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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/23/2024	.	
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The Committee on Fiscal Policy (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 190 - 1843
and insert:
development project either meets water demands beyond a 20-year permit duration or is completed for the purpose of meeting the requirements of an adopted recovery or prevention strategy; and
2. Guidelines for a district to follow in determining the permit duration based on the project's implementation.

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11 This paragraph does not limit the existing authority of a water
12 management district to issue a shorter duration permit to
13 protect from harm the water resources or ecology of the area, or
14 to otherwise ensure compliance with the conditions for permit
15 issuance.

16 (b) Authorization for a consumptive use permittee to seek a
17 permit extension of up to 10 years if the permittee proposes a
18 water supply development or water resource development project
19 using reclaimed water that meets the advanced waste treatment
20 standards for total nitrogen and total phosphorous as defined in
21 s. 403.086(4) (a) during the term of its permit which results in
22 the reduction of groundwater or surface water withdrawals or is
23 completed to benefit a waterbody with a minimum flow or minimum
24 water level with a recovery or prevention strategy. Rules
25 associated with this paragraph must include, at a minimum:

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

28 2. A requirement that the permittee demonstrate how the
29 quantifiable groundwater or surface water savings associated
30 with the new water supply development or water resource
31 development project either meets water demands beyond the issued
32 permit duration or is completed for the purpose of meeting the
33 requirements of an adopted recovery or prevention strategy;

34 3. A requirement that the permittee demonstrate a water
35 demand for the permit's allocation through the term of the
36 extension; and

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



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41 This paragraph does not limit the existing authority of a water
42 management district to protect from harm the water resources or
43 ecology of the area, or to otherwise ensure compliance with the
44 conditions for permit issuance.

45 Section 4. Present paragraphs (c) and (d) of subsection (2)
46 of section 380.093, Florida Statutes, are redesignated as
47 paragraphs (d) and (e), respectively, a new paragraph (c) is
48 added to that subsection, and present paragraph (c) of
49 subsection (2), paragraphs (b), (c), and (d) of subsection (3),
50 and subsections (4), (5), and (6) of that section are amended,
51 to read:

52 380.093 Resilient Florida Grant Program; comprehensive
53 statewide flood vulnerability and sea level rise data set and
54 assessment; Statewide Flooding and Sea Level Rise Resilience
55 Plan; regional resilience entities.—

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

57 (c) “Florida Flood Hub” means the Florida Flood Hub for
58 Applied Research and Innovation established pursuant to s.
59 380.0933.

60 (d) (e) “Preconstruction activities” means activities
61 associated with a project that addresses the risks of flooding
62 and sea level rise that occur before construction begins,
63 including, but not limited to, design of the project, permitting
64 for the project, surveys and data collection, site development,
65 solicitation, public hearings, local code or comprehensive plan
66 amendments, establishing local funding sources, and easement
67 acquisition.

68 (3) RESILIENT FLORIDA GRANT PROGRAM.—



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

71 1. A county or municipality to fund:

72 a. The costs of community resilience planning and necessary
73 data collection for such planning, including comprehensive plan
74 amendments and necessary corresponding analyses that address the
75 requirements of s. 163.3178(2)(f).

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

78 c. Updates to the county's or municipality's inventory of
79 critical assets, including regionally significant assets that
80 are currently or reasonably expected to be impacted by flooding
81 and sea level rise. The updated inventory must be submitted to
82 the department and, at the time of submission, must reflect all
83 such assets that are currently, or within 50 years may
84 reasonably be expected to be, impacted by flooding and sea level
85 rise.

86 d. The development of projects, plans, strategies, and
87 policies that enhance community preparations allow communities
88 to prepare for threats from flooding and sea level rise,
89 including adaptation plans that help local governments
90 prioritize project development and implementation across one or
91 more jurisdictions in a manner consistent with departmental
92 guidance.

93 ~~e.d.~~ Preconstruction activities for projects to be
94 submitted for inclusion in the Statewide Flooding and Sea Level
95 Rise Resilience Plan. Only communities eligible for a reduced
96 cost share as defined in paragraph (5)(e) are eligible for such
97 preconstruction activities that are located in a municipality



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98 ~~that has a population of 10,000 or fewer or a county that has a~~
99 ~~population of 50,000 or fewer, according to the most recent~~
100 ~~April 1 population estimates posted on the Office of Economic~~
101 ~~and Demographic Research's website.~~

102 ~~f.e.~~ Feasibility studies and the cost of permitting for
103 nature-based solutions that reduce the impact of flooding and
104 sea level rise.

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

108 2. A water management district identified in s. 373.069 to
109 support local government adaptation planning, which may be
110 conducted by the water management district or by a third party
111 on behalf of the water management district. Such grants must be
112 used for the express purpose of supporting the Florida Flood Hub
113 ~~for Applied Research and Innovation~~ and the department in
114 implementing this section through data creation and collection,
115 modeling, and the implementation of statewide standards.
116 Priority must be given to filling critical data gaps identified
117 by the Florida Flood Hub ~~for Applied Research and Innovation~~
118 under s. 380.0933(2) (a).

119 (c) A vulnerability assessment conducted pursuant to
120 paragraph (b) must encompass the entire county or municipality;
121 include all critical assets owned or maintained by the grant
122 applicant; and use the most recent publicly available Digital
123 Elevation Model and generally accepted analysis and modeling
124 techniques. An assessment may encompass a smaller geographic
125 area or include only a portion of the critical assets owned or
126 maintained by the grant applicant with appropriate rationale and



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127 upon approval by the department. Locally collected elevation
128 data may also be included as part of the assessment as long as
129 it is submitted to the department pursuant to this paragraph.

130 1. The assessment must include an analysis of the
131 vulnerability of and risks to critical assets, including
132 regionally significant assets, owned or managed by the county or
133 municipality.

134 2. Upon completion of a vulnerability assessment, the
135 county or municipality shall submit to the department all of the
136 following:

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

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

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

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

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

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

154 1. Include peril of flood comprehensive plan amendments
155 that address the requirements of s. 163.3178(2)(f), if the



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156 county or municipality is subject to such requirements and has
157 not complied with such requirements as determined by the
158 Department of Commerce ~~Economic Opportunity~~.

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

163 a. Tidal flooding, including future high tide flooding,
164 which must use thresholds published and provided by the
165 department. To the extent practicable, the analysis should also
166 geographically display the number of tidal flood days expected
167 for each scenario and planning horizon.

168 b. Current and future storm surge flooding ~~using publicly~~
169 ~~available National Oceanic and Atmospheric Administration or~~
170 ~~Federal Emergency Management Agency storm surge data~~. The
171 initial storm surge event used must equal or exceed the current
172 100-year flood event. Higher frequency storm events may be
173 analyzed to understand the exposure of a critical asset or
174 regionally significant asset. Publicly available National
175 Oceanic and Atmospheric Administration (NOAA) or Federal
176 Emergency Management Agency storm surge data may be used in the
177 absence of applicable data from the Florida Flood Hub.

178 c. To the extent practicable, rainfall-induced flooding
179 using a GIS-based spatiotemporal analysis or existing hydrologic
180 and hydraulic modeling results. Future boundary conditions
181 should be modified to consider sea level rise and high tide
182 conditions. Vulnerability assessments for rainfall-induced
183 flooding must include the depth of rainfall-induced flooding for
184 a 100-year storm and a 500-year storm, as defined by the



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185 applicable water management district or, if necessary, the
186 appropriate federal agency. Future rainfall conditions should be
187 used, if available. Noncoastal communities must perform a
188 rainfall-induced flooding assessment.

189 d. To the extent practicable, compound flooding or the
190 combination of tidal, storm surge, and rainfall-induced
191 flooding.

192 3. Apply the following scenarios and standards:

193 a. All analyses in the North American Vertical Datum of
194 1988.

195 b. For a vulnerability assessment initiated after July 1,
196 2024, at a minimum least two local sea level rise scenarios,
197 which must include the 2022 NOAA 2017 National Oceanic and
198 Atmospheric Administration intermediate-low and intermediate
199 intermediate-high sea level rise scenarios or the statewide sea
200 level rise projections developed pursuant to paragraph (4) (a)
201 projections.

202 c. At least two planning horizons identified in the
203 following table which correspond with the appropriate
204 comprehensive statewide flood vulnerability and sea level rise
205 assessment for which the department, at the time of award,
206 determines such local vulnerability assessment will be
207 incorporated:

<u>Year of assessment</u>	<u>20-year</u> <u>planning horizon</u>	<u>50-year</u> <u>planning horizon</u>
<u>2024</u>	<u>2040</u>	<u>2070</u>

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<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>

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

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

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

(a) ~~By July 1, 2023,~~ The department shall develop and maintain ~~complete the development of~~ a comprehensive statewide flood vulnerability and sea level rise data set sufficient to



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235 conduct a comprehensive statewide flood vulnerability and sea
236 level rise assessment. In developing and maintaining the data
237 set, the department shall, in coordination with the Chief
238 Resilience Officer and the Florida Flood Hub ~~for Applied~~
239 ~~Research and Innovation~~, compile, analyze, and incorporate, as
240 appropriate, information related to vulnerability assessments
241 and critical asset inventories submitted to the department
242 pursuant to subsection (3) or any previously completed
243 assessments that meet the requirements of subsection (3).

