulated entity may choose
1130 a different cost option if it complies with the pollutant
1131 reduction requirements of an adopted total maximum daily load
1132 and meets or exceeds the pollution reduction requirement of the



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1133 original project.

1134 12. Annually, local governments subject to a basin
1135 management action plan or located within the basin of a
1136 waterbody not attaining nutrient or nutrient-related standards
1137 must provide to the department an update on the status of
1138 construction of sanitary sewers to serve such areas, in a manner
1139 prescribed by the department.

1140 Section 12. Paragraph (f) of subsection (2) and subsection
1141 (7) of section 403.0673, Florida Statutes, are amended, and
1142 subsection (8) is added to that section, to read:

1143 403.0673 Water quality improvement grant program.—A grant
1144 program is established within the Department of Environmental
1145 Protection to address wastewater, stormwater, and agricultural
1146 sources of nutrient loading to surface water or groundwater.

1147 (2) The department may provide grants for all of the
1148 following types of projects that reduce the amount of nutrients
1149 entering those waterbodies identified in subsection (1):

1150 (f) Projects identified in a domestic wastewater treatment
1151 plan or an onsite sewage treatment and disposal system
1152 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and
1153 b.

1154 (7) Beginning January 15, 2024, and each January 15
1155 thereafter, the department shall submit a report regarding the
1156 projects funded pursuant to this section to the Governor, the
1157 President of the Senate, and the Speaker of the House of
1158 Representatives.

1159 (a) The report must include a list of those projects
1160 receiving funding and the following information for each
1161 project:



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- 1162 1.-(a) A description of the project;
1163 2.-(b) The cost of the project;
1164 3.-(c) The estimated nutrient load reduction of the project;
1165 4.-(d) The location of the project;
1166 5.-(e) The waterbody or waterbodies where the project will
1167 reduce nutrients; and

1168 6.-(f) The total cost share being provided for the project.

1169 (b) The report must also include a status report on each
1170 project funded since 2021. The status report must, at a minimum,
1171 identify which projects have been completed and, if such
1172 information is available, provide nutrient load improvements or
1173 water quality testing data for the waterbody.

1174 (8) By July 1, 2025, the department must include the
1175 projects funded pursuant to this section on a user-friendly
1176 website or dashboard. The website or dashboard must allow the
1177 user to see the information provided in subsection (7) and must
1178 be updated at least annually.

1179 Section 13. Paragraph (c) of subsection (1) of section
1180 403.086, Florida Statutes, is amended to read:

1181 403.086 Sewage disposal facilities; advanced and secondary
1182 waste treatment.—

1183 (1)

1184 (c)1. Notwithstanding this chapter or chapter 373, sewage
1185 disposal facilities may not dispose any wastes into the
1186 following waters without providing advanced waste treatment, as
1187 defined in subsection (4), as approved by the department or a
1188 more stringent treatment standard if the department determines
1189 the more stringent standard is necessary to achieve the total
1190 maximum daily load or applicable water quality criteria:



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1191 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega
1192 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little
1193 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
1194 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
1195 sound, or other water tributary thereto.

1196 b. Beginning July 1, 2025, Indian River Lagoon, or any
1197 river, stream, channel, canal, bay, bayou, sound, or other water
1198 tributary thereto.

1199 c. By January 1, 2033, waterbodies that are currently not
1200 attaining nutrient or nutrient-related standards or that are
1201 subject to a nutrient or nutrient-related basin management
1202 action plan adopted pursuant to s. 403.067 or adopted reasonable
1203 assurance plan.

1204 2. For any waterbody determined not to be attaining
1205 nutrient or nutrient-related standards after July 1, 2023, or
1206 subject to a nutrient or nutrient-related basin management
1207 action plan adopted pursuant to s. 403.067 or adopted reasonable
1208 assurance plan after July 1, 2023, sewage disposal facilities
1209 are prohibited from disposing any wastes into such waters
1210 without providing advanced waste treatment, as defined in
1211 subsection (4), as approved by the department within 10 years
1212 after such determination or adoption.

1213 3. By July 1, 2034, a wastewater treatment facility
1214 providing reclaimed water that will be used for commercial or
1215 residential irrigation or be otherwise land applied within a
1216 nutrient basin management action plan or reasonable assurance
1217 plan area must meet the advanced waste treatment standards for
1218 total nitrogen and total phosphorous as defined in paragraph
1219 (4) (a) if the department has determined in an applicable basin



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1220 management action plan or reasonable assurance plan that the use
1221 of reclaimed water as described in this subparagraph is causing
1222 or contributing to the nutrient impairment being addressed in
1223 such plan. For such department determinations made in a nutrient
1224 basin management action plan or reasonable assurance plan after
1225 July 1, 2024, an applicable wastewater treatment facility must
1226 meet the requisite advanced waste treatment standards described
1227 in this subparagraph within 10 years after such determination.
1228 This subparagraph does not prevent the department from requiring
1229 an alternative treatment standard, including a more stringent
1230 treatment standard, if the department determines that the
1231 alternative standard is necessary to achieve the total maximum
1232 daily load or applicable water quality criteria. This
1233 subparagraph does not apply to reclaimed water that is otherwise
1234 land applied as part of a water quality restoration project or
1235 water resource development project approved by the department to
1236 meet a total maximum daily load or minimum flow or level and
1237 where such reclaimed water will be at or below the advanced
1238 waste treatment standards described above before entering
1239 groundwater or surface water.

