

By Senator Calatayud

38-00749A-24

20241386__

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; amending s. 253.04, F.S.; revising the
4 aquatic preserves within which a person may not
5 operate a vessel outside a lawfully marked channel
6 under certain circumstances; amending s. 258.39, F.S.;
7 declaring the Kristin Jacobs Coral Reef Ecosystem
8 Conservation Area an aquatic preserve area; amending
9 s. 373.250, F.S.; requiring each water management
10 district, in coordination with the department, to
11 develop rules that promote the use of reclaimed water
12 and encourage potable water offsets; providing
13 requirements for such rules; providing construction;
14 amending s. 380.093, F.S.; defining the term "Florida
15 Flood Hub"; revising the definition of the term
16 "preconstruction activities"; revising the purposes
17 for which counties and municipalities may use
18 Resilient Florida Grant Program funds; revising
19 vulnerability assessment requirements; revising
20 requirements for the development and maintenance of
21 the comprehensive statewide flood vulnerability and
22 sea level rise data set and assessment; requiring the
23 department to coordinate with the Chief Resilience
24 Officer and the Florida Flood Hub to update the data
25 set and assessment at specified intervals; revising
26 requirements for the Statewide Flooding and Sea Level
27 Rise Resilience Plan; revising the purposes of the
28 funding for regional resilience entities; making
29 technical changes; amending s. 381.0061, F.S.;

38-00749A-24

20241386__

30 revising the violations for which the department may
31 impose a specified fine; providing legislative intent
32 regarding a phased transfer of the Department of
33 Health's Onsite Sewage Program to the Department of
34 Environmental Protection; requiring the Department of
35 Environmental Protection to coordinate with the
36 Department of Health regarding the identification and
37 transfer of certain equipment and vehicles under
38 certain circumstances; prohibiting the Department of
39 Health from implementing or collecting fees for the
40 program when the Department of Environmental
41 Protection begins implementing the program; providing
42 exceptions; amending s. 381.0065, F.S.; requiring the
43 Department of Environmental Protection to conduct
44 enforcement activities for violations of certain
45 onsite sewage treatment and disposal system
46 regulations in accordance with specified provisions;
47 specifying the department's authority with respect to
48 specific provisions; requiring the department to adopt
49 rules for a program for general permits for certain
50 projects; providing requirements for such rules;
51 revising department enforcement provisions; deleting
52 certain criminal penalties; requiring the damages,
53 costs, or penalties collected to be deposited into the
54 Water Quality Assurance Trust Fund rather than the
55 relevant county health department trust fund;
56 requiring the department to establish an enhanced
57 nutrient-reducing onsite sewage treatment and disposal
58 system approval program; authorizing the department to

38-00749A-24

20241386__

59 contract with or delegate certain powers and duties to
60 a county; amending s. 381.0066, F.S.; requiring
61 certain fees to be deposited into the Florida Permit
62 Fee Trust Fund after a specified timeframe; amending
63 s. 403.061, F.S.; requiring counties to make certain
64 services and facilities available upon the direction
65 of the department; amending s. 403.064, F.S.; revising
66 legislative findings; revising the domestic wastewater
67 treatment facilities required to submit a reuse
68 feasibility study as part of a permit application;
69 revising the contents of a required reuse feasibility
70 study; revising the domestic wastewater facilities
71 required to implement reuse under certain
72 circumstances; revising applicability; revising
73 construction; amending s. 403.067, F.S.; requiring
74 certain facilities and systems to include a domestic
75 wastewater treatment plan as part of a basin
76 management action plan for nutrient total maximum
77 daily loads; amending s. 403.086, F.S.; requiring
78 wastewater treatment facilities within a basin
79 management action plan or reasonable assurance plan
80 area which provide reclaimed water for specified
81 purposes to meet advanced waste treatment or a more
82 stringent treatment standard under certain
83 circumstances; amending s. 403.091, F.S.; authorizing
84 certain department representatives to enter and
85 inspect premises on which an onsite sewage treatment
86 and disposal system is located or being constructed or
87 installed or where certain records are kept; revising

38-00749A-24

20241386__

88 requirements for such access; revising the
89 circumstances under which an inspection warrant may be
90 issued; amending s. 403.121, F.S.; revising department
91 enforcement provisions; revising administrative
92 penalty calculations for failure to obtain certain
93 required permits and for certain violations; amending
94 ss. 403.0671 and 403.0673, F.S.; conforming provisions
95 to changes made by the act; reenacting s.
96 327.73(1)(x), F.S., relating to noncriminal
97 infractions, to incorporate the amendment made to s.
98 253.04, F.S., in a reference thereto; reenacting ss.
99 381.0072(4)(a) and (6)(a), 381.0086(4), 381.0098(7),
100 and 513.10(2), F.S., relating to food service
101 protection, penalties, biomedical waste, and operating
102 without a permit, respectively, to incorporate the
103 amendment made to s. 381.0061, F.S., in references
104 thereto; providing an effective date.

105
106 Be It Enacted by the Legislature of the State of Florida:

107
108 Section 1. Paragraph (a) of subsection (3) of section
109 253.04, Florida Statutes, is amended to read:

110 253.04 Duty of board to protect, etc., state lands; state
111 may join in any action brought.—

112 (3)(a) The duty to conserve and improve state-owned lands
113 and the products thereof includes ~~shall include~~ the preservation
114 and regeneration of seagrass, which is deemed essential to the
115 oceans, gulfs, estuaries, and shorelines of the state. A person
116 operating a vessel outside a lawfully marked channel in a

38-00749A-24

20241386__

117 careless manner that causes seagrass scarring within an aquatic
118 preserve established in ss. 258.39-258.3991 ~~ss. 258.39-258.399~~,
119 with the exception of the Lake Jackson, Oklawaha River, Wekiva
120 River, and Rainbow Springs aquatic preserves, commits a
121 noncriminal infraction, punishable as provided in s. 327.73.
122 Each violation is a separate offense. As used in this
123 subsection, the term:

124 1. "Seagrass" means Cuban shoal grass (*Halodule wrightii*),
125 turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium*
126 *filiforme*), star grass (*Halophila engelmannii*), paddle grass
127 (*Halophila decipiens*), Johnson's seagrass (*Halophila johnsonii*),
128 or widgeon grass (*Ruppia maritima*).