244 1. The Chief Science Officer shall, in coordination with
245 the Chief Resilience Officer and the Florida Flood Hub ~~necessary~~
246 ~~experts and resources~~, develop statewide sea level rise
247 projections that incorporate temporal and spatial variability,
248 to the extent practicable, for inclusion in the data set. This
249 subparagraph does not supersede regionally adopted projections.

250 2. The data set must include information necessary to
251 determine the risks to inland and coastal communities,
252 including, but not limited to, elevation, tidal levels, and
253 precipitation.

254 (b) ~~By July 1, 2024,~~ The department, in coordination with
255 the Chief Resilience Officer and the Florida Flood Hub, shall
256 complete a comprehensive statewide flood vulnerability and sea
257 level rise assessment that identifies inland and coastal
258 infrastructure, geographic areas, and communities in this ~~the~~
259 state which ~~that~~ are vulnerable to flooding and sea level rise
260 and the associated risks.

261 1. The department shall use the comprehensive statewide
262 flood vulnerability and sea level rise data set to conduct the
263 assessment.



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264 2. The assessment must incorporate local and regional
265 analyses of vulnerabilities and risks, including, as
266 appropriate, local mitigation strategies and postdisaster
267 redevelopment plans.

268 3. The assessment must include an inventory of critical
269 assets, including regionally significant assets, that are
270 essential for critical government and business functions,
271 national security, public health and safety, the economy, flood
272 and storm protection, water quality management, and wildlife
273 habitat management, and must identify and analyze the
274 vulnerability of and risks to such critical assets. When
275 identifying critical assets for inclusion in the assessment, the
276 department shall also take into consideration the critical
277 assets identified by local governments and submitted to the
278 department pursuant to subsection (3).

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

283 (c) The department, in coordination with the Chief
284 Resilience Officer and the Florida Flood Hub, shall update the
285 comprehensive statewide flood vulnerability and sea level rise
286 data set with the best available information each year and shall
287 update the assessment at least every 5 years. ~~The department may~~
288 ~~update the data set and assessment more frequently if it~~
289 ~~determines that updates are necessary to maintain the validity~~
290 ~~of the data set and assessment.~~

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

292 (a) By December 1 ~~of, 2021,~~ and each year ~~December 1~~



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293 ~~thereafter~~, the department shall develop a Statewide Flooding
294 and Sea Level Rise Resilience Plan on a 3-year planning horizon
295 and submit it to the Governor, the President of the Senate, and
296 the Speaker of the House of Representatives. The plan must
297 consist of ranked projects that address risks of flooding and
298 sea level rise to coastal and inland communities in the state.
299 All eligible projects submitted to the department pursuant to
300 this section must be ranked and included in the plan. Each plan
301 must include a detailed narrative overview describing how the
302 plan was developed, including a description of the methodology
303 used by the department to determine project eligibility, a
304 description of the methodology used to rank projects, the
305 specific scoring system used, the project proposal application
306 form, a copy of each submitted project proposal application form
307 separated by eligible projects and ineligible projects, the
308 total number of project proposals received and deemed eligible,
309 the total funding requested, and the total funding requested for
310 eligible projects.

311 (b) ~~The plan submitted by December 1, 2021, before the~~
312 ~~comprehensive statewide flood vulnerability and sea level rise~~
313 ~~assessment is completed, will be a preliminary plan that~~
314 ~~includes projects that address risks of flooding and sea level~~
315 ~~rise identified in available local government vulnerability~~
316 ~~assessments and projects submitted by water management districts~~
317 ~~that mitigate the risks of flooding or sea level rise on water~~
318 ~~supplies or water resources of the state. The plan submitted by~~
319 ~~December 1, 2022, and the plan submitted by December 1, 2023,~~
320 ~~will be updates to the preliminary plan.~~ The plan submitted by
321 December 1, 2024, and each plan submitted by December 1



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322 thereafter:⁷

323 1. Shall primarily address risks of flooding and sea level
324 rise identified in the comprehensive statewide flood
325 vulnerability and sea level rise assessment; and

326 2. May include, at the discretion of the department in
327 consultation with the Chief Resilience Officer, other projects
328 submitted pursuant to paragraph (d) which address risks of
329 flooding and sea level rise to critical assets not yet
330 identified in the comprehensive statewide flood vulnerability
331 and sea level rise assessment.

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

- 335 1. A description of the project.
336 2. The location of the project.
337 3. An estimate of how long the project will take to
338 complete.
339 4. An estimate of the cost of the project.
340 5. The cost-share percentage available for the project.
341 6. A summary of the priority score assigned to the project.
342 7. The project sponsor.

343 (d)1. By September 1 ~~of, 2021, and each year~~ September 1
344 ~~thereafter,~~ all of the following entities may submit to the
345 department a list of proposed projects that address risks of
346 flooding or sea level rise identified in the comprehensive
347 statewide flood vulnerability and sea level rise assessment or
348 vulnerability assessments that meet the requirements of
349 subsection (3):

350 a. Counties.



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351 b. Municipalities.

352 c. Special districts as defined in s. 189.012 which ~~that~~
353 are responsible for the management and maintenance of inlets and
354 intracoastal waterways or for the operation and maintenance of a
355 potable water facility, a wastewater facility, an airport, or a
356 seaport facility.

357 d. Regional resilience entities acting on behalf of one or
358 more member counties or municipalities.

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360 For the plans submitted by December 1, 2024, such entities may
361 submit projects identified in existing vulnerability assessments
362 that do not comply with subsection (3) only if the entity is
363 actively developing a vulnerability assessment that is either
364 under a signed grant agreement with the department pursuant to
365 subsection (3) or funded by another state or federal agency, or
366 is self-funded and intended to meet the requirements of
367 paragraph (3)(d) or if the existing vulnerability assessment was
368 completed using previously compliant statutory requirements.
369 Projects identified from this category of vulnerability
370 assessments will be eligible for submittal until the prior
371 vulnerability assessment has been updated to meet most recent
372 statutory requirements 2021; December 1, 2022; and December 1,
373 ~~2023, such entities may submit projects identified in existing~~
374 ~~vulnerability assessments that do not comply with subsection~~
375 ~~(3). A regional resilience entity may also submit proposed~~
376 ~~projects to the department pursuant to this subparagraph on~~
377 ~~behalf of one or more member counties or municipalities.~~

378 2. By September 1 ~~of, 2021,~~ and each year ~~September 1~~
379 ~~thereafter,~~ all of the following entities may submit to the



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380 department a list of any proposed projects that address risks of
381 flooding or sea level rise identified in the comprehensive
382 statewide flood vulnerability and sea level rise assessment or
383 vulnerability assessments that meet the requirements of
384 subsection (3), or that mitigate the risks of flooding or sea
385 level rise on water supplies or water resources of the state and
386 a corresponding evaluation of each project:

- 387 a. Water management districts.
- 388 b. Drainage districts.
- 389 c. Erosion control districts.
- 390 d. Flood control districts.
- 391 e. Regional water supply authorities.

392 3. Each project submitted to the department pursuant to
393 this paragraph for consideration by the department for inclusion
394 in the plan must include all of the following information:

- 395 a. A description of the project.
- 396 b. The location of the project.
- 397 c. An estimate of how long the project will take to
398 complete.
- 399 d. An estimate of the cost of the project.
- 400 e. The cost-share percentage available for the project.
- 401 f. The project sponsor.

402 (e) Each project included in the plan must have a minimum
403 50 percent cost share unless the project assists or is within a
404 ~~financially disadvantaged small~~ community eligible for a reduced
405 cost share. For purposes of this section, the term "~~financially~~
406 ~~disadvantaged small~~ community eligible for a reduced cost share"
407 means:

- 408 1. A municipality that has a population of 10,000 or fewer,



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409 according to the most recent April 1 population estimates posted
410 on the Office of Economic and Demographic Research's website,
411 and a per capita annual income that is less than the state's per
412 capita annual income as shown in the most recent release from
413 the Bureau of the Census of the United States Department of
414 Commerce that includes both measurements; ~~or~~

415 2. A county that has a population of 50,000 or fewer,
416 according to the most recent April 1 population estimates posted
417 on the Office of Economic and Demographic Research's website,
418 and a per capita annual income that is less than the state's per
419 capita annual income as shown in the most recent release from
420 the Bureau of the Census of the United States Department of
421 Commerce that includes both measurements; or

422 3. A municipality or county that has a per capita annual
423 income that is equal to or less than 75 percent of the state's
424 per capita annual income as shown in the most recent release
425 from the Bureau of the Census of the United States Department of
426 Commerce.

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

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

- 434 1. Aesthetic vegetation.
- 435 2. Recreational structures such as piers, docks, and
436 boardwalks.
- 437 3. Water quality components of stormwater and wastewater



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438 management systems, except for expenses to mitigate water
439 quality impacts caused by the project or expenses related to
440 water quality which are necessary to obtain a permit for the
441 project.

442 4. Maintenance and repair of over-walks.

443 5. Park activities and facilities, except expenses to
444 control flooding or erosion.

445 6. Navigation construction, operation, and maintenance
446 activities.

447 7. Projects that provide only recreational benefits.

448 (g)~~(h)~~ The department shall implement a scoring system for
449 assessing each project eligible for inclusion in the plan
450 pursuant to this subsection. The scoring system must include the
451 following tiers and associated criteria:

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

454 a. The degree to which the project addresses the risks
455 posed by flooding and sea level rise identified in the local
456 government vulnerability assessments or the comprehensive
457 statewide flood vulnerability and sea level rise assessment, as
458 applicable.