1240 Section 14. Paragraphs (a) and (b) of subsection (1) and
1241 paragraph (b) of subsection (3) of section 403.091, Florida
1242 Statutes, are amended to read:

1243 403.091 Inspections.—

1244 (1) (a) Any duly authorized representative of the department
1245 may at any reasonable time enter and inspect, for the purpose of
1246 ascertaining the state of compliance with the law or rules and
1247 regulations of the department, any property, premises, or place,
1248 except a building which is used exclusively for a private



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1249 residence, on or at which:
1250 1. A hazardous waste generator, transporter, or facility or
1251 other air or water contaminant source;
1252 2. A discharger, including any nondomestic discharger which
1253 introduces any pollutant into a publicly owned treatment works;
1254 3. An onsite sewage treatment and disposal system as
1255 defined in s. 381.0065(2)(m);
1256 4. Any facility, as defined in s. 376.301; or
1257 ~~5.4.~~ A resource recovery and management facility
1258
1259 is located or is being constructed or installed or where records
1260 which are required under this chapter, ss. 376.30-376.317, or
1261 department rule are kept.
1262 (b) Any duly authorized representative may at reasonable
1263 times have access to and copy any records required under this
1264 chapter or ss. 376.30-376.317; inspect any monitoring equipment
1265 or method; sample for any pollutants as defined in s. 376.301,
1266 effluents, or wastes which the owner or operator of such source
1267 may be discharging or which may otherwise be located on or
1268 underlying the owner's or operator's property; and obtain any
1269 other information necessary to determine compliance with permit
1270 conditions or other requirements of this chapter, ss. 376.30-
1271 376.317, ss. 381.0065-381.0067, part I of chapter 386 for
1272 purposes of onsite sewage treatment and disposal systems, part
1273 III of chapter 489, or rules or standards adopted under ss.
1274 381.0065-381.0067, part I of chapter 386 for purposes of onsite
1275 sewage treatment and disposal systems, or part III of chapter
1276 489, or department rules.
1277 (3)



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1278 (b) Upon proper affidavit being made, an inspection warrant
1279 may be issued under ~~the provisions of~~ this chapter or ss.

1280 376.30-376.317:

1281 1. When it appears that the properties to be inspected may
1282 be connected with or contain evidence of the violation of ~~any of~~
1283 ~~the provisions of~~ this chapter or ss. 376.30-376.317, ss.

1284 381.0065-381.0067, part I of chapter 386 for purposes of onsite
1285 sewage treatment and disposal systems, part III of chapter 489,
1286 or rules or standards adopted under ss. 381.0065-381.0067, part
1287 I of chapter 386 for purposes of onsite sewage treatment and
1288 disposal systems, or part III of chapter 489 or any rule
1289 properly promulgated thereunder; or

1290 2. When the inspection sought is an integral part of a
1291 larger scheme of systematic routine inspections which are
1292 necessary to, and consistent with, the continuing efforts of the
1293 department to ensure compliance with the provisions of this
1294 chapter or ss. 376.30-376.317, ss. 381.0065-381.0067, part I of
1295 chapter 386 for purposes of onsite sewage treatment and disposal
1296 systems, part III of chapter 489, or rules or standards adopted
1297 under ss. 381.0065-381.0067, part I of chapter 386 for purposes
1298 of onsite sewage treatment and disposal systems, or part III of
1299 chapter 489 and any rules adopted thereunder.

1300 Section 15. Section 403.121, Florida Statutes, is amended
1301 to read:

1302 403.121 Enforcement; procedure; remedies.—The department
1303 shall have the following judicial and administrative remedies
1304 available to it for violations of this chapter, as specified in
1305 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for
1306 purposes of onsite sewage treatment and disposal systems, part



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1307 III of chapter 489, or any rule promulgated thereunder.

1308 (1) Judicial Remedies:

1309 (a) The department may institute a civil action in a court
1310 of competent jurisdiction to establish liability and to recover
1311 damages for any injury to the air, waters, or property,
1312 including animal, plant, and aquatic life, of the state caused
1313 by any violation.

1314 (b) The department may institute a civil action in a court
1315 of competent jurisdiction to impose and to recover a civil
1316 penalty for each violation in an amount of not more than \$15,000
1317 per offense. However, the court may receive evidence in
1318 mitigation. Each day during any portion of which such violation
1319 occurs constitutes a separate offense.

1320 (c) Except as provided in paragraph (2)(c), it is not a
1321 defense to, or ground for dismissal of, these judicial remedies
1322 for damages and civil penalties that the department has failed
1323 to exhaust its administrative remedies, has failed to serve a
1324 notice of violation, or has failed to hold an administrative
1325 hearing before the institution of a civil action.

1326 (2) Administrative Remedies:

1327 (a) The department may institute an administrative
1328 proceeding to establish liability and to recover damages for any
1329 injury to the air, waters, or property, including animal, plant,
1330 or aquatic life, of the state caused by any violation. The
1331 department may order that the violator pay a specified sum as
1332 damages to the state. Judgment for the amount of damages
1333 determined by the department may be entered in any court having
1334 jurisdiction thereof and may be enforced as any other judgment.