129 2. "Seagrass scarring" means destruction of seagrass roots,
130 shoots, or stems that results in tracks on the substrate
131 commonly referred to as prop scars or propeller scars caused by
132 the operation of a motorized vessel in waters supporting
133 seagrasses.

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

136 258.39 Boundaries of preserves.—The submerged lands
137 included within the boundaries of Nassau, Duval, St. Johns,
138 Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte,
139 Pinellas, Martin, Palm Beach, Miami-Dade, Monroe, Collier, Lee,
140 Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa,
141 Hernando, and Escambia Counties, as hereinafter described, with
142 the exception of privately held submerged lands lying landward
143 of established bulkheads and of privately held submerged lands
144 within Monroe County where the establishment of bulkhead lines
145 is not required, are hereby declared to be aquatic preserves.

38-00749A-24

20241386__

146 Such aquatic preserve areas include:

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

153
154 Any and all submerged lands theretofore conveyed by the Trustees
155 of the Internal Improvement Trust Fund and any and all uplands
156 now in private ownership are specifically exempted from this
157 dedication.

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

160 373.250 Reuse of reclaimed water.—

161 (9) To promote the use of reclaimed water and encourage
162 potable water offsets that produce significant water savings
163 beyond those required in a consumptive use permit, each water
164 management district, in coordination with the department, shall
165 develop rules by December 31, 2025, which provide all of the
166 following:

167 (a) If an applicant proposes a water supply development or
168 water resource development project using reclaimed water as part
169 of an application for consumptive use, the applicant is eligible
170 for a permit duration of up to 30 years if there is sufficient
171 data to provide reasonable assurance that the conditions for
172 permit issuance will be met for the duration of the permit.

173 Rules developed pursuant to this paragraph must include, at a
174 minimum:

38-00749A-24

20241386__

175 1. A requirement that the permittee demonstrate how
176 quantifiable groundwater or surface water savings associated
177 with the new water supply development or water resource
178 development project helps meets water demands beyond a 20-year
179 permit duration or is completed to benefit a waterbody with a
180 minimum flow or minimum water level with a recovery or
181 prevention strategy; and

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

184
185 This paragraph does not limit the existing authority of a water
186 management district to issue a shorter duration permit to
187 protect from harm the water resources or ecology of the area, or
188 to otherwise ensure compliance with the conditions for permit
189 issuance.

190 (b) Authorization for a consumptive use permittee to seek a
191 permit extension of up to 10 years if the permittee proposes a
192 water supply development or water resource development project
193 using reclaimed water during the term of its permit which
194 results in the reduction of groundwater or surface water
195 withdrawals or is completed to benefit a waterbody with a
196 minimum flow or minimum water level with a recovery or
197 prevention strategy. Rules associated with this paragraph must
198 include, at a minimum:

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

201 2. A requirement that the permittee demonstrate how the
202 quantifiable groundwater or surface water savings associated
203 with the new water supply development or water resource

38-00749A-24

20241386

204 development project helps meet water demands beyond the issued
205 permit duration or benefits a waterbody with a minimum flow or
206 minimum water level with a recovery or prevention strategy;

207 3. A requirement that the permittee demonstrate a water
208 demand for the permit's allocation through the term of the
209 extension; and

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

213
214 This paragraph does not limit the existing authority of a water
215 management district to protect from harm the water resources or
216 ecology of the area, or to otherwise ensure compliance with the
217 conditions for permit issuance.

218 Section 4. Present paragraphs (c) and (d) of subsection (2)
219 of section 380.093, Florida Statutes, are redesignated as
220 paragraphs (d) and (e), respectively, a new paragraph (c) is
221 added to that subsection, and present paragraph (c) of
222 subsection (2), paragraphs (b), (c), and (d) of subsection (3),
223 and subsections (4), (5), and (6) of that section are amended,
224 to read:

225 380.093 Resilient Florida Grant Program; comprehensive
226 statewide flood vulnerability and sea level rise data set and
227 assessment; Statewide Flooding and Sea Level Rise Resilience
228 Plan; regional resilience entities.—

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

230 (c) "Florida Flood Hub" means the Florida Flood Hub for
231 Applied Research and Innovation established pursuant to s.
232 380.0933.

38-00749A-24

20241386__

233 (d) ~~(e)~~ "Preconstruction activities" means activities
234 associated with a project that addresses the risks of flooding
235 and sea level rise that occur before construction begins,
236 including, but not limited to, design of the project, permitting
237 for the project, surveys and data collection, site development,
238 solicitation, public hearings, local code or comprehensive plan
239 amendments, establishing local funding sources, and easement
240 acquisition.

241 (3) RESILIENT FLORIDA GRANT PROGRAM.—

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

244 1. A county or municipality to fund:

245 a. The costs of community resilience planning and necessary
246 data collection for such planning, including comprehensive plan
247 amendments and necessary corresponding analyses that address the
248 requirements of s. 163.3178(2)(f).

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

251 c. Updates to the county's or municipality's inventory of
252 critical assets, including regionally significant assets that
253 are currently or reasonably expected to be impacted by flooding
254 and sea level rise. The updated inventory must be submitted to
255 the department and, at the time of submission, must reflect all
256 such assets that are currently, or within 50 years may
257 reasonably be expected to be, impacted by flooding and sea level
258 rise.