459 b. The degree to which the project addresses risks to
460 regionally significant assets.

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

463 d. The degree to which the project contributes to existing
464 flooding mitigation projects that reduce upland damage costs by
465 incorporating new or enhanced structures or restoration and
466 revegetation projects.



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- 467 2. Tier 2 must account for 30 percent of the total score
468 and consist of all of the following criteria:
- 469 a. The degree to which flooding and erosion currently
470 affect the condition of the project area.
- 471 b. The overall readiness of the project to proceed in a
472 timely manner, considering the project's readiness for the
473 construction phase of development, the status of required
474 permits, the status of any needed easement acquisition, and the
475 availability of local funding sources.
- 476 c. The environmental habitat enhancement or inclusion of
477 nature-based options for resilience, with priority given to
478 state or federal critical habitat areas for threatened or
479 endangered species.
- 480 d. The cost-effectiveness of the project.
- 481 3. Tier 3 must account for 20 percent of the total score
482 and consist of all of the following criteria:
- 483 a. The availability of local, state, and federal matching
484 funds, considering the status of the funding award, and federal
485 authorization, if applicable.
- 486 b. Previous state commitment and involvement in the
487 project, considering previously funded phases, the total amount
488 of previous state funding, and previous partial appropriations
489 for the proposed project.
- 490 c. The exceedance of the flood-resistant construction
491 requirements of the Florida Building Code and applicable flood
492 plain management regulations.
- 493 4. Tier 4 must account for 10 percent of the total score
494 and consist of all of the following criteria:
- 495 a. The proposed innovative technologies designed to reduce



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496 project costs and provide regional collaboration.

497 b. The extent to which the project assists financially
498 disadvantaged communities.

499 (h)~~(i)~~ The total amount of funding proposed for each year
500 of the plan may not be less than \$100 million. Upon review and
501 subject to appropriation, the Legislature shall approve funding
502 for the projects as specified in the plan. Multiyear projects
503 that receive funding for the first year of the project must be
504 included in subsequent plans and funded until the project is
505 complete, provided that the project sponsor has complied with
506 all contractual obligations and funds are available.

507 (i)~~(j)~~ The department shall adopt rules ~~initiate rulemaking~~
508 ~~by August 1, 2021,~~ to implement this section.

509 (6) REGIONAL RESILIENCE ENTITIES.—Subject to specific
510 legislative appropriation, the department may provide funding
511 for all of the following purposes to regional entities,
512 including regional planning councils and estuary partnerships,
513 that are established by general purpose local governments and
514 whose responsibilities include planning for the resilience needs
515 of communities and coordinating intergovernmental solutions to
516 mitigate adverse impacts of flooding and sea level rise:

517 (a) Providing technical assistance to counties and
518 municipalities.

519 (b) Coordinating and conducting activities authorized by
520 subsection (3) with broad regional benefit or on behalf of
521 multiple member counties and municipalities ~~multijurisdictional~~
522 ~~vulnerability assessments.~~

523 (c) Developing project proposals to be submitted for
524 inclusion in the Statewide Flooding and Sea Level Rise



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525 Resilience Plan.

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

528 381.0061 Administrative fines.—

529 (1) In addition to any administrative action authorized by
530 chapter 120 or by other law, the department may impose a fine,
531 which may not exceed \$500 for each violation, for a violation of
532 s. 381.006(15) or, s. 381.0065, s. 381.0066, s. 381.0072, or
533 part III of chapter 489, for a violation of any rule adopted by
534 the department under this chapter, or for a violation of chapter
535 386 not involving onsite sewage treatment and disposal systems.
536 The department shall give an alleged violator a notice of intent
537 to impose such fine shall be given by the department to the
538 alleged violator. Each day that a violation continues may
539 constitute a separate violation.

540 Section 6. The Legislature intends that the transfer of the
541 regulation of the Onsite Sewage Program from the Department of
542 Health to the Department of Environmental Protection, as
543 required by the Clean Waterways Act, chapter 2020-150, Laws of
544 Florida, be completed in a phased approach.

545 (1) Before the phased transfer, the Department of
546 Environmental Protection shall coordinate with the Department of
547 Health to identify equipment and vehicles that were previously
548 used to carry out the program in each county and that are no
549 longer needed for such purpose. The Department of Health shall
550 transfer the agreed-upon equipment and vehicles to the
551 Department of Environmental Protection, to the extent that each
552 county agrees to relinquish ownership of such equipment and
553 vehicles to the Department of Health.



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554 (2) When the Department of Environmental Protection begins
555 implementing the program within a county, the Department of
556 Health may no longer implement or collect fees for the program
557 unless specified by separate delegation or contract with the
558 Department of Environmental Protection.

559 Section 7. Paragraph (h) of subsection (3) and subsections
560 (5) and (7) of section 381.0065, Florida Statutes, are amended,
561 paragraph (o) is added to subsection (3) of that section, and
562 subsection (9) is added to that section, to read:

563 381.0065 Onsite sewage treatment and disposal systems;
564 regulation.—

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

567 (h) Conduct enforcement activities in accordance with part
568 I of chapter 403, including imposing fines, issuing citations,
569 suspensions, revocations, injunctions, and emergency orders for
570 violations of this section, part I of chapter 386, or part III
571 of chapter 489 or for a violation of any rule adopted by the
572 department under this section, part I of chapter 386, or part
573 III of chapter 489. All references to part I of chapter 386 in
574 this section relate solely to nuisances involving improperly
575 built or maintained septic tanks or other onsite sewage
576 treatment and disposal systems, and untreated or improperly
577 treated or transported waste from onsite sewage treatment and
578 disposal systems. The department shall have all the duties and
579 authorities of the Department of Health in part I of chapter 386
580 for nuisances involving onsite sewage treatment and disposal
581 systems. The department's authority under part I of chapter 386
582 is in addition to and may be pursued independently of or



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583 simultaneously with the enforcement remedies provided under this
584 section and chapter 403.

585 (o) Adopt rules establishing and implementing a program of
586 general permits for this section for projects, or categories of
587 projects, which have, individually or cumulatively, a minimal
588 adverse impact on public health or the environment. Such rules
589 must:

590 1. Specify design or performance criteria which, if
591 applied, would result in compliance with appropriate standards;
592 and

593 2. Authorize a person who complies with the general permit
594 eligibility requirements to use the permit 30 days after giving
595 notice to the department without any agency action by the
596 department. Within the 30-day notice period, the department
597 shall determine whether the activity qualifies for a general
598 permit. If the activity does not qualify or the notice does not
599 contain all the required information, the department must notify
600 the person.

601 (5) ENFORCEMENT; RIGHT OF ENTRY; ~~CITATIONS.~~-

602 (a) Department personnel who have reason to believe
603 noncompliance exists, may at any reasonable time, enter the
604 premises permitted under ss. 381.0065-381.0066, or the business
605 premises of any septic tank contractor or master septic tank
606 contractor registered under part III of chapter 489, or any
607 premises that the department has reason to believe is being
608 operated or maintained not in compliance, to determine
609 compliance with the provisions of this section, part I of
610 chapter 386, or part III of chapter 489 or rules or standards
611 adopted under ss. 381.0065-381.0067, part I of chapter 386, or



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612 part III of chapter 489. As used in this paragraph, the term
613 "premises" does not include a residence or private building. To
614 gain entry to a residence or private building, the department
615 must obtain permission from the owner or occupant or secure an
616 inspection warrant from a court of competent jurisdiction
617 pursuant to the procedures of s. 403.091.

618 ~~(b)1. The department has all of the judicial and~~
619 ~~administrative remedies available to it pursuant to part I of~~
620 ~~chapter 403 may issue citations that may contain an order of~~
621 ~~correction or an order to pay a fine, or both, for violations of~~
622 ~~ss. 381.0065-381.0067, part I of chapter 386, or part III of~~
623 ~~chapter 489 or the rules adopted by the department, when a~~
624 ~~violation of these sections or rules is enforceable by an~~
625 ~~administrative or civil remedy, or when a violation of these~~
626 ~~sections or rules is a misdemeanor of the second degree. A~~
627 ~~citation issued under ss. 381.0065-381.0067, part I of chapter~~
628 ~~386, or part III of chapter 489 constitutes a notice of proposed~~
629 ~~agency action.~~

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

633 ~~3. The fines imposed by a citation issued by the department~~
634 ~~may not exceed \$500 for each violation. Each day the violation~~
635 ~~exists constitutes a separate violation for which a citation may~~
636 ~~be issued.~~

637 ~~4. The department shall inform the recipient, by written~~
638 ~~notice pursuant to ss. 120.569 and 120.57, of the right to an~~
639 ~~administrative hearing to contest the citation within 21 days~~
640 ~~after the date the citation is received. The citation must~~



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641 ~~contain a conspicuous statement that if the recipient fails to~~
642 ~~pay the fine within the time allowed, or fails to appear to~~
643 ~~contest the citation after having requested a hearing, the~~
644 ~~recipient has waived the recipient's right to contest the~~
645 ~~citation and must pay an amount up to the maximum fine.~~