1335 (b) If the department has reason to believe a violation has



1336 occurred, it may institute an administrative proceeding to order
1337 the prevention, abatement, or control of the conditions creating
1338 the violation or other appropriate corrective action. Except for
1339 violations involving hazardous wastes, asbestos, or underground
1340 injection, the department shall proceed administratively in all
1341 cases in which the department seeks administrative penalties
1342 that do not exceed \$50,000 per assessment as calculated in
1343 accordance with subsections (3), (4), (5), (6), and (7).
1344 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
1345 assessed pursuant to subsection (3), subsection (4), or
1346 subsection (5) against a public water system serving a
1347 population of more than 10,000 may not be less than \$1,000 per
1348 day per violation. The department may not impose administrative
1349 penalties in excess of \$50,000 in a notice of violation. The
1350 department may not have more than one notice of violation
1351 seeking administrative penalties pending against the same party
1352 at the same time unless the violations occurred at a different
1353 site or the violations were discovered by the department
1354 subsequent to the filing of a previous notice of violation.

1355 (c) An administrative proceeding shall be instituted by the
1356 department's serving of a written notice of violation upon the
1357 alleged violator by certified mail. If the department is unable
1358 to effect service by certified mail, the notice of violation may
1359 be hand delivered or personally served in accordance with
1360 chapter 48. The notice shall specify the law, rule, regulation,
1361 permit, certification, or order of the department alleged to be
1362 violated and the facts alleged to constitute a violation
1363 thereof. An order for corrective action, penalty assessment, or
1364 damages may be included with the notice. When the department is



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1365 seeking to impose an administrative penalty for any violation by
1366 issuing a notice of violation, any corrective action needed to
1367 correct the violation or damages caused by the violation must be
1368 pursued in the notice of violation or they are waived. However,
1369 an order is not effective until after service and an
1370 administrative hearing, if requested within 20 days after
1371 service. Failure to request an administrative hearing within
1372 this time period constitutes a waiver thereof, unless the
1373 respondent files a written notice with the department within
1374 this time period opting out of the administrative process
1375 initiated by the department to impose administrative penalties.
1376 Any respondent choosing to opt out of the administrative process
1377 initiated by the department in an action that seeks the
1378 imposition of administrative penalties must file a written
1379 notice with the department within 20 days after service of the
1380 notice of violation opting out of the administrative process. A
1381 respondent's decision to opt out of the administrative process
1382 does not preclude the department from initiating a state court
1383 action seeking injunctive relief, damages, and the judicial
1384 imposition of civil penalties.

1385 (d) If a person timely files a petition challenging a
1386 notice of violation, that person will thereafter be referred to
1387 as the respondent. The hearing requested by the respondent shall
1388 be held within 180 days after the department has referred the
1389 initial petition to the Division of Administrative Hearings
1390 unless the parties agree to a later date. The department has the
1391 burden of proving with the preponderance of the evidence that
1392 the respondent is responsible for the violation. Administrative
1393 penalties should not be imposed unless the department satisfies



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1394 that burden. Following the close of the hearing, the
1395 administrative law judge shall issue a final order on all
1396 matters, including the imposition of an administrative penalty.
1397 When the department seeks to enforce that portion of a final
1398 order imposing administrative penalties pursuant to s. 120.69,
1399 the respondent may not assert as a defense the inappropriateness
1400 of the administrative remedy. The department retains its final-
1401 order authority in all administrative actions that do not
1402 request the imposition of administrative penalties.

1403 (e) After filing a petition requesting a formal hearing in
1404 response to a notice of violation in which the department
1405 imposes an administrative penalty, a respondent may request that
1406 a private mediator be appointed to mediate the dispute by
1407 contacting the Florida Conflict Resolution Consortium within 10
1408 days after receipt of the initial order from the administrative
1409 law judge. The Florida Conflict Resolution Consortium shall pay
1410 all of the costs of the mediator and for up to 8 hours of the
1411 mediator's time per case at \$150 per hour. Upon notice from the
1412 respondent, the Florida Conflict Resolution Consortium shall
1413 provide to the respondent a panel of possible mediators from the
1414 area in which the hearing on the petition would be heard. The
1415 respondent shall select the mediator and notify the Florida
1416 Conflict Resolution Consortium of the selection within 15 days
1417 of receipt of the proposed panel of mediators. The Florida
1418 Conflict Resolution Consortium shall provide all of the
1419 administrative support for the mediation process. The mediation
1420 must be completed at least 15 days before the final hearing date
1421 set by the administrative law judge.

1422 (f) In any administrative proceeding brought by the



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1423 department, the prevailing party shall recover all costs as
1424 provided in ss. 57.041 and 57.071. The costs must be included in
1425 the final order. The respondent is the prevailing party when an
1426 order is entered awarding no penalties to the department and
1427 such order has not been reversed on appeal or the time for
1428 seeking judicial review has expired. The respondent is entitled
1429 to an award of attorney fees if the administrative law judge
1430 determines that the notice of violation issued by the department
1431 seeking the imposition of administrative penalties was not
1432 substantially justified as defined in s. 57.111(3)(e). An award
1433 of attorney fees as provided by this subsection may not exceed
1434 \$15,000.