259 d. The development of projects, plans, strategies, and
260 policies that enhance community preparations ~~allow communities~~
261 ~~to prepare~~ for threats from flooding and sea level rise,

38-00749A-24

20241386__

262 including adaptation plans that help local governments
263 prioritize project development and implementation across one or
264 more jurisdictions in a manner consistent with departmental
265 guidance.

266 e.d. Preconstruction activities for projects to be
267 submitted for inclusion in the Statewide Flooding and Sea Level
268 Rise Resilience Plan which ~~that~~ are located in a municipality
269 that has a population of 10,000 or fewer or a county that has a
270 population of 50,000 or fewer, according to the most recent
271 April 1 population estimates posted on the Office of Economic
272 and Demographic Research's website.

273 f.e. Feasibility studies ~~and the cost of permitting~~ for
274 nature-based solutions that reduce the impact of flooding and
275 sea level rise.

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

279 2. A water management district identified in s. 373.069 to
280 support local government adaptation planning, which may be
281 conducted by the water management district or by a third party
282 on behalf of the water management district. Such grants must be
283 used for the express purpose of supporting the Florida Flood Hub
284 ~~for Applied Research and Innovation~~ and the department in
285 implementing this section through data creation and collection,
286 modeling, and the implementation of statewide standards.
287 Priority must be given to filling critical data gaps identified
288 by the Florida Flood Hub ~~for Applied Research and Innovation~~
289 under s. 380.0933(2) (a).

290 (c) A vulnerability assessment conducted pursuant to

38-00749A-24

20241386__

291 paragraph (b) must encompass the entire county or municipality;
292 include all critical assets owned or maintained by the grant
293 applicant; and use the most recent publicly available Digital
294 Elevation Model and generally accepted analysis and modeling
295 techniques. An assessment may encompass a smaller geographic
296 area or include only a portion of the critical assets owned or
297 maintained by the grant applicant with appropriate rationale and
298 upon approval by the department. Locally collected elevation
299 data may also be included as part of the assessment as long as
300 it is submitted to the department pursuant to this paragraph.

301 1. The assessment must include an analysis of the
302 vulnerability of and risks to critical assets, including
303 regionally significant assets, owned or managed by the county or
304 municipality.

305 2. Upon completion of a vulnerability assessment, the
306 county or municipality shall submit to the department all of the
307 following:

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

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

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

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

319 c. An inventory ~~A list~~ of critical assets, including

38-00749A-24

20241386__

320 regionally significant assets, that are currently, or within 50
321 years are reasonably expected to be, impacted by flooding and
322 sea level rise.

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

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

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

334 a. Tidal flooding, including future high tide flooding,
335 which must use thresholds published and provided by the
336 department. To the extent practicable, the analysis should also
337 geographically display the number of tidal flood days expected
338 for each scenario and planning horizon.

339 b. Current and future storm surge flooding ~~using publicly~~
340 ~~available National Oceanic and Atmospheric Administration or~~
341 ~~Federal Emergency Management Agency storm surge data~~. The
342 initial storm surge event used must equal or exceed the current
343 100-year flood event. Higher frequency storm events may be
344 analyzed to understand the exposure of a critical asset or
345 regionally significant asset. Publicly available National
346 Oceanic and Atmospheric Administration (NOAA) or Federal
347 Emergency Management Agency storm surge data may be used in the
348 absence of applicable data from the Florida Flood Hub.

38-00749A-24

20241386__

349 c. To the extent practicable, rainfall-induced flooding
350 using a GIS-based spatiotemporal analysis or existing hydrologic
351 and hydraulic modeling results. Future boundary conditions
352 should be modified to consider sea level rise and high tide
353 conditions. Vulnerability assessments for rainfall-induced
354 flooding must include the depth of rainfall-induced flooding for
355 a 100-year storm and a 500-year storm, as defined by the
356 applicable water management district or, if necessary, the
357 appropriate federal agency. Future rainfall conditions should be
358 used, if available. Noncoastal communities must perform a
359 rainfall-induced flooding assessment.

360 d. To the extent practicable, compound flooding or the
361 combination of tidal, storm surge, and rainfall-induced
362 flooding.

363 3. Apply the following scenarios and standards:

364 a. All analyses in the North American Vertical Datum of
365 1988.

366 b. For a vulnerability assessment initiated after July 1,
367 2024, at a minimum least two local sea level rise scenarios,
368 which must include the 2022 NOAA 2017 National Oceanic and
369 Atmospheric Administration intermediate-low and intermediate
370 intermediate-high sea level rise scenarios or the statewide sea
371 level rise projections developed pursuant to paragraph (4) (a)
372 projections.

373 c. At least two planning horizons identified in the
374 following table which correspond with the appropriate
375 comprehensive statewide flood vulnerability and sea level rise
376 assessment for which the department, at the time of award,
377 determines such local vulnerability assessment will be

38-00749A-24

20241386__

378 incorporated:

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

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

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

389 which reflect the best available scientific information as

390 certified by the Chief Science Officer, in consultation with the

391 Chief Resilience Officer. If such data is not available, local

392 sea level data may be ~~that has been~~ interpolated between the two

393 closest NOAA National Oceanic and Atmospheric Administration

394 tide gauges; however, such. ~~Local sea level~~ data may be taken

395 from only one of the two closest NOAA tide gauges ~~such gauge~~ if

396 the gauge has a higher mean sea level or may be. ~~Data~~ taken from

397 an alternate tide gauge ~~may be used~~ with appropriate rationale

38-00749A-24

20241386__

398 and department approval, as long as it is publicly available or
399 submitted to the department pursuant to paragraph (b).