646 ~~5. The department may reduce or waive the fine imposed by~~
647 ~~the citation. In determining whether to reduce or waive the~~
648 ~~fine, the department must consider the gravity of the violation,~~
649 ~~the person's attempts at correcting the violation, and the~~
650 ~~person's history of previous violations including violations for~~
651 ~~which enforcement actions were taken under ss. 381.0065-~~
652 ~~381.0067, part I of chapter 386, part III of chapter 489, or~~
653 ~~other provisions of law or rule.~~

654 ~~6. Any person who willfully refuses to sign and accept a~~
655 ~~citation issued by the department commits a misdemeanor of the~~
656 ~~second degree, punishable as provided in s. 775.082 or s.~~
657 ~~775.083.~~

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

664 ~~8. This section provides an alternative means of enforcing~~
665 ~~ss. 381.0065-381.0067, part I of chapter 386, and part III of~~
666 ~~chapter 489. This section does not prohibit the department from~~
667 ~~enforcing ss. 381.0065-381.0067, part I of chapter 386, or part~~
668 ~~III of chapter 489, or its rules, by any other means. However,~~
669 ~~the department must elect to use only a single method of~~



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670 ~~enforcement for each violation.~~

671 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
672 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
673 total maximum daily load, the department shall implement a fast-
674 track approval process of no longer than 6 months for the
675 determination of the use of American National Standards
676 Institute 245 systems approved by NSF International before July
677 1, 2020. The department shall also establish an enhanced
678 nutrient-reducing onsite sewage treatment and disposal system
679 approval program that will expeditiously evaluate and approve
680 such systems for use in this state to comply with ss.

681 403.067(7)(a)10. and 373.469(3)(d).

682 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may
683 contract with or delegate its powers and duties under this
684 section to a county as provided in s. 403.061 or s. 403.182.

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

687 381.0066 Onsite sewage treatment and disposal systems;
688 fees.—

689 (2) The minimum fees in the following fee schedule apply
690 until changed by rule by the department within the following
691 limits:

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

697 (b) Site evaluation, site reevaluation, evaluation of a
698 system previously in use, or a per annum septage disposal site



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699 evaluation: a fee of not less than \$40, or more than \$115.
700 (c) Biennial operating permit for aerobic treatment units
701 or performance-based treatment systems: a fee of not more than
702 \$100.
703 (d) Annual operating permit for systems located in areas
704 zoned for industrial manufacturing or equivalent uses or where
705 the system is expected to receive wastewater which is not
706 domestic in nature: a fee of not less than \$150, or more than
707 \$300.
708 (e) Innovative technology: a fee not to exceed \$25,000.
709 (f) Septage disposal service, septage stabilization
710 facility, portable or temporary toilet service, tank
711 manufacturer inspection: a fee of not less than \$25, or more
712 than \$200, per year.
713 (g) Application for variance: a fee of not less than \$150,
714 or more than \$300.
715 (h) Annual operating permit for waterless, incinerating, or
716 organic waste composting toilets: a fee of not less than \$15, or
717 more than \$30.
718 (i) Aerobic treatment unit or performance-based treatment
719 system maintenance entity permit: a fee of not less than \$25, or
720 more than \$150, per year.
721 (j) Reinspection fee per visit for site inspection after
722 system construction approval or for noncompliant system
723 installation per site visit: a fee of not less than \$25, or more
724 than \$100.
725 (k) Research: An additional \$5 fee shall be added to each
726 new system construction permit issued to be used to fund onsite
727 sewage treatment and disposal system research, demonstration,



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728 and training projects. Five dollars from any repair permit fee
729 collected under this section shall be used for funding the
730 hands-on training centers described in s. 381.0065(3)(j).

731 (1) Annual operating permit, including annual inspection
732 and any required sampling and laboratory analysis of effluent,
733 for an engineer-designed performance-based system: a fee of not
734 less than \$150, or more than \$300.

735

736 The funds collected pursuant to this subsection for the
737 implementation of onsite sewage treatment and disposal system
738 regulation and for the purposes of ss. 381.00655 and 381.0067,
739 subsequent to any phased transfer of implementation from the
740 Department of Health to the department within any county
741 pursuant to s. 381.0065, must be deposited in the Florida Permit
742 Fee Trust Fund under s. 403.0871, to be administered by the
743 department ~~a trust fund administered by the department, to be~~
744 ~~used for the purposes stated in this section and ss. 381.0065~~
745 ~~and 381.00655.~~

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

748 403.061 Department; powers and duties.—The department shall
749 have the power and the duty to control and prohibit pollution of
750 air and water in accordance with the law and rules adopted and
751 promulgated by it and, for this purpose, to:

752 (4) Secure necessary scientific, technical, research,
753 administrative, and operational services by interagency
754 agreement, by contract, or otherwise. All state agencies and
755 counties, upon direction of the department, shall make these
756 services and facilities available.



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757
758 The department shall implement such programs in conjunction with
759 its other powers and duties and shall place special emphasis on
760 reducing and eliminating contamination that presents a threat to
761 humans, animals or plants, or to the environment.

762 Section 10. Subsections (1), (2), (14), and (15) of section
763 403.064, Florida Statutes, are amended to read:

764 403.064 Reuse of reclaimed water.—

765 (1) The encouragement and promotion of water conservation,
766 and reuse of reclaimed water, as defined by the department, are
767 state objectives and are considered to be in the public
768 interest. The Legislature finds that the reuse of reclaimed
769 water is a critical component of meeting the state's existing
770 and future water supply needs while sustaining natural systems
771 and encouraging its best and most beneficial use. The
772 Legislature further finds that for those wastewater treatment
773 plants permitted and operated under an approved reuse program by
774 the department, the reclaimed water shall be considered
775 environmentally acceptable and not a threat to public health and
776 safety. The Legislature encourages the development of incentive-
777 based programs for reuse implementation.

778 (2) All applicants for permits to construct or operate a
779 domestic wastewater treatment facility ~~located within, serving a~~
780 ~~population located within, or discharging within a water~~
781 ~~resource caution area~~ shall prepare a reuse feasibility study as
782 part of their application for the permit. Reuse feasibility
783 studies must ~~shall~~ be prepared in accordance with department
784 guidelines adopted by rule and shall include, but are not
785 limited to:



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786 (a) Evaluation of monetary costs and benefits for several
787 levels and types of reuse.

788 (b) Evaluation of the estimated water savings resulting
789 from different types of reuse, if implemented.

790 (c) Evaluation of rates and fees necessary to implement
791 reuse.

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

794 (e) Evaluation of economic, environmental, and technical
795 constraints associated with the different types of reuse,
796 including any constraints caused by potential water quality
797 impacts.

798 (f) A schedule for implementation of reuse. The schedule
799 must ~~shall~~ consider phased implementation.

800 (14) After conducting a feasibility study under subsection
801 (2), a domestic wastewater treatment facility ~~facilities~~ that
802 disposes ~~dispose~~ of effluent by Class I deep well injection, as
803 defined in 40 C.F.R. s. 144.6(a), surface water discharge, land
804 application, or other method to dispose of effluent or a portion
805 thereof must implement reuse to the degree that reuse is
806 feasible, based upon the applicant's reuse feasibility study,
807 with consideration given to direct ecological or public water
808 supply benefits afforded by any disposal. Applicable permits
809 issued by the department must ~~shall~~ be consistent with the
810 requirements of this subsection.

811 (a) This subsection does not limit the use of a Class I
812 deep well injection as defined in 40 C.F.R. s. 144.6(a), surface
813 water discharge, land application, or another method to dispose
814 of effluent or a portion thereof for backup use only ~~facility as~~



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815 ~~backup for a reclaimed water reuse system.~~

816 ~~(b) This subsection applies only to domestic wastewater~~
817 ~~treatment facilities located within, serving a population~~
818 ~~located within, or discharging within a water resource caution~~
819 ~~area.~~

820 ~~(15) After conducting a feasibility study under subsection~~
821 ~~(2), domestic wastewater treatment facilities that dispose of~~
822 ~~effluent by surface water discharges or by land application~~
823 ~~methods must implement reuse to the degree that reuse is~~
824 ~~feasible, based upon the applicant's reuse feasibility study.~~
825 This subsection does not apply to surface water discharges or
826 land application systems which are currently categorized as
827 reuse under department rules. ~~Applicable permits issued by the~~
828 ~~department shall be consistent with the requirements of this~~
829 ~~subsection.~~

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

833 ~~(b) This subsection applies only to domestic wastewater~~
834 ~~treatment facilities located within, serving a population~~
835 ~~located within, or discharging within a water resource caution~~
836 ~~area.~~

837 Section 11. Paragraph (a) of subsection (7) of section
838 403.067, Florida Statutes, is amended to read:

839 403.067 Establishment and implementation of total maximum
840 daily loads.—

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

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



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844 1. In developing and implementing the total maximum daily
845 load for a waterbody, the department, or the department in
846 conjunction with a water management district, may develop a
847 basin management action plan that addresses some or all of the
848 watersheds and basins tributary to the waterbody. Such plan must
849 integrate the appropriate management strategies available to the
850 state through existing water quality protection programs to
851 achieve the total maximum daily loads and may provide for phased
852 implementation of these management strategies to promote timely,
853 cost-effective actions as provided for in s. 403.151. The plan
854 must establish a schedule implementing the management
855 strategies, establish a basis for evaluating the plan's
856 effectiveness, and identify feasible funding strategies for
857 implementing the plan's management strategies. The management
858 strategies may include regional treatment systems or other
859 public works, when appropriate, and voluntary trading of water
860 quality credits to achieve the needed pollutant load reductions.