1435 (g) This section does not prevent any other legal or
1436 administrative action in accordance with law and does not limit
1437 the department's authority provided in ss. 403.131, 403.141, and
1438 this section to judicially pursue injunctive relief. When the
1439 department exercises its authority to judicially pursue
1440 injunctive relief, penalties in any amount up to the statutory
1441 maximum sought by the department must be pursued as part of the
1442 state court action and not by initiating a separate
1443 administrative proceeding. The department retains the authority
1444 to judicially pursue penalties in excess of \$50,000 for
1445 violations not specifically included in the administrative
1446 penalty schedule, or for multiple or multiday violations alleged
1447 to exceed a total of \$50,000. The department also retains the
1448 authority provided in ss. 403.131, 403.141, and this section to
1449 judicially pursue injunctive relief and damages, if a notice of
1450 violation seeking the imposition of administrative penalties has
1451 not been issued. The department has the authority to enter into



1452 a settlement, before or after initiating a notice of violation,
1453 and the settlement may include a penalty amount different from
1454 the administrative penalty schedule. Any case filed in state
1455 court because it is alleged to exceed a total of \$50,000 in
1456 penalties may be settled in the court action for less than
1457 \$50,000.

1458 (h) Chapter 120 applies to any administrative action taken
1459 by the department or any delegated program pursuing
1460 administrative penalties in accordance with this section.

1461 (3) Except for violations involving hazardous wastes,
1462 asbestos, or underground injection, administrative penalties
1463 must be calculated according to the following schedule:

1464 (a) For a drinking water contamination violation, the
1465 department shall assess a penalty of \$3,000 for a Maximum
1466 Containment Level (MCL) violation; plus \$1,500 if the violation
1467 is for a primary inorganic, organic, or radiological Maximum
1468 Contaminant Level or it is a fecal coliform bacteria violation;
1469 plus \$1,500 if the violation occurs at a community water system;
1470 and plus \$1,500 if any Maximum Contaminant Level is exceeded by
1471 more than 100 percent. For failure to obtain a clearance letter
1472 before placing a drinking water system into service when the
1473 system would not have been eligible for clearance, the
1474 department shall assess a penalty of \$4,500.

1475 (b) For failure to obtain a required wastewater permit,
1476 other than a permit required for surface water discharge, or
1477 obtain an onsite sewage treatment and disposal system permit, or
1478 for a violation of s. 381.0065, or the creation of or
1479 maintenance of a nuisance related to an onsite sewage treatment
1480 and disposal system under part I of chapter 386, or for a



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1481 violation of part III of chapter 489, or any rule properly
1482 promulgated thereunder, the department shall assess a penalty of
1483 \$2,000. For a domestic or industrial wastewater violation, not
1484 involving a surface water or groundwater quality violation, the
1485 department shall assess a penalty of \$4,000 for an unpermitted
1486 or unauthorized discharge or effluent-limitation exceedance or
1487 for failure to comply with s. 403.061(14) or s. 403.086(7) or
1488 rules adopted thereunder. For an unpermitted or unauthorized
1489 discharge or effluent-limitation exceedance that resulted in a
1490 surface water or groundwater quality violation, the department
1491 shall assess a penalty of \$10,000. Each day the cause of an
1492 unauthorized discharge of domestic wastewater or sanitary
1493 nuisance is not addressed constitutes a separate offense.

1494 (c) For a dredge and fill or stormwater violation, the
1495 department shall assess a penalty of \$1,500 for unpermitted or
1496 unauthorized dredging or filling or unauthorized construction of
1497 a stormwater management system against the person or persons
1498 responsible for the illegal dredging or filling, or unauthorized
1499 construction of a stormwater management system plus \$3,000 if
1500 the dredging or filling occurs in an aquatic preserve, an
1501 Outstanding Florida Water, a conservation easement, or a Class I
1502 or Class II surface water, plus \$1,500 if the area dredged or
1503 filled is greater than one-quarter acre but less than or equal
1504 to one-half acre, and plus \$1,500 if the area dredged or filled
1505 is greater than one-half acre but less than or equal to one
1506 acre. The administrative penalty schedule does not apply to a
1507 dredge and fill violation if the area dredged or filled exceeds
1508 one acre. The department retains the authority to seek the
1509 judicial imposition of civil penalties for all dredge and fill



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1510 violations involving more than one acre. The department shall
1511 assess a penalty of \$4,500 for the failure to complete required
1512 mitigation, failure to record a required conservation easement,
1513 or for a water quality violation resulting from dredging or
1514 filling activities, stormwater construction activities or
1515 failure of a stormwater treatment facility. For stormwater
1516 management systems serving less than 5 acres, the department
1517 shall assess a penalty of \$3,000 for the failure to properly or
1518 timely construct a stormwater management system. In addition to
1519 the penalties authorized in this subsection, the department
1520 shall assess a penalty of \$7,500 per violation against the
1521 contractor or agent of the owner or tenant that conducts
1522 unpermitted or unauthorized dredging or filling. For purposes of
1523 this paragraph, the preparation or signing of a permit
1524 application by a person currently licensed under chapter 471 to
1525 practice as a professional engineer does not make that person an
1526 agent of the owner or tenant.

1527 (d) For mangrove trimming or alteration violations, the
1528 department shall assess a penalty of \$7,500 per violation
1529 against the contractor or agent of the owner or tenant that
1530 conducts mangrove trimming or alteration without a permit as
1531 required by s. 403.9328. For purposes of this paragraph, the
1532 preparation or signing of a permit application by a person
1533 currently licensed under chapter 471 to practice as a
1534 professional engineer does not make that person an agent of the
1535 owner or tenant.