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

402 (a) ~~By July 1, 2023,~~ The department shall develop and
403 maintain ~~complete the development of~~ a comprehensive statewide
404 flood vulnerability and sea level rise data set sufficient to
405 conduct a comprehensive statewide flood vulnerability and sea
406 level rise assessment. In developing and maintaining the data
407 set, the department shall, in coordination with the Chief
408 Resilience Officer and the Florida Flood Hub ~~for Applied~~
409 ~~Research and Innovation~~, compile, analyze, and incorporate, as
410 appropriate, information related to vulnerability assessments
411 and critical asset inventories submitted to the department
412 pursuant to subsection (3) or any previously completed
413 assessments that meet the requirements of subsection (3).

414 1. The Chief Science Officer shall, in coordination with
415 the Chief Resilience Officer and the Florida Flood Hub ~~necessary~~
416 ~~experts and resources~~, develop statewide sea level rise
417 projections that incorporate temporal and spatial variability,
418 to the extent practicable, for inclusion in the data set. This
419 subparagraph does not supersede regionally adopted projections.

420 2. The data set must include information necessary to
421 determine the risks to inland and coastal communities,
422 including, but not limited to, elevation, tidal levels, and
423 precipitation.

424 (b) ~~By July 1, 2024,~~ The department, in coordination with
425 the Chief Resilience Officer and the Florida Flood Hub, shall
426 complete a comprehensive statewide flood vulnerability and sea

38-00749A-24

20241386__

427 level rise assessment that identifies inland and coastal
428 infrastructure, geographic areas, and communities in this ~~the~~
429 state which ~~that~~ are vulnerable to flooding and sea level rise
430 and the associated risks.

431 1. The department shall use the comprehensive statewide
432 flood vulnerability and sea level rise data set to conduct the
433 assessment.

434 2. The assessment must incorporate local and regional
435 analyses of vulnerabilities and risks, including, as
436 appropriate, local mitigation strategies and postdisaster
437 redevelopment plans.

438 3. The assessment must include an inventory of critical
439 assets, including regionally significant assets, that are
440 essential for critical government and business functions,
441 national security, public health and safety, the economy, flood
442 and storm protection, water quality management, and wildlife
443 habitat management, and must identify and analyze the
444 vulnerability of and risks to such critical assets. When
445 identifying critical assets for inclusion in the assessment, the
446 department shall also take into consideration the critical
447 assets identified by local governments and submitted to the
448 department pursuant to subsection (3).

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

453 (c) The department, in coordination with the Chief
454 Resilience Officer and the Florida Flood Hub, shall update the
455 comprehensive statewide flood vulnerability and sea level rise

38-00749A-24

20241386__

456 data set with the best available information each year and shall
457 update the assessment at least every 5 years. ~~The department may~~
458 ~~update the data set and assessment more frequently if it~~
459 ~~determines that updates are necessary to maintain the validity~~
460 ~~of the data set and assessment.~~

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

462 (a) ~~By December 1, 2021, and~~ Each December 1 thereafter,
463 the department shall develop a Statewide Flooding and Sea Level
464 Rise Resilience Plan on a 3-year planning horizon and submit it
465 to the Governor, the President of the Senate, and the Speaker of
466 the House of Representatives. The plan must consist of ranked
467 projects that address risks of flooding and sea level rise to
468 coastal and inland communities in the state. All eligible
469 projects submitted to the department pursuant to this section
470 must be ranked and included in the plan. Each plan must include
471 a detailed narrative overview describing how the plan was
472 developed, including a description of the methodology used by
473 the department to determine project eligibility, a description
474 of the methodology used to rank projects, the specific scoring
475 system used, the project proposal application form, a copy of
476 each submitted project proposal application form separated by
477 eligible projects and ineligible projects, the total number of
478 project proposals received and deemed eligible, the total
479 funding requested, and the total funding requested for eligible
480 projects.

481 (b) ~~The plan submitted by December 1, 2021, before the~~
482 ~~comprehensive statewide flood vulnerability and sea level rise~~
483 ~~assessment is completed, will be a preliminary plan that~~
484 ~~includes projects that address risks of flooding and sea level~~

38-00749A-24

20241386__

485 ~~rise identified in available local government vulnerability~~
486 ~~assessments and projects submitted by water management districts~~
487 ~~that mitigate the risks of flooding or sea level rise on water~~
488 ~~supplies or water resources of the state. The plan submitted by~~
489 ~~December 1, 2022, and the plan submitted by December 1, 2023,~~
490 ~~will be updates to the preliminary plan. The plan submitted by~~
491 ~~December 1, 2024, and each plan submitted by December 1~~
492 ~~thereafter.~~

493 1. Shall primarily address risks of flooding and sea level
494 rise identified in the comprehensive statewide flood
495 vulnerability and sea level rise assessment; and

496 2. May include, at the discretion of the department in
497 consultation with the Chief Resilience Officer, other projects
498 submitted pursuant to paragraph (d) which address risks of
499 flooding and sea level rise to critical assets not yet
500 identified in the comprehensive statewide flood vulnerability
501 and sea level rise assessment.

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

- 505 1. A description of the project.
- 506 2. The location of the project.
- 507 3. An estimate of how long the project will take to
508 complete.
- 509 4. An estimate of the cost of the project.
- 510 5. The cost-share percentage available for the project.
- 511 6. A summary of the priority score assigned to the project.
- 512 7. The project sponsor.

513 (d)1. ~~By September 1, 2021, and~~ Each September 1

38-00749A-24

20241386__

514 ~~thereafter,~~ all of the following entities may submit to the
515 department a list of proposed projects that address risks of
516 flooding or sea level rise identified in the comprehensive
517 statewide flood vulnerability and sea level rise assessment or
518 vulnerability assessments that meet the requirements of
519 subsection (3):

520 a. Counties.

521 b. Municipalities.