861 2. A basin management action plan must equitably allocate,
862 pursuant to paragraph (6) (b), pollutant reductions to individual
863 basins, as a whole to all basins, or to each identified point
864 source or category of nonpoint sources, as appropriate. For
865 nonpoint sources for which best management practices have been
866 adopted, the initial requirement specified by the plan must be
867 those practices developed pursuant to paragraph (c). When
868 appropriate, the plan may take into account the benefits of
869 pollutant load reduction achieved by point or nonpoint sources
870 that have implemented management strategies to reduce pollutant
871 loads, including best management practices, before the
872 development of the basin management action plan. The plan must



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873 also identify the mechanisms that will address potential future
874 increases in pollutant loading.

875 3. The basin management action planning process is intended
876 to involve the broadest possible range of interested parties,
877 with the objective of encouraging the greatest amount of
878 cooperation and consensus possible. In developing a basin
879 management action plan, the department shall assure that key
880 stakeholders, including, but not limited to, applicable local
881 governments, water management districts, the Department of
882 Agriculture and Consumer Services, other appropriate state
883 agencies, local soil and water conservation districts,
884 environmental groups, regulated interests, and affected
885 pollution sources, are invited to participate in the process.
886 The department shall hold at least one public meeting in the
887 vicinity of the watershed or basin to discuss and receive
888 comments during the planning process and shall otherwise
889 encourage public participation to the greatest practicable
890 extent. Notice of the public meeting must be published in a
891 newspaper of general circulation in each county in which the
892 watershed or basin lies at least 5 days, but not more than 15
893 days, before the public meeting. A basin management action plan
894 does not supplant or otherwise alter any assessment made under
895 subsection (3) or subsection (4) or any calculation or initial
896 allocation.

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

899 a. The appropriate management strategies available through
900 existing water quality protection programs to achieve total
901 maximum daily loads, which may provide for phased implementation



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902 to promote timely, cost-effective actions as provided for in s.
903 403.151.

904 b. A description of best management practices adopted by
905 rule.

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

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

914 e. The source and amount of financial assistance to be made
915 available by the department, a water management district, or
916 other entity for each listed project, if applicable.

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

919 5. The department shall adopt all or any part of a basin
920 management action plan and any amendment to such plan by
921 secretarial order pursuant to chapter 120 to implement this
922 section.

923 6. The basin management action plan must include 5-year
924 milestones for implementation and water quality improvement, and
925 an associated water quality monitoring component sufficient to
926 evaluate whether reasonable progress in pollutant load
927 reductions is being achieved over time. An assessment of
928 progress toward these milestones shall be conducted every 5
929 years, and revisions to the plan shall be made as appropriate.
930 Any entity with a specific pollutant load reduction requirement



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931 established in a basin management action plan shall identify the
932 projects or strategies that such entity will undertake to meet
933 current 5-year pollution reduction milestones, beginning with
934 the first 5-year milestone for new basin management action
935 plans, and submit such projects to the department for inclusion
936 in the appropriate basin management action plan. Each project
937 identified must include an estimated amount of nutrient
938 reduction that is reasonably expected to be achieved based on
939 the best scientific information available. Revisions to the
940 basin management action plan shall be made by the department in
941 cooperation with basin stakeholders. Revisions to the management
942 strategies required for nonpoint sources must follow the
943 procedures in subparagraph (c)4. Revised basin management action
944 plans must be adopted pursuant to subparagraph 5.

945 7. In accordance with procedures adopted by rule under
946 paragraph (9)(c), basin management action plans, and other
947 pollution control programs under local, state, or federal
948 authority as provided in subsection (4), may allow point or
949 nonpoint sources that will achieve greater pollutant reductions
950 than required by an adopted total maximum daily load or
951 wasteload allocation to generate, register, and trade water
952 quality credits for the excess reductions to enable other
953 sources to achieve their allocation; however, the generation of
954 water quality credits does not remove the obligation of a source
955 or activity to meet applicable technology requirements or
956 adopted best management practices. Such plans must allow trading
957 between NPDES permittees, and trading that may or may not
958 involve NPDES permittees, where the generation or use of the
959 credits involve an entity or activity not subject to department



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960 water discharge permits whose owner voluntarily elects to obtain
961 department authorization for the generation and sale of credits.

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

967 9. In order to promote resilient wastewater utilities, if
968 the department identifies domestic wastewater treatment
969 facilities or onsite sewage treatment and disposal systems as
970 contributors of at least 20 percent of point source or nonpoint
971 source nutrient pollution or if the department determines
972 remediation is necessary to achieve the total maximum daily
973 load, a basin management action plan for a nutrient total
974 maximum daily load must include the following:

975 a. A domestic wastewater treatment plan developed by each
976 local government, in cooperation with the department, the water
977 management district, and the public and private domestic
978 wastewater treatment facilities providing services or located
979 within the jurisdiction of the local government, which ~~that~~
980 addresses domestic wastewater. Private domestic wastewater
981 facilities and special districts providing domestic wastewater
982 services must provide the required wastewater facility
983 information to the applicable local governments. The domestic
984 wastewater treatment plan must:

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

988 (II) Include the permitted capacity in average annual



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989 gallons per day for the domestic wastewater treatment facility;
990 the average nutrient concentration and the estimated average
991 nutrient load of the domestic wastewater; a projected timeline
992 of the dates by which the construction of any facility
993 improvements will begin and be completed and the date by which
994 operations of the improved facility will begin; the estimated
995 cost of the improvements; and the identity of responsible
996 parties.

997
998 The domestic wastewater treatment plan must be adopted as part
999 of the basin management action plan no later than July 1, 2025.
1000 A local government that does not have a domestic wastewater
1001 treatment facility in its jurisdiction is not required to
1002 develop a domestic wastewater treatment plan unless there is a
1003 demonstrated need to establish a domestic wastewater treatment
1004 facility within its jurisdiction to improve water quality
1005 necessary to achieve a total maximum daily load. A local
1006 government is not responsible for a private domestic wastewater
1007 facility's compliance with a basin management action plan unless
1008 such facility is operated through a public-private partnership
1009 to which the local government is a party.

1010 b. An onsite sewage treatment and disposal system
1011 remediation plan developed by each local government in
1012 cooperation with the department, the Department of Health, water
1013 management districts, and public and private domestic wastewater
1014 treatment facilities.

1015 (I) The onsite sewage treatment and disposal system
1016 remediation plan must identify cost-effective and financially
1017 feasible projects necessary to achieve the nutrient load



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1018 reductions required for onsite sewage treatment and disposal
1019 systems. To identify cost-effective and financially feasible
1020 projects for remediation of onsite sewage treatment and disposal
1021 systems, the local government shall:

1022 (A) Include an inventory of onsite sewage treatment and
1023 disposal systems based on the best information available;

1024 (B) Identify onsite sewage treatment and disposal systems
1025 that would be eliminated through connection to existing or
1026 future central domestic wastewater infrastructure in the
1027 jurisdiction or domestic wastewater service area of the local
1028 government, that would be replaced with or upgraded to enhanced
1029 nutrient-reducing onsite sewage treatment and disposal systems,
1030 or that would remain on conventional onsite sewage treatment and
1031 disposal systems;

1032 (C) Estimate the costs of potential onsite sewage treatment
1033 and disposal system connections, upgrades, or replacements; and

1034 (D) Identify deadlines and interim milestones for the
1035 planning, design, and construction of projects.

1036 (II) The department shall adopt the onsite sewage treatment
1037 and disposal system remediation plan as part of the basin
1038 management action plan no later than July 1, 2025, or as
1039 required for Outstanding Florida Springs under s. 373.807.

1040 10. The installation of new onsite sewage treatment and
1041 disposal systems constructed within a basin management action
1042 plan area adopted under this section, a reasonable assurance
1043 plan, or a pollution reduction plan is prohibited where
1044 connection to a publicly owned or investor-owned sewerage system
1045 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1046 or less within a basin management action plan adopted under this



1047 section, a reasonable assurance plan, or a pollution reduction
1048 plan where a publicly owned or investor-owned sewerage system is
1049 not available, the installation of enhanced nutrient-reducing
1050 onsite sewage treatment and disposal systems or other wastewater
1051 treatment systems that achieve at least 65 percent nitrogen
1052 reduction is required.

1053 11. When identifying wastewater projects in a basin
1054 management action plan, the department may not require the
1055 higher cost option if it achieves the same nutrient load
1056 reduction as a lower cost option. A regulated entity may choose
1057 a different cost option if it complies with the pollutant
1058 reduction requirements of an adopted total maximum daily load
1059 and meets or exceeds the pollution reduction requirement of the
1060 original project.

1061 12. Annually, local governments subject to a basin
1062 management action plan or located within the basin of a
1063 waterbody not attaining nutrient or nutrient-related standards
1064 must provide to the department an update on the status of
1065 construction of sanitary sewers to serve such areas, in a manner
1066 prescribed by the department.

1067 Section 12. Paragraph (f) of subsection (2) and subsection
1068 (7) of section 403.0673, Florida Statutes, are amended, and
1069 subsection (8) is added to that section, to read:

1070 403.0673 Water quality improvement grant program.—A grant
1071 program is established within the Department of Environmental
1072 Protection to address wastewater, stormwater, and agricultural
1073 sources of nutrient loading to surface water or groundwater.