1536 (e) For solid waste violations, the department shall assess
1537 a penalty of \$3,000 for the unpermitted or unauthorized disposal
1538 or storage of solid waste; plus \$1,000 if the solid waste is



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1539 Class I or Class III (excluding yard trash) or if the solid
1540 waste is construction and demolition debris in excess of 20
1541 cubic yards, plus \$1,500 if the waste is disposed of or stored
1542 in any natural or artificial body of water or within 500 feet of
1543 a potable water well, plus \$1,500 if the waste contains PCB at a
1544 concentration of 50 parts per million or greater; untreated
1545 biomedical waste; friable asbestos greater than 1 cubic meter
1546 which is not wetted, bagged, and covered; used oil greater than
1547 25 gallons; or 10 or more lead acid batteries. The department
1548 shall assess a penalty of \$4,500 for failure to properly
1549 maintain leachate control; unauthorized burning; failure to have
1550 a trained spotter on duty at the working face when accepting
1551 waste; or failure to provide access control for three
1552 consecutive inspections. The department shall assess a penalty
1553 of \$3,000 for failure to construct or maintain a required
1554 stormwater management system.

1555 (f) For an air emission violation, the department shall
1556 assess a penalty of \$1,500 for an unpermitted or unauthorized
1557 air emission or an air-emission-permit exceedance, plus \$4,500
1558 if the emission was from a major source and the source was major
1559 for the pollutant in violation; plus \$1,500 if the emission was
1560 more than 150 percent of the allowable level.

1561 (g) For storage tank system and petroleum contamination
1562 violations, the department shall assess a penalty of \$7,500 for
1563 failure to empty a damaged storage system as necessary to ensure
1564 that a release does not occur until repairs to the storage
1565 system are completed; when a release has occurred from that
1566 storage tank system; for failure to timely recover free product;
1567 or for failure to conduct remediation or monitoring activities



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1568 until a no-further-action or site-rehabilitation completion
1569 order has been issued. The department shall assess a penalty of
1570 \$4,500 for failure to timely upgrade a storage tank system. The
1571 department shall assess a penalty of \$3,000 for failure to
1572 conduct or maintain required release detection; failure to
1573 timely investigate a suspected release from a storage system;
1574 depositing motor fuel into an unregistered storage tank system;
1575 failure to timely assess or remediate petroleum contamination;
1576 or failure to properly install a storage tank system. The
1577 department shall assess a penalty of \$1,500 for failure to
1578 properly operate, maintain, or close a storage tank system.

1579 (4) In an administrative proceeding, in addition to the
1580 penalties that may be assessed under subsection (3), the
1581 department shall assess administrative penalties according to
1582 the following schedule:

1583 (a) For failure to satisfy financial responsibility
1584 requirements or for violation of s. 377.371(1), \$7,500.

1585 (b) For failure to install, maintain, or use a required
1586 pollution control system or device, \$6,000.

1587 (c) For failure to obtain a required permit before
1588 construction or modification, \$4,500.

1589 (d) For failure to conduct required monitoring or testing;
1590 failure to conduct required release detection; or failure to
1591 construct in compliance with a permit, \$3,000.

1592 (e) For failure to maintain required staff to respond to
1593 emergencies; failure to conduct required training; failure to
1594 prepare, maintain, or update required contingency plans; failure
1595 to adequately respond to emergencies to bring an emergency
1596 situation under control; or failure to submit required



1597 notification to the department, \$1,500.

1598 (f) Except as provided in subsection (2) with respect to
1599 public water systems serving a population of more than 10,000,
1600 for failure to prepare, submit, maintain, or use required
1601 reports or other required documentation, \$750.

1602 (5) Except as provided in subsection (2) with respect to
1603 public water systems serving a population of more than 10,000,
1604 for failure to comply with any other departmental regulatory
1605 statute or rule requirement not otherwise identified in this
1606 section, the department may assess a penalty of \$1,000.

1607 (6) For each additional day during which a violation
1608 occurs, the administrative penalties in subsections (3)-(5) may
1609 be assessed per day per violation.

1610 (7) The history of noncompliance of the violator for any
1611 previous violation resulting in an executed consent order, but
1612 not including a consent order entered into without a finding of
1613 violation, or resulting in a final order or judgment after the
1614 effective date of this law involving the imposition of \$3,000 or
1615 more in penalties shall be taken into consideration in the
1616 following manner:

1617 (a) One previous such violation within 5 years before the
1618 filing of the notice of violation will result in a 25-percent
1619 per day increase in the scheduled administrative penalty.

1620 (b) Two previous such violations within 5 years before the
1621 filing of the notice of violation will result in a 50-percent
1622 per day increase in the scheduled administrative penalty.

1623 (c) Three or more previous such violations within 5 years
1624 before the filing of the notice of violation will result in a
1625 100-percent per day increase in the scheduled administrative



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1626 penalty.

1627 (8) The direct economic benefit gained by the violator from
1628 the violation, where consideration of economic benefit is
1629 provided by Florida law or required by federal law as part of a
1630 federally delegated or approved program, must be added to the
1631 scheduled administrative penalty. The total administrative
1632 penalty, including any economic benefit added to the scheduled
1633 administrative penalty, may not exceed \$15,000.