522 c. Special districts as defined in s. 189.012 which ~~that~~
523 are responsible for the management and maintenance of inlets and
524 intracoastal waterways or for the operation and maintenance of a
525 potable water facility, a wastewater facility, an airport, or a
526 seaport facility.

527 d. Regional resilience entities acting on behalf of one or
528 more member counties or municipalities.

529
530 For the plans submitted by December 1, 2024, such entities may
531 submit projects identified in existing vulnerability assessments
532 that do not comply with subsection (3) only if the entity is
533 actively developing a vulnerability assessment that is either
534 under a signed grant agreement with the department pursuant to
535 subsection (3) or funded by another state or federal agency, or
536 is self-funded and intended to meet the requirements of
537 paragraph (3) (d) 2021; December 1, 2022; and December 1, 2023,
538 ~~such entities may submit projects identified in existing~~
539 ~~vulnerability assessments that do not comply with subsection~~
540 ~~(3). A regional resilience entity may also submit proposed~~
541 ~~projects to the department pursuant to this subparagraph on~~
542 ~~behalf of one or more member counties or municipalities.~~

38-00749A-24

20241386__

543 2. ~~By September 1, 2021, and Each September 1 thereafter,~~
544 all of the following entities may submit to the department a
545 list of any proposed projects that address risks of flooding or
546 sea level rise identified in the comprehensive statewide flood
547 vulnerability and sea level rise assessment or vulnerability
548 assessments that meet the requirements of subsection (3), or
549 that mitigate the risks of flooding or sea level rise on water
550 supplies or water resources of the state and a corresponding
551 evaluation of each project:

- 552 a. Water management districts.
- 553 b. Drainage districts.
- 554 c. Erosion control districts.
- 555 d. Flood control districts.
- 556 e. Regional water supply authorities.

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

- 560 a. A description of the project.
- 561 b. The location of the project.
- 562 c. An estimate of how long the project will take to
563 complete.
- 564 d. An estimate of the cost of the project.
- 565 e. The cost-share percentage available for the project.
- 566 f. The project sponsor.

567 (e) Each project included in the plan must have a minimum
568 50 percent cost share unless the project assists or is within a
569 financially disadvantaged small community. For purposes of this
570 section, the term "financially disadvantaged small community"
571 means:

38-00749A-24

20241386__

572 1. A municipality that has a population of 10,000 or fewer,
573 according to the most recent April 1 population estimates posted
574 on the Office of Economic and Demographic Research's website,
575 and a per capita annual income that is less than the state's per
576 capita annual income as shown in the most recent release from
577 the Bureau of the Census of the United States Department of
578 Commerce that includes both measurements; or

579 2. A county that has a population of 50,000 or fewer,
580 according to the most recent April 1 population estimates posted
581 on the Office of Economic and Demographic Research's website,
582 and a per capita annual income that is less than the state's per
583 capita annual income as shown in the most recent release from
584 the Bureau of the Census of the United States Department of
585 Commerce that includes both measurements.

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

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

593 1. Aesthetic vegetation.

594 2. Recreational structures such as piers, docks, and
595 boardwalks.

596 3. Water quality components of stormwater and wastewater
597 management systems, except for expenses to mitigate water
598 quality impacts caused by the project or expenses related to
599 water quality which are necessary to obtain a permit for the
600 project.

38-00749A-24

20241386__

- 601 4. Maintenance and repair of over-walks.
- 602 5. Park activities and facilities, except expenses to
603 control flooding or erosion.
- 604 6. Navigation construction, operation, and maintenance
605 activities.
- 606 7. Projects that provide only recreational benefits.
- 607 (g)~~(h)~~ The department shall implement a scoring system for
608 assessing each project eligible for inclusion in the plan
609 pursuant to this subsection. The scoring system must include the
610 following tiers and associated criteria:
- 611 1. Tier 1 must account for 40 percent of the total score
612 and consist of all of the following criteria:
- 613 a. The degree to which the project addresses the risks
614 posed by flooding and sea level rise identified in the local
615 government vulnerability assessments or the comprehensive
616 statewide flood vulnerability and sea level rise assessment, as
617 applicable.
- 618 b. The degree to which the project addresses risks to
619 regionally significant assets.
- 620 c. The degree to which the project reduces risks to areas
621 with an overall higher percentage of vulnerable critical assets.
- 622 d. The degree to which the project contributes to existing
623 flooding mitigation projects that reduce upland damage costs by
624 incorporating new or enhanced structures or restoration and
625 revegetation projects.
- 626 2. Tier 2 must account for 30 percent of the total score
627 and consist of all of the following criteria:
- 628 a. The degree to which flooding and erosion currently
629 affect the condition of the project area.

38-00749A-24

20241386__

630 b. The overall readiness of the project to proceed in a
631 timely manner, considering the project's readiness for the
632 construction phase of development, the status of required
633 permits, the status of any needed easement acquisition, and the
634 availability of local funding sources.

635 c. The environmental habitat enhancement or inclusion of
636 nature-based options for resilience, with priority given to
637 state or federal critical habitat areas for threatened or
638 endangered species.

639 d. The cost-effectiveness of the project.

640 3. Tier 3 must account for 20 percent of the total score
641 and consist of all of the following criteria:

642 a. The availability of local, state, and federal matching
643 funds, considering the status of the funding award, and federal
644 authorization, if applicable.

645 b. Previous state commitment and involvement in the
646 project, considering previously funded phases, the total amount
647 of previous state funding, and previous partial appropriations
648 for the proposed project.

649 c. The exceedance of the flood-resistant construction
650 requirements of the Florida Building Code and applicable flood
651 plain management regulations.

652 4. Tier 4 must account for 10 percent of the total score
653 and consist of all of the following criteria:

654 a. The proposed innovative technologies designed to reduce
655 project costs and provide regional collaboration.