1074 (2) The department may provide grants for all of the
1075 following types of projects that reduce the amount of nutrients



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1076 entering those waterbodies identified in subsection (1):
1077 (f) Projects identified in a domestic wastewater treatment
1078 plan or an onsite sewage treatment and disposal system
1079 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and
1080 b.
1081 (7) Beginning January 15, 2024, and each January 15
1082 thereafter, the department shall submit a report regarding the
1083 projects funded pursuant to this section to the Governor, the
1084 President of the Senate, and the Speaker of the House of
1085 Representatives.
1086 (a) The report must include a list of those projects
1087 receiving funding and the following information for each
1088 project:
1089 1.~~(a)~~ A description of the project;
1090 2.~~(b)~~ The cost of the project;
1091 3.~~(c)~~ The estimated nutrient load reduction of the project;
1092 4.~~(d)~~ The location of the project;
1093 5.~~(e)~~ The waterbody or waterbodies where the project will
1094 reduce nutrients; and
1095 6.~~(f)~~ The total cost share being provided for the project.
1096 (b) The report must also include a status report on each
1097 project funded since 2021. The status report must, at a minimum,
1098 identify which projects have been completed and, if such
1099 information is available, provide nutrient load improvements or
1100 water quality testing data for the waterbody.
1101 (8) By July 1, 2025, the department must include the
1102 projects funded pursuant to this section on a user-friendly
1103 website or dashboard. The website or dashboard must allow the
1104 user to see the information provided in subsection (7) and must



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1105 be updated at least annually.

1106 Section 13. Paragraph (c) of subsection (1) of section
1107 403.086, Florida Statutes, is amended to read:

1108 403.086 Sewage disposal facilities; advanced and secondary
1109 waste treatment.—

1110 (1)

1111 (c)1. Notwithstanding this chapter or chapter 373, sewage
1112 disposal facilities may not dispose any wastes into the
1113 following waters without providing advanced waste treatment, as
1114 defined in subsection (4), as approved by the department or a
1115 more stringent treatment standard if the department determines
1116 the more stringent standard is necessary to achieve the total
1117 maximum daily load or applicable water quality criteria:

1118 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega
1119 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little
1120 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
1121 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
1122 sound, or other water tributary thereto.

1123 b. Beginning July 1, 2025, Indian River Lagoon, or any
1124 river, stream, channel, canal, bay, bayou, sound, or other water
1125 tributary thereto.

1126 c. By January 1, 2033, waterbodies that are currently not
1127 attaining nutrient or nutrient-related standards or that are
1128 subject to a nutrient or nutrient-related basin management
1129 action plan adopted pursuant to s. 403.067 or adopted reasonable
1130 assurance plan.

1131 2. For any waterbody determined not to be attaining
1132 nutrient or nutrient-related standards after July 1, 2023, or
1133 subject to a nutrient or nutrient-related basin management



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1134 action plan adopted pursuant to s. 403.067 or adopted reasonable
1135 assurance plan after July 1, 2023, sewage disposal facilities
1136 are prohibited from disposing any wastes into such waters
1137 without providing advanced waste treatment, as defined in
1138 subsection (4), as approved by the department within 10 years
1139 after such determination or adoption.

1140 3. By July 1, 2034, any wastewater treatment facility
1141 providing reclaimed water that will be used for commercial or
1142 residential irrigation or be otherwise land applied within a
1143 nutrient basin management action plan or a reasonable assurance
1144 plan area must meet the advanced waste treatment standards for
1145 total nitrogen and total phosphorous as defined in paragraph
1146 (4) (a) if the department has determined in an applicable basin
1147 management action plan or reasonable assurance plan that the use
1148 of reclaimed water as described in this subparagraph is causing
1149 or contributing to the nutrient impairment being addressed in
1150 such plan. For such department determinations made in a nutrient
1151 basin management action plan or reasonable assurance plan after
1152 July 1, 2024, an applicable wastewater treatment facility must
1153 meet the requisite advanced waste treatment standards described
1154 in this subparagraph within 10 years after such determination.
1155 This subparagraph does not prevent the department from requiring
1156 an alternative treatment standard, including a more stringent
1157 treatment standard, if the department determines the alternative
1158 standard is necessary to achieve the total maximum daily load or
1159 applicable water quality criteria. This subparagraph does not
1160 apply to reclaimed water that is otherwise land applied as part
1161 of a water quality restoration project or water resource
1162 development project approved by the department or water



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1163 management district to meet a total maximum daily load or
1164 minimum flow or level and where such reclaimed water will be at
1165 or below the advanced waste treatment standards described above
1166 prior to entering groundwater or surface water.

1167 Section 14. Section 403.121, Florida Statutes, is amended
1168 to read:

1169 403.121 Enforcement; procedure; remedies.—The department
1170 shall have the following judicial and administrative remedies
1171 available to it for violations of this chapter, as specified in
1172 s. 403.161(1), ss. 381.0065–381.0067, part I of chapter 386 for
1173 purposes of onsite sewage treatment and disposal systems, part
1174 III of chapter 489, or any rule promulgated thereunder.

1175 (1) Judicial Remedies:

1176 (a) The department may institute a civil action in a court
1177 of competent jurisdiction to establish liability and to recover
1178 damages for any injury to the air, waters, or property,
1179 including animal, plant, and aquatic life, of the state caused
1180 by any violation.

1181 (b) The department may institute a civil action in a court
1182 of competent jurisdiction to impose and to recover a civil
1183 penalty for each violation in an amount of not more than \$15,000
1184 per offense. However, the court may receive evidence in
1185 mitigation. Each day during any portion of which such violation
1186 occurs constitutes a separate offense.

1187 (c) Except as provided in paragraph (2)(c), it is not a
1188 defense to, or ground for dismissal of, these judicial remedies
1189 for damages and civil penalties that the department has failed
1190 to exhaust its administrative remedies, has failed to serve a
1191 notice of violation, or has failed to hold an administrative



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1192 hearing before the institution of a civil action.

1193 (2) Administrative Remedies:

1194 (a) The department may institute an administrative
1195 proceeding to establish liability and to recover damages for any
1196 injury to the air, waters, or property, including animal, plant,
1197 or aquatic life, of the state caused by any violation. The
1198 department may order that the violator pay a specified sum as
1199 damages to the state. Judgment for the amount of damages
1200 determined by the department may be entered in any court having
1201 jurisdiction thereof and may be enforced as any other judgment.

1202 (b) If the department has reason to believe a violation has
1203 occurred, it may institute an administrative proceeding to order
1204 the prevention, abatement, or control of the conditions creating
1205 the violation or other appropriate corrective action. Except for
1206 violations involving hazardous wastes, asbestos, or underground
1207 injection, the department shall proceed administratively in all
1208 cases in which the department seeks administrative penalties
1209 that do not exceed \$50,000 per assessment as calculated in
1210 accordance with subsections (3), (4), (5), (6), and (7).

1211 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
1212 assessed pursuant to subsection (3), subsection (4), or
1213 subsection (5) against a public water system serving a
1214 population of more than 10,000 may not be less than \$1,000 per
1215 day per violation. The department may not impose administrative
1216 penalties in excess of \$50,000 in a notice of violation. The
1217 department may not have more than one notice of violation
1218 seeking administrative penalties pending against the same party
1219 at the same time unless the violations occurred at a different
1220 site or the violations were discovered by the department



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1221 subsequent to the filing of a previous notice of violation.
1222 (c) An administrative proceeding shall be instituted by the
1223 department's serving of a written notice of violation upon the
1224 alleged violator by certified mail. If the department is unable
1225 to effect service by certified mail, the notice of violation may
1226 be hand delivered or personally served in accordance with
1227 chapter 48. The notice shall specify the law, rule, regulation,
1228 permit, certification, or order of the department alleged to be
1229 violated and the facts alleged to constitute a violation
1230 thereof. An order for corrective action, penalty assessment, or
1231 damages may be included with the notice. When the department is
1232 seeking to impose an administrative penalty for any violation by
1233 issuing a notice of violation, any corrective action needed to
1234 correct the violation or damages caused by the violation must be
1235 pursued in the notice of violation or they are waived. However,
1236 an order is not effective until after service and an
1237 administrative hearing, if requested within 20 days after
1238 service. Failure to request an administrative hearing within
1239 this time period constitutes a waiver thereof, unless the
1240 respondent files a written notice with the department within
1241 this time period opting out of the administrative process
1242 initiated by the department to impose administrative penalties.
1243 Any respondent choosing to opt out of the administrative process
1244 initiated by the department in an action that seeks the
1245 imposition of administrative penalties must file a written
1246 notice with the department within 20 days after service of the
1247 notice of violation opting out of the administrative process. A
1248 respondent's decision to opt out of the administrative process
1249 does not preclude the department from initiating a state court



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1250 action seeking injunctive relief, damages, and the judicial
1251 imposition of civil penalties.