1634 (9) The administrative penalties assessed for any
1635 particular violation may not exceed \$10,000 against any one
1636 violator, unless the violator has a history of noncompliance,
1637 the economic benefit of the violation as described in subsection
1638 (8) exceeds \$10,000, or there are multiday violations. The total
1639 administrative penalties may not exceed \$50,000 per assessment
1640 for all violations attributable to a specific person in the
1641 notice of violation.

1642 (10) The administrative law judge may receive evidence in
1643 mitigation. The penalties identified in subsections (3)-(5) may
1644 be reduced up to 50 percent by the administrative law judge for
1645 mitigating circumstances, including good faith efforts to comply
1646 before or after discovery of the violations by the department.
1647 Upon an affirmative finding that the violation was caused by
1648 circumstances beyond the reasonable control of the respondent
1649 and could not have been prevented by respondent's due diligence,
1650 the administrative law judge may further reduce the penalty.

1651 (11) Penalties collected pursuant to this section must
1652 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund
1653 or other trust fund designated by statute and shall be used to
1654 fund the restoration of ecosystems, or polluted areas of the



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1655 state, as defined by the department, to their condition before
1656 pollution occurred. The Florida Conflict Resolution Consortium
1657 may use a portion of the fund to administer the mediation
1658 process provided in paragraph (2)(e) and to contract with
1659 private mediators for administrative penalty cases.

1660 (12) The purpose of the administrative penalty schedule and
1661 process is to provide a more predictable and efficient manner
1662 for individuals and businesses to resolve relatively minor
1663 environmental disputes. Subsections (3)-(7) may not be construed
1664 as limiting a state court in the assessment of damages. The
1665 administrative penalty schedule does not apply to the judicial
1666 imposition of civil penalties in state court as provided in this
1667 section.

1668 Section 16. Subsection (5) of section 403.9301, Florida
1669 Statutes, is amended to read:

1670 403.9301 Wastewater services projections.—

1671 (5) The Office of Economic and Demographic Research shall
1672 evaluate the compiled documents from the counties for the
1673 purpose of developing a statewide analysis for inclusion in the
1674 assessment due the following January 1, ~~2023~~, pursuant to s.
1675 403.928. Beginning July 1, 2024, and by the July 1 following
1676 subsequent publications of the analysis required by this
1677 section, the Office of Economic and Demographic Research shall
1678 provide a publicly accessible data visualization tool on its
1679 website which allows for comparative analyses of key
1680 information.

1681 Section 17. Subsection (5) of section 403.9302, Florida
1682 Statutes, is amended to read:

1683 403.9302 Stormwater management projections.—



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1684 (5) The Office of Economic and Demographic Research shall
1685 evaluate the compiled documents from the counties for the
1686 purpose of developing a statewide analysis for inclusion in the
1687 assessment due the following January 1, ~~2023~~, pursuant to s.
1688 403.928. Beginning July 1, 2024, and by the July 1 following
1689 subsequent publications of the analysis required by this
1690 section, the Office of Economic and Demographic Research shall
1691 provide a publicly accessible data visualization tool on its
1692 website which allows for comparative analyses of key
1693 information.

1694 Section 18. Subsection (1) of section 403.0671, Florida
1695 Statutes, is amended to read:

1696 403.0671 Basin management action plan wastewater reports.-

1697 (1) By July 1, 2021, the department, in coordination with
1698 the county health departments, wastewater treatment facilities,
1699 and other governmental entities, shall submit a report to the
1700 Governor, the President of the Senate, and the Speaker of the
1701 House of Representatives evaluating the costs of wastewater
1702 projects identified in the basin management action plans
1703 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1704 sewage treatment and disposal system remediation plans and other
1705 restoration plans developed to meet the total maximum daily
1706 loads required under s. 403.067. The report must include all of
1707 the following:

1708 (a) Projects to:

1709 1. Replace onsite sewage treatment and disposal systems
1710 with enhanced nutrient-reducing onsite sewage treatment and
1711 disposal systems.

1712 2. Install or retrofit onsite sewage treatment and disposal



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1713 systems with enhanced nutrient-reducing technologies.

1714 3. Construct, upgrade, or expand domestic wastewater
1715 treatment facilities to meet the domestic wastewater treatment
1716 plan required under s. 403.067(7)(a)9.

1717 4. Connect onsite sewage treatment and disposal systems to
1718 domestic wastewater treatment facilities.~~†~~

1719 (b) The estimated costs, nutrient load reduction estimates,
1720 and other benefits of each project.~~†~~

1721 (c) The estimated implementation timeline for each
1722 project.~~†~~

1723 (d) A proposed 5-year funding plan for each project and the
1724 source and amount of financial assistance the department, a
1725 water management district, or other project partner will make
1726 available to fund the project.~~†~~ ~~and~~

1727 (e) The projected costs of installing enhanced nutrient-
1728 reducing onsite sewage treatment and disposal systems on
1729 buildable lots in priority focus areas to comply with s.
1730 373.811.