656 b. The extent to which the project assists financially
657 disadvantaged communities.

658 (h) ~~(i)~~ The total amount of funding proposed for each year

38-00749A-24

20241386__

659 of the plan may not be less than \$100 million. Upon review and
660 subject to appropriation, the Legislature shall approve funding
661 for the projects as specified in the plan. Multiyear projects
662 that receive funding for the first year of the project must be
663 included in subsequent plans and funded until the project is
664 complete, provided that the project sponsor has complied with
665 all contractual obligations and funds are available.

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

668 (6) REGIONAL RESILIENCE ENTITIES.—Subject to specific
669 legislative appropriation, the department may provide funding
670 for all of the following purposes to regional entities,
671 including regional planning councils and estuary partnerships,
672 that are established by general purpose local governments and
673 whose responsibilities include planning for the resilience needs
674 of communities and coordinating intergovernmental solutions to
675 mitigate adverse impacts of flooding and sea level rise:

676 (a) Providing technical assistance to counties and
677 municipalities.

678 (b) Coordinating and conducting activities authorized by
679 subsection (3) with broad regional benefit or on behalf of
680 multiple member counties and municipalities ~~multijurisdictional~~
681 ~~vulnerability assessments.~~

682 (c) Developing project proposals to be submitted for
683 inclusion in the Statewide Flooding and Sea Level Rise
684 Resilience Plan.

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

687 381.0061 Administrative fines.—

38-00749A-24

20241386__

688 (1) In addition to any administrative action authorized by
689 chapter 120 or by other law, the department may impose a fine,
690 which may not exceed \$500 for each violation, for a violation of
691 s. 381.006(15) ~~or, s. 381.0065, s. 381.0066,~~ s. 381.0072, ~~or~~
692 ~~part III of chapter 489,~~ for a violation of any rule adopted by
693 the department under this chapter, or for a violation of chapter
694 386 not involving onsite sewage treatment and disposal systems.
695 The department shall give an alleged violator a notice of intent
696 to impose such fine shall be given by the department to the
697 alleged violator. Each day that a violation continues may
698 constitute a separate violation.

699 Section 6. The Legislature intends that the transfer of the
700 regulation of the Onsite Sewage Program from the Department of
701 Health to the Department of Environmental Protection, as
702 required by the Clean Waterways Act, chapter 2020-150, Laws of
703 Florida, be completed in a phased approach.

704 (1) Before the phased transfer, the Department of
705 Environmental Protection shall coordinate with the Department of
706 Health to identify equipment and vehicles that were previously
707 used to carry out the program in each county and that are no
708 longer needed for such purpose. The Department of Health shall
709 transfer the agreed-upon equipment and vehicles to the
710 Department of Environmental Protection, to the extent that each
711 county agrees to relinquish ownership of such equipment and
712 vehicles to the Department of Health.

713 (2) When the Department of Environmental Protection begins
714 implementing the program within a county, the Department of
715 Health may no longer implement or collect fees for the program
716 unless specified by separate delegation or contract with the

38-00749A-24

20241386__

717 Department of Environmental Protection.

718 Section 7. Paragraph (h) of subsection (3) and subsections
719 (5) and (7) of section 381.0065, Florida Statutes, are amended,
720 paragraph (o) is added to subsection (3) of that section, and
721 subsection (9) is added to that section, to read:

722 381.0065 Onsite sewage treatment and disposal systems;
723 regulation.—

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

726 (h) Conduct enforcement activities in accordance with part
727 I of chapter 403, including imposing fines, issuing citations,
728 suspensions, revocations, injunctions, and emergency orders for
729 violations of this section, part I of chapter 386, or part III
730 of chapter 489 or for a violation of any rule adopted by the
731 department under this section, part I of chapter 386, or part
732 III of chapter 489. All references to part I of chapter 386 in
733 this section relate solely to nuisances involving improperly
734 built or maintained septic tanks or other onsite sewage
735 treatment and disposal systems, and untreated or improperly
736 treated or transported waste from onsite sewage treatment and
737 disposal systems. The department shall have all the duties and
738 authorities of the Department of Health in part I of chapter 386
739 for nuisances involving onsite sewage treatment and disposal
740 systems. The department's authority under part I of chapter 386
741 is in addition to and may be pursued independently of or
742 simultaneously with the enforcement remedies provided under this
743 section and chapter 403.

744 (o) Adopt rules establishing and implementing a program of
745 general permits for this section for projects, or categories of

38-00749A-24

20241386__

746 projects, which have, individually or cumulatively, a minimal
747 adverse impact on public health or the environment. Such rules
748 must:

749 1. Specify design or performance criteria which, if
750 applied, would result in compliance with appropriate standards;
751 and

752 2. Authorize a person who complies with the general permit
753 eligibility requirements to use the permit 30 days after giving
754 notice to the department without any agency action by the
755 department. Within the 30-day notice period, the department
756 shall determine whether the activity qualifies for a general
757 permit. If the activity does not qualify or the notice does not
758 contain all the required information, the department must notify
759 the person.

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

761 (a) Department personnel who have reason to believe
762 noncompliance exists, may at any reasonable time, enter the
763 premises permitted under ss. 381.0065-381.0066, or the business
764 premises of any septic tank contractor or master septic tank
765 contractor registered under part III of chapter 489, or any
766 premises that the department has reason to believe is being
767 operated or maintained not in compliance, to determine
768 compliance with the provisions of this section, part I of
769 chapter 386, or part III of chapter 489 or rules or standards
770 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
771 part III of chapter 489. As used in this paragraph, the term
772 "premises" does not include a residence or private building. To
773 gain entry to a residence or private building, the department
774 must obtain permission from the owner or occupant or secure an

38-00749A-24

20241386__

775 inspection warrant from a court of competent jurisdiction
776 pursuant to the procedures of s. 403.091.