1252 (d) If a person timely files a petition challenging a
1253 notice of violation, that person will thereafter be referred to
1254 as the respondent. The hearing requested by the respondent shall
1255 be held within 180 days after the department has referred the
1256 initial petition to the Division of Administrative Hearings
1257 unless the parties agree to a later date. The department has the
1258 burden of proving with the preponderance of the evidence that
1259 the respondent is responsible for the violation. Administrative
1260 penalties should not be imposed unless the department satisfies
1261 that burden. Following the close of the hearing, the
1262 administrative law judge shall issue a final order on all
1263 matters, including the imposition of an administrative penalty.
1264 When the department seeks to enforce that portion of a final
1265 order imposing administrative penalties pursuant to s. 120.69,
1266 the respondent may not assert as a defense the inappropriateness
1267 of the administrative remedy. The department retains its final-
1268 order authority in all administrative actions that do not
1269 request the imposition of administrative penalties.

1270 (e) After filing a petition requesting a formal hearing in
1271 response to a notice of violation in which the department
1272 imposes an administrative penalty, a respondent may request that
1273 a private mediator be appointed to mediate the dispute by
1274 contacting the Florida Conflict Resolution Consortium within 10
1275 days after receipt of the initial order from the administrative
1276 law judge. The Florida Conflict Resolution Consortium shall pay
1277 all of the costs of the mediator and for up to 8 hours of the
1278 mediator's time per case at \$150 per hour. Upon notice from the



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1279 respondent, the Florida Conflict Resolution Consortium shall
1280 provide to the respondent a panel of possible mediators from the
1281 area in which the hearing on the petition would be heard. The
1282 respondent shall select the mediator and notify the Florida
1283 Conflict Resolution Consortium of the selection within 15 days
1284 of receipt of the proposed panel of mediators. The Florida
1285 Conflict Resolution Consortium shall provide all of the
1286 administrative support for the mediation process. The mediation
1287 must be completed at least 15 days before the final hearing date
1288 set by the administrative law judge.

1289 (f) In any administrative proceeding brought by the
1290 department, the prevailing party shall recover all costs as
1291 provided in ss. 57.041 and 57.071. The costs must be included in
1292 the final order. The respondent is the prevailing party when an
1293 order is entered awarding no penalties to the department and
1294 such order has not been reversed on appeal or the time for
1295 seeking judicial review has expired. The respondent is entitled
1296 to an award of attorney fees if the administrative law judge
1297 determines that the notice of violation issued by the department
1298 seeking the imposition of administrative penalties was not
1299 substantially justified as defined in s. 57.111(3)(e). An award
1300 of attorney fees as provided by this subsection may not exceed
1301 \$15,000.

1302 (g) This section does not prevent any other legal or
1303 administrative action in accordance with law and does not limit
1304 the department's authority provided in ss. 403.131, 403.141, and
1305 this section to judicially pursue injunctive relief. When the
1306 department exercises its authority to judicially pursue
1307 injunctive relief, penalties in any amount up to the statutory



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1308 maximum sought by the department must be pursued as part of the
1309 state court action and not by initiating a separate
1310 administrative proceeding. The department retains the authority
1311 to judicially pursue penalties in excess of \$50,000 for
1312 violations not specifically included in the administrative
1313 penalty schedule, or for multiple or multiday violations alleged
1314 to exceed a total of \$50,000. The department also retains the
1315 authority provided in ss. 403.131, 403.141, and this section to
1316 judicially pursue injunctive relief and damages, if a notice of
1317 violation seeking the imposition of administrative penalties has
1318 not been issued. The department has the authority to enter into
1319 a settlement, before or after initiating a notice of violation,
1320 and the settlement may include a penalty amount different from
1321 the administrative penalty schedule. Any case filed in state
1322 court because it is alleged to exceed a total of \$50,000 in
1323 penalties may be settled in the court action for less than
1324 \$50,000.

1325 (h) Chapter 120 applies to any administrative action taken
1326 by the department or any delegated program pursuing
1327 administrative penalties in accordance with this section.

1328 (3) Except for violations involving hazardous wastes,
1329 asbestos, or underground injection, administrative penalties
1330 must be calculated according to the following schedule:

1331 (a) For a drinking water contamination violation, the
1332 department shall assess a penalty of \$3,000 for a Maximum
1333 Containment Level (MCL) violation; plus \$1,500 if the violation
1334 is for a primary inorganic, organic, or radiological Maximum
1335 Contaminant Level or it is a fecal coliform bacteria violation;
1336 plus \$1,500 if the violation occurs at a community water system;



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1337 and plus \$1,500 if any Maximum Contaminant Level is exceeded by
1338 more than 100 percent. For failure to obtain a clearance letter
1339 before placing a drinking water system into service when the
1340 system would not have been eligible for clearance, the
1341 department shall assess a penalty of \$4,500.

1342 (b) For failure to obtain a required wastewater permit,
1343 other than a permit required for surface water discharge, or
1344 obtain an onsite sewage treatment and disposal system permit, or
1345 for a violation of s. 381.0065, or the creation of or
1346 maintenance of a nuisance related to an onsite sewage treatment
1347 and disposal system under part I of chapter 386, or for a
1348 violation of part III of chapter 489, or any rule properly
1349 promulgated thereunder, the department shall assess a penalty of
1350 \$2,000. For a domestic or industrial wastewater violation, not
1351 involving a surface water or groundwater quality violation, the
1352 department shall assess a penalty of \$4,000 for an unpermitted
1353 or unauthorized discharge or effluent-limitation exceedance or
1354 for failure to comply with s. 403.061(14) or s. 403.086(7) or
1355 rules adopted thereunder. For an unpermitted or unauthorized
1356 discharge or effluent-limitation exceedance that resulted in a
1357 surface water or groundwater quality violation, the department
1358 shall assess a penalty of \$10,000. Each day the cause of an
1359 unauthorized discharge of domestic wastewater or sanitary
1360 nuisance is not addressed constitutes a separate offense.

1361 (c) For a dredge and fill or stormwater violation, the
1362 department shall assess a penalty of \$1,500 for unpermitted or
1363 unauthorized dredging or filling or unauthorized construction of
1364 a stormwater management system against the person or persons
1365 responsible for the illegal dredging or filling, or unauthorized



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1366 construction of a stormwater management system plus \$3,000 if
1367 the dredging or filling occurs in an aquatic preserve, an
1368 Outstanding Florida Water, a conservation easement, or a Class I
1369 or Class II surface water, plus \$1,500 if the area dredged or
1370 filled is greater than one-quarter acre but less than or equal
1371 to one-half acre, and plus \$1,500 if the area dredged or filled
1372 is greater than one-half acre but less than or equal to one
1373 acre. The administrative penalty schedule does not apply to a
1374 dredge and fill violation if the area dredged or filled exceeds
1375 one acre. The department retains the authority to seek the
1376 judicial imposition of civil penalties for all dredge and fill
1377 violations involving more than one acre. The department shall
1378 assess a penalty of \$4,500 for the failure to complete required
1379 mitigation, failure to record a required conservation easement,
1380 or for a water quality violation resulting from dredging or
1381 filling activities, stormwater construction activities or
1382 failure of a stormwater treatment facility. For stormwater
1383 management systems serving less than 5 acres, the department
1384 shall assess a penalty of \$3,000 for the failure to properly or
1385 timely construct a stormwater management system. In addition to
1386 the penalties authorized in this subsection, the department
1387 shall assess a penalty of \$7,500 per violation against the
1388 contractor or agent of the owner or tenant that conducts
1389 unpermitted or unauthorized dredging or filling. For purposes of
1390 this paragraph, the preparation or signing of a permit
1391 application by a person currently licensed under chapter 471 to
1392 practice as a professional engineer does not make that person an
1393 agent of the owner or tenant.

1394 (d) For mangrove trimming or alteration violations, the



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1395 department shall assess a penalty of \$7,500 per violation
1396 against the contractor or agent of the owner or tenant that
1397 conducts mangrove trimming or alteration without a permit as
1398 required by s. 403.9328. For purposes of this paragraph, the
1399 preparation or signing of a permit application by a person
1400 currently licensed under chapter 471 to practice as a
1401 professional engineer does not make that person an agent of the
1402 owner or tenant.

1403 (e) For solid waste violations, the department shall assess
1404 a penalty of \$3,000 for the unpermitted or unauthorized disposal
1405 or storage of solid waste; plus \$1,000 if the solid waste is
1406 Class I or Class III (excluding yard trash) or if the solid
1407 waste is construction and demolition debris in excess of 20
1408 cubic yards, plus \$1,500 if the waste is disposed of or stored
1409 in any natural or artificial body of water or within 500 feet of
1410 a potable water well, plus \$1,500 if the waste contains PCB at a
1411 concentration of 50 parts per million or greater; untreated
1412 biomedical waste; friable asbestos greater than 1 cubic meter
1413 which is not wetted, bagged, and covered; used oil greater than
1414 25 gallons; or 10 or more lead acid batteries. The department
1415 shall assess a penalty of \$4,500 for failure to properly
1416 maintain leachate control; unauthorized burning; failure to have
1417 a trained spotter on duty at the working face when accepting
1418 waste; or failure to provide access control for three
1419 consecutive inspections. The department shall assess a penalty
1420 of \$3,000 for failure to construct or maintain a required
1421 stormwater management system.

1422 (f) For an air emission violation, the department shall
1423 assess a penalty of \$1,500 for an unpermitted or unauthorized



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1424 air emission or an air-emission-permit exceedance, plus \$4,500
1425 if the emission was from a major source and the source was major
1426 for the pollutant in violation; plus \$1,500 if the emission was
1427 more than 150 percent of the allowable level.