1731 Section 19. For the purpose of incorporating the amendment
1732 made by this act to section 253.04, Florida Statutes, in a
1733 reference thereto, paragraph (x) of subsection (1) of section
1734 327.73, Florida Statutes, is reenacted to read:

1735 327.73 Noncriminal infractions.—

1736 (1) Violations of the following provisions of the vessel
1737 laws of this state are noncriminal infractions:

1738 (x) Section 253.04(3)(a), relating to carelessly causing
1739 seagrass scarring, for which the civil penalty upon conviction
1740 is:

1741 1. For a first offense, \$100.



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1742 2. For a second offense occurring within 12 months after a
1743 prior conviction, \$250.

1744 3. For a third offense occurring within 36 months after a
1745 prior conviction, \$500.

1746 4. For a fourth or subsequent offense occurring within 72
1747 months after a prior conviction, \$1,000.

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1749 Any person cited for a violation of this subsection shall be
1750 deemed to be charged with a noncriminal infraction, shall be
1751 cited for such an infraction, and shall be cited to appear
1752 before the county court. The civil penalty for any such
1753 infraction is \$100, except as otherwise provided in this
1754 section. Any person who fails to appear or otherwise properly
1755 respond to a uniform boating citation, in addition to the charge
1756 relating to the violation of the boating laws of this state,
1757 must be charged with the offense of failing to respond to such
1758 citation and, upon conviction, be guilty of a misdemeanor of the
1759 second degree, punishable as provided in s. 775.082 or s.
1760 775.083. A written warning to this effect shall be provided at
1761 the time such uniform boating citation is issued.

1762 Section 20. For the purpose of incorporating the amendment
1763 made by this act to section 381.0061, Florida Statutes, in
1764 references thereto, paragraph (a) of subsection (4) and
1765 paragraph (a) of subsection (6) of section 381.0072, Florida
1766 Statutes, are reenacted to read:

1767 381.0072 Food service protection.—

1768 (4) LICENSES REQUIRED.—

1769 (a) *Licenses; annual renewals.*—Each food service
1770 establishment regulated under this section shall obtain a



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1771 license from the department annually. Food service establishment
1772 licenses shall expire annually and are not transferable from one
1773 place or individual to another. However, those facilities
1774 licensed by the department's Office of Licensure and
1775 Certification, the Child Care Services Program Office, or the
1776 Agency for Persons with Disabilities are exempt from this
1777 subsection. It shall be a misdemeanor of the second degree,
1778 punishable as provided in s. 381.0061, s. 775.082, or s.
1779 775.083, for such an establishment to operate without this
1780 license. The department may refuse a license, or a renewal
1781 thereof, to any establishment that is not constructed or
1782 maintained in accordance with law and with the rules of the
1783 department. Annual application for renewal is not required.

1784 (6) FINES; SUSPENSION OR REVOCATION OF LICENSES;
1785 PROCEDURE.—

1786 (a) The department may impose fines against the
1787 establishment or operator regulated under this section for
1788 violations of sanitary standards, in accordance with s.
1789 381.0061. All amounts collected shall be deposited to the credit
1790 of the County Health Department Trust Fund administered by the
1791 department.

1792 Section 21. For the purpose of incorporating the amendment
1793 made by this act to section 381.0061, Florida Statutes, in a
1794 reference thereto, subsection (4) of section 381.0086, Florida
1795 Statutes, is reenacted to read:

1796 381.0086 Rules; variances; penalties.—

1797 (4) A person who violates any provision of ss. 381.008-
1798 381.00895 or rules adopted under such sections is subject either
1799 to the penalties provided in ss. 381.0012 and 381.0061 or to the



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1800 penalties provided in s. 381.0087.

1801 Section 22. For the purpose of incorporating the amendment
1802 made by this act to section 381.0061, Florida Statutes, in a
1803 reference thereto, subsection (7) of section 381.0098, Florida
1804 Statutes, is reenacted to read:

1805 381.0098 Biomedical waste.—

1806 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in
1807 violation of this section or rules adopted under this section is
1808 subject to penalties provided in ss. 381.0012 and 381.0061.
1809 However, an administrative fine not to exceed \$2,500 may be
1810 imposed for each day such person or public body is in violation
1811 of this section. The department may deny, suspend, or revoke any
1812 biomedical waste permit or registration if the permittee
1813 violates this section, any rule adopted under this section, or
1814 any lawful order of the department.

1815 Section 23. For the purpose of incorporating the amendment
1816 made by this act to section 381.0061, Florida Statutes, in a
1817 reference thereto, subsection (2) of section 513.10, Florida
1818 Statutes, is reenacted to read:

1819 513.10 Operating without permit; enforcement of chapter;
1820 penalties.—

1821 (2) This chapter or rules adopted under this chapter may be
1822 enforced in the manner provided in s. 381.0012 and as provided
1823 in this chapter. Violations of this chapter and the rules
1824 adopted under this chapter are subject to the penalties provided
1825 in this chapter and in s. 381.0061.