777 (b)~~1.~~ The department has all of the judicial and
778 administrative remedies available to it pursuant to part I of
779 chapter 403 ~~may issue citations that may contain an order of~~
780 ~~correction or an order to pay a fine, or both,~~ for violations of
781 ss. 381.0065-381.0067, part I of chapter 386, or part III of
782 chapter 489 or the rules adopted by the department, ~~when a~~
783 ~~violation of these sections or rules is enforceable by an~~
784 ~~administrative or civil remedy, or when a violation of these~~
785 ~~sections or rules is a misdemeanor of the second degree. A~~
786 ~~citation issued under ss. 381.0065-381.0067, part I of chapter~~
787 ~~386, or part III of chapter 489 constitutes a notice of proposed~~
788 ~~agency action.~~

789 2. A citation must be in writing and must describe the
790 particular nature of the violation, including specific reference
791 to the provisions of law or rule allegedly violated.

792 3. The fines imposed by a citation issued by the department
793 may not exceed \$500 for each violation. Each day the violation
794 exists constitutes a separate violation for which a citation may
795 be issued.

796 4. The department shall inform the recipient, by written
797 notice pursuant to ss. 120.569 and 120.57, of the right to an
798 administrative hearing to contest the citation within 21 days
799 after the date the citation is received. The citation must
800 contain a conspicuous statement that if the recipient fails to
801 pay the fine within the time allowed, or fails to appear to
802 contest the citation after having requested a hearing, the
803 recipient has waived the recipient's right to contest the

38-00749A-24

20241386__

804 ~~citation and must pay an amount up to the maximum fine.~~

805 ~~5. The department may reduce or waive the fine imposed by~~
806 ~~the citation. In determining whether to reduce or waive the~~
807 ~~fine, the department must consider the gravity of the violation,~~
808 ~~the person's attempts at correcting the violation, and the~~
809 ~~person's history of previous violations including violations for~~
810 ~~which enforcement actions were taken under ss. 381.0065-~~
811 ~~381.0067, part I of chapter 386, part III of chapter 489, or~~
812 ~~other provisions of law or rule.~~

813 ~~6. Any person who willfully refuses to sign and accept a~~
814 ~~citation issued by the department commits a misdemeanor of the~~
815 ~~second degree, punishable as provided in s. 775.082 or s.~~
816 ~~775.083.~~

817 ~~7. The department, pursuant to ss. 381.0065-381.0067, part~~
818 ~~I of chapter 386, or part III of chapter 489, shall deposit any~~
819 ~~damages, costs, or penalties it collects pursuant to this~~
820 ~~section and part I of chapter 403 in the Water Quality Assurance~~
821 ~~Trust Fund county health department trust fund for use in~~
822 ~~providing services specified in those sections.~~

823 ~~8. This section provides an alternative means of enforcing~~
824 ~~ss. 381.0065-381.0067, part I of chapter 386, and part III of~~
825 ~~chapter 489. This section does not prohibit the department from~~
826 ~~enforcing ss. 381.0065-381.0067, part I of chapter 386, or part~~
827 ~~III of chapter 489, or its rules, by any other means. However,~~
828 ~~the department must elect to use only a single method of~~
829 ~~enforcement for each violation.~~

830 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
831 TREATMENT AND DISPOSAL SYSTEMS.-To meet the requirements of a
832 total maximum daily load, the department shall implement a fast-

38-00749A-24

20241386__

833 track approval process of no longer than 6 months for the
834 determination of the use of American National Standards
835 Institute 245 systems approved by NSF International before July
836 1, 2020. The department shall also establish an enhanced
837 nutrient-reducing onsite sewage treatment and disposal system
838 approval program that will expeditiously evaluate and approve
839 such systems for use in this state to comply with ss.
840 403.067(7)(a)10. and 373.469(3)(d).

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

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

846 381.0066 Onsite sewage treatment and disposal systems;
847 fees.—

848 (2) The minimum fees in the following fee schedule apply
849 until changed by rule by the department within the following
850 limits:

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

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

859 (c) Biennial operating permit for aerobic treatment units
860 or performance-based treatment systems: a fee of not more than
861 \$100.

38-00749A-24

20241386__

862 (d) Annual operating permit for systems located in areas
863 zoned for industrial manufacturing or equivalent uses or where
864 the system is expected to receive wastewater which is not
865 domestic in nature: a fee of not less than \$150, or more than
866 \$300.

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

868 (f) Septage disposal service, septage stabilization
869 facility, portable or temporary toilet service, tank
870 manufacturer inspection: a fee of not less than \$25, or more
871 than \$200, per year.

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

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

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

880 (j) Reinspection fee per visit for site inspection after
881 system construction approval or for noncompliant system
882 installation per site visit: a fee of not less than \$25, or more
883 than \$100.

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

890 (l) Annual operating permit, including annual inspection

38-00749A-24

20241386__

891 and any required sampling and laboratory analysis of effluent,
892 for an engineer-designed performance-based system: a fee of not
893 less than \$150, or more than \$300.

894
895 The funds collected pursuant to this subsection for the
896 implementation of onsite sewage treatment and disposal system
897 regulation and for the purposes of ss. 381.00655 and 381.0067,
898 subsequent to any phased transfer of implementation from the
899 Department of Health to the department within any county
900 pursuant to s. 381.0065, must be deposited in the Florida Permit
901 Fee Trust Fund under s. 403.0871, to be administered by the
902 department ~~a trust fund administered by the department, to be~~
903 ~~used for the purposes stated in this section and ss. 381.0065~~
904 ~~and 381.00655.~~

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

907 403.061 Department; powers and duties.—The department shall
908 have the power and the duty to control and prohibit pollution of
909 air and water in accordance with the law and rules adopted and
910 promulgated by it and, for this purpose, to:

911 (4) Secure necessary scientific, technical, research,
912 administrative, and operational services by interagency
913 agreement, by contract, or otherwise. All state agencies and
914 counties, upon direction of the department, shall make these
915 services and facilities available.