1428 (g) For storage tank system and petroleum contamination
1429 violations, the department shall assess a penalty of \$7,500 for
1430 failure to empty a damaged storage system as necessary to ensure
1431 that a release does not occur until repairs to the storage
1432 system are completed; when a release has occurred from that
1433 storage tank system; for failure to timely recover free product;
1434 or for failure to conduct remediation or monitoring activities
1435 until a no-further-action or site-rehabilitation completion
1436 order has been issued. The department shall assess a penalty of
1437 \$4,500 for failure to timely upgrade a storage tank system. The
1438 department shall assess a penalty of \$3,000 for failure to
1439 conduct or maintain required release detection; failure to
1440 timely investigate a suspected release from a storage system;
1441 depositing motor fuel into an unregistered storage tank system;
1442 failure to timely assess or remediate petroleum contamination;
1443 or failure to properly install a storage tank system. The
1444 department shall assess a penalty of \$1,500 for failure to
1445 properly operate, maintain, or close a storage tank system.

1446 (4) In an administrative proceeding, in addition to the
1447 penalties that may be assessed under subsection (3), the
1448 department shall assess administrative penalties according to
1449 the following schedule:

1450 (a) For failure to satisfy financial responsibility
1451 requirements or for violation of s. 377.371(1), \$7,500.

1452 (b) For failure to install, maintain, or use a required



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1453 pollution control system or device, \$6,000.

1454 (c) For failure to obtain a required permit before
1455 construction or modification, \$4,500.

1456 (d) For failure to conduct required monitoring or testing;
1457 failure to conduct required release detection; or failure to
1458 construct in compliance with a permit, \$3,000.

1459 (e) For failure to maintain required staff to respond to
1460 emergencies; failure to conduct required training; failure to
1461 prepare, maintain, or update required contingency plans; failure
1462 to adequately respond to emergencies to bring an emergency
1463 situation under control; or failure to submit required
1464 notification to the department, \$1,500.

1465 (f) Except as provided in subsection (2) with respect to
1466 public water systems serving a population of more than 10,000,
1467 for failure to prepare, submit, maintain, or use required
1468 reports or other required documentation, \$750.

1469 (5) Except as provided in subsection (2) with respect to
1470 public water systems serving a population of more than 10,000,
1471 for failure to comply with any other departmental regulatory
1472 statute or rule requirement not otherwise identified in this
1473 section, the department may assess a penalty of \$1,000.

1474 (6) For each additional day during which a violation
1475 occurs, the administrative penalties in subsections (3)-(5) may
1476 be assessed per day per violation.

1477 (7) The history of noncompliance of the violator for any
1478 previous violation resulting in an executed consent order, but
1479 not including a consent order entered into without a finding of
1480 violation, or resulting in a final order or judgment after the
1481 effective date of this law involving the imposition of \$3,000 or



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1482 more in penalties shall be taken into consideration in the
1483 following manner:

1484 (a) One previous such violation within 5 years before the
1485 filing of the notice of violation will result in a 25-percent
1486 per day increase in the scheduled administrative penalty.

1487 (b) Two previous such violations within 5 years before the
1488 filing of the notice of violation will result in a 50-percent
1489 per day increase in the scheduled administrative penalty.

1490 (c) Three or more previous such violations within 5 years
1491 before the filing of the notice of violation will result in a
1492 100-percent per day increase in the scheduled administrative
1493 penalty.

1494 (8) The direct economic benefit gained by the violator from
1495 the violation, where consideration of economic benefit is
1496 provided by Florida law or required by federal law as part of a
1497 federally delegated or approved program, must be added to the
1498 scheduled administrative penalty. The total administrative
1499 penalty, including any economic benefit added to the scheduled
1500 administrative penalty, may not exceed \$15,000.

1501 (9) The administrative penalties assessed for any
1502 particular violation may not exceed \$10,000 against any one
1503 violator, unless the violator has a history of noncompliance,
1504 the economic benefit of the violation as described in subsection
1505 (8) exceeds \$10,000, or there are multiday violations. The total
1506 administrative penalties may not exceed \$50,000 per assessment
1507 for all violations attributable to a specific person in the
1508 notice of violation.

1509 (10) The administrative law judge may receive evidence in
1510 mitigation. The penalties identified in subsections (3)-(5) may



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1511 be reduced up to 50 percent by the administrative law judge for
1512 mitigating circumstances, including good faith efforts to comply
1513 before or after discovery of the violations by the department.
1514 Upon an affirmative finding that the violation was caused by
1515 circumstances beyond the reasonable control of the respondent
1516 and could not have been prevented by respondent's due diligence,
1517 the administrative law judge may further reduce the penalty.

1518 (11) Penalties collected pursuant to this section must
1519 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund
1520 or other trust fund designated by statute and shall be used to
1521 fund the restoration of ecosystems, or polluted areas of the
1522 state, as defined by the department, to their condition before
1523 pollution occurred. The Florida Conflict Resolution Consortium
1524 may use a portion of the fund to administer the mediation
1525 process provided in paragraph (2)(e) and to contract with
1526 private mediators for administrative penalty cases.

1527 (12) The purpose of the administrative penalty schedule and
1528 process is to provide a more predictable and efficient manner
1529 for individuals and businesses to resolve relatively minor
1530 environmental disputes. Subsections (3)-(7) may not be construed
1531 as limiting a state court in the assessment of damages. The
1532 administrative penalty schedule does not apply to the judicial
1533 imposition of civil penalties in state court as provided in this
1534 section.

1535 Section 15. Subsection (1) of section 403.0671, Florida
1536 Statutes, is amended to read:

1537 403.0671 Basin management action plan wastewater reports.—

1538 (1) By July 1, 2021, the department, in coordination with
1539 the county health departments, wastewater treatment facilities,



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1540 and other governmental entities, shall submit a report to the
1541 Governor, the President of the Senate, and the Speaker of the
1542 House of Representatives evaluating the costs of wastewater
1543 projects identified in the basin management action plans
1544 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1545 sewage treatment and disposal system remediation plans and other
1546 restoration plans developed to meet the total maximum daily
1547 loads required under s. 403.067. The report must include all of
1548 the following:

1549 (a) Projects to:

1550 1. Replace onsite sewage treatment and disposal systems
1551 with enhanced nutrient-reducing onsite sewage treatment and
1552 disposal systems.

1553 2. Install or retrofit onsite sewage treatment and disposal
1554 systems with enhanced nutrient-reducing technologies.

1555 3. Construct, upgrade, or expand domestic wastewater
1556 treatment facilities to meet the domestic wastewater treatment
1557 plan required under s. 403.067(7) (a) 9.

1558 4. Connect onsite sewage treatment and disposal systems to
1559 domestic wastewater treatment facilities. ~~†~~

1560 (b) The estimated costs, nutrient load reduction estimates,
1561 and other benefits of each project. ~~†~~

1562 (c) The estimated implementation timeline for each
1563 project. ~~†~~

1564 (d) A proposed 5-year funding plan for each project and the
1565 source and amount of financial assistance the department, a
1566 water management district, or other project partner will make
1567 available to fund the project. ~~†~~ ~~and~~

1568 (e) The projected costs of installing enhanced nutrient-



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1569 reducing onsite sewage treatment and disposal systems on
1570 buildable lots in priority focus areas to comply with s.
1571 373.811.

1572 Section 16. Subsection (5) of section 403.9301, Florida
1573 Statutes, is amended to read:

1574 403.9301 Wastewater services projections.—

1575 (5) The Office of Economic and Demographic Research shall
1576 evaluate the compiled documents from the counties for the
1577 purpose of developing a statewide analysis for inclusion in the
1578 assessment due the following January ~~1, 2023~~, pursuant to s.
1579 403.928. Beginning July 1, 2024, and by the July 1 following
1580 subsequent publications of the analysis required by this
1581 section, the Office of Economic and Demographic Research shall
1582 provide a publicly accessible data visualization tool on its
1583 website which allows for comparative analyses of key
1584 information.

1585 Section 17. Subsection (5) of section 403.9302, Florida
1586 Statutes, is amended to read:

1587 403.9302 Stormwater management projections.—

1588 (5) The Office of Economic and Demographic Research shall
1589 evaluate the compiled documents from the counties for the
1590 purpose of developing a statewide analysis for inclusion in the
1591 assessment due the following January ~~1, 2023~~, pursuant to s.
1592 403.928. Beginning July 1, 2024, and by the July 1 following
1593 subsequent publications of the analysis required by this
1594 section, the Office of Economic and Demographic Research shall
1595 provide a publicly accessible data visualization tool on its
1596 website which allows for comparative analyses of key
1597 information.



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1598

1599 ===== T I T L E A M E N D M E N T =====

1600 And the title is amended as follows:

1601 Delete lines 89 - 105

1602 and insert:

1603 applicability; amending s. 403.121, F.S.; revising

1604 department enforcement provisions; revising

1605 administrative penalty calculations for failure to

1606 obtain certain required permits and for certain

1607 violations; amending s. 403.0671, F.S.; conforming

1608 provisions to changes made by the act; amending ss.

1609 403.9301 and 403.9302, F.S.; requiring the Office of

1610 Economic and Demographic Research to provide a

1611 specified publicly accessible data visualization tool

1612 on its website; reenacting s. 327.73(1)(x),