1826 Section 24. This act shall take effect July 1, 2024.

1827

1828 ===== T I T L E A M E N D M E N T =====



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1829 And the title is amended as follows:

1830 Delete everything before the enacting clause
1831 and insert:

1832 A bill to be entitled

1833 An act relating to the Department of Environmental
1834 Protection; amending s. 253.04, F.S.; revising the
1835 aquatic preserves within which a person may not
1836 operate a vessel outside a lawfully marked channel
1837 under certain circumstances; amending s. 258.39, F.S.;
1838 declaring the Kristin Jacobs Coral Reef Ecosystem
1839 Conservation Area an aquatic preserve area; amending
1840 s. 373.250, F.S.; requiring each water management
1841 district, in coordination with the department, to
1842 develop rules that promote the use of reclaimed water
1843 and encourage quantifiable potable water offsets;
1844 providing requirements for such rules; providing
1845 construction; amending s. 380.093, F.S.; defining the
1846 term "Florida Flood Hub"; revising the definition of
1847 the term "preconstruction activities"; revising the
1848 purposes for which counties and municipalities may use
1849 Resilient Florida Grant Program funds; revising
1850 vulnerability assessment requirements; revising
1851 requirements for the development and maintenance of
1852 the comprehensive statewide flood vulnerability and
1853 sea level rise data set and assessment; requiring the
1854 department to coordinate with the Chief Resilience
1855 Officer and the Florida Flood Hub to update the data
1856 set and assessment at specified intervals; revising
1857 requirements for the Statewide Flooding and Sea Level



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1858 Rise Resilience Plan; revising the purposes of the
1859 funding for regional resilience entities; making
1860 technical changes; amending s. 381.0061, F.S.;
1861 revising the violations for which the department may
1862 impose a specified fine; providing legislative intent
1863 regarding a phased transfer of the Department of
1864 Health's Onsite Sewage Program to the Department of
1865 Environmental Protection; requiring the Department of
1866 Environmental Protection to coordinate with the
1867 Department of Health regarding the identification and
1868 transfer of certain equipment and vehicles under
1869 certain circumstances; prohibiting the Department of
1870 Health from implementing or collecting fees for the
1871 program when the Department of Environmental
1872 Protection begins implementing the program; providing
1873 exceptions; amending s. 381.0065, F.S.; requiring the
1874 Department of Environmental Protection to conduct
1875 enforcement activities for violations of certain
1876 onsite sewage treatment and disposal system
1877 regulations in accordance with specified provisions;
1878 specifying the department's authority with respect to
1879 specific provisions; requiring the department to adopt
1880 rules for a program for general permits for certain
1881 projects; providing requirements for such rules;
1882 revising department enforcement provisions; deleting
1883 certain criminal penalties; requiring the damages,
1884 costs, or penalties collected to be deposited into the
1885 Water Quality Assurance Trust Fund rather than the
1886 relevant county health department trust fund;



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1887 requiring the department to establish an enhanced
1888 nutrient-reducing onsite sewage treatment and disposal
1889 system approval program; authorizing the department to
1890 contract with or delegate certain powers and duties to
1891 a county; amending s. 381.0066, F.S.; requiring
1892 certain fees to be deposited into the Florida Permit
1893 Fee Trust Fund after a specified timeframe; amending
1894 s. 403.061, F.S.; requiring counties to make certain
1895 services and facilities available upon the direction
1896 of the department; amending s. 403.064, F.S.; revising
1897 legislative findings; revising the domestic wastewater
1898 treatment facilities required to submit a reuse
1899 feasibility study as part of a permit application;
1900 revising the contents of a required reuse feasibility
1901 study; revising the domestic wastewater facilities
1902 required to implement reuse under certain
1903 circumstances; revising applicability; revising
1904 construction; amending s. 403.067, F.S.; requiring
1905 certain facilities and systems to include a domestic
1906 wastewater treatment plan as part of a basin
1907 management action plan for nutrient total maximum
1908 daily loads; amending s. 403.0673, F.S.; revising the
1909 information to be included in the water quality
1910 improvement grant program annual report; requiring the
1911 department to include specified information on a user-
1912 friendly website or dashboard by a specified date;
1913 providing requirements for the website or dashboard;
1914 amending s. 403.086, F.S.; requiring wastewater
1915 treatment facilities within a basin management action



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1916 plan or reasonable assurance plan area which provide
1917 reclaimed water for specified purposes to meet
1918 advanced waste treatment or a more stringent treatment
1919 standard under certain circumstances; providing
1920 applicability; amending s. 403.091, F.S.; authorizing
1921 certain department representatives to enter and
1922 inspect premises on which an onsite sewage treatment
1923 and disposal system is located or being constructed or
1924 installed or where certain records are kept; revising
1925 requirements for such access; revising the
1926 circumstances under which an inspection warrant may be
1927 issued; amending s. 403.121, F.S.; revising department
1928 enforcement provisions; revising administrative
1929 penalty calculations for failure to obtain certain
1930 required permits and for certain violations; amending
1931 ss. 403.9301 and 403.9302, F.S.; requiring the Office
1932 of Economic and Demographic Research to provide a
1933 publicly accessible data visualization tool on its
1934 website for comparative analyses of key information;
1935 amending s. 403.0671, F.S.; conforming provisions to
1936 changes made by the act; reenacting s. 327.73(1)(x),
1937 F.S., relating to noncriminal infractions, to
1938 incorporate the amendment made to s. 253.04, F.S., in
1939 a reference thereto; reenacting ss. 381.0072(4)(a) and
1940 (6)(a), 381.0086(4), 381.0098(7), and 513.10(2), F.S.,
1941 relating to food service protection, penalties,
1942 biomedical waste, and operating without a permit,
1943 respectively, to incorporate the amendment made to s.
1944 381.0061, F.S., in references thereto; providing an



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effective date.