916
917 The department shall implement such programs in conjunction with
918 its other powers and duties and shall place special emphasis on
919 reducing and eliminating contamination that presents a threat to

38-00749A-24

20241386__

920 humans, animals or plants, or to the environment.

921 Section 10. Subsections (1), (2), (14), and (15) of section
922 403.064, Florida Statutes, are amended to read:

923 403.064 Reuse of reclaimed water.—

924 (1) The encouragement and promotion of water conservation,
925 and reuse of reclaimed water, as defined by the department, are
926 state objectives and are considered to be in the public
927 interest. The Legislature finds that the reuse of reclaimed
928 water is a critical component of meeting the state's existing
929 and future water supply needs while sustaining natural systems
930 and encouraging its best and most beneficial use. The
931 Legislature further finds that for those wastewater treatment
932 plants permitted and operated under an approved reuse program by
933 the department, the reclaimed water shall be considered
934 environmentally acceptable and not a threat to public health and
935 safety. The Legislature encourages the development of incentive-
936 based programs for reuse implementation.

937 (2) All applicants for permits to construct or operate a
938 domestic wastewater treatment facility ~~located within, serving a~~
939 ~~population located within, or discharging within a water~~
940 ~~resource caution area~~ shall prepare a reuse feasibility study as
941 part of their application for the permit. Reuse feasibility
942 studies must ~~shall~~ be prepared in accordance with department
943 guidelines adopted by rule and shall include, but are not
944 limited to:

945 (a) Evaluation of monetary costs and benefits for several
946 levels and types of reuse.

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

38-00749A-24

20241386__

949 (c) Evaluation of rates and fees necessary to implement
950 reuse.

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

953 (e) Evaluation of economic, environmental, and technical
954 constraints associated with the different types of reuse,
955 including any constraints caused by potential water quality
956 impacts.

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

959 (14) After conducting a feasibility study under subsection
960 (2), a domestic wastewater treatment facility ~~facilities~~ that
961 disposes ~~dispose~~ of effluent by Class I deep well injection, as
962 defined in 40 C.F.R. s. 144.6(a), surface water discharge, land
963 application, or other method to dispose of effluent or a portion
964 thereof must implement reuse to the degree that reuse is
965 feasible, based upon the applicant's reuse feasibility study,
966 with consideration given to direct ecological or public water
967 supply benefits afforded by any disposal. Applicable permits
968 issued by the department must ~~shall~~ be consistent with the
969 requirements of this subsection.

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

975 (b) ~~This subsection applies only to domestic wastewater~~
976 ~~treatment facilities located within, serving a population~~
977 ~~located within, or discharging within a water resource caution~~

38-00749A-24

20241386__

978 ~~area.~~

979 ~~(15) After conducting a feasibility study under subsection~~
980 ~~(2), domestic wastewater treatment facilities that dispose of~~
981 ~~effluent by surface water discharges or by land application~~
982 ~~methods must implement reuse to the degree that reuse is~~
983 ~~feasible, based upon the applicant's reuse feasibility study.~~
984 This subsection does not apply to surface water discharges or
985 land application systems which are currently categorized as
986 reuse under department rules. ~~Applicable permits issued by the~~
987 ~~department shall be consistent with the requirements of this~~
988 ~~subsection.~~

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

992 ~~(b) This subsection applies only to domestic wastewater~~
993 ~~treatment facilities located within, serving a population~~
994 ~~located within, or discharging within a water resource caution~~
995 ~~area.~~

996 Section 11. Paragraph (a) of subsection (7) of section
997 403.067, Florida Statutes, is amended to read:

998 403.067 Establishment and implementation of total maximum
999 daily loads.—

1000 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1001 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1002 (a) *Basin management action plans.*—

1003 1. In developing and implementing the total maximum daily
1004 load for a waterbody, the department, or the department in
1005 conjunction with a water management district, may develop a
1006 basin management action plan that addresses some or all of the

38-00749A-24

20241386__

1007 watersheds and basins tributary to the waterbody. Such plan must
1008 integrate the appropriate management strategies available to the
1009 state through existing water quality protection programs to
1010 achieve the total maximum daily loads and may provide for phased
1011 implementation of these management strategies to promote timely,
1012 cost-effective actions as provided for in s. 403.151. The plan
1013 must establish a schedule implementing the management
1014 strategies, establish a basis for evaluating the plan's
1015 effectiveness, and identify feasible funding strategies for
1016 implementing the plan's management strategies. The management
1017 strategies may include regional treatment systems or other
1018 public works, when appropriate, and voluntary trading of water
1019 quality credits to achieve the needed pollutant load reductions.

1020 2. A basin management action plan must equitably allocate,
1021 pursuant to paragraph (6) (b), pollutant reductions to individual
1022 basins, as a whole to all basins, or to each identified point
1023 source or category of nonpoint sources, as appropriate. For
1024 nonpoint sources for which best management practices have been
1025 adopted, the initial requirement specified by the plan must be
1026 those practices developed pursuant to paragraph (c). When
1027 appropriate, the plan may take into account the benefits of
1028 pollutant load reduction achieved by point or nonpoint sources
1029 that have implemented management strategies to reduce pollutant
1030 loads, including best management practices, before the
1031 development of the basin management action plan. The plan must
1032 also identify the mechanisms that will address potential future
1033 increases in pollutant loading.

1034 3. The basin management action planning process is intended
1035 to involve the broadest possible range of interested parties,

38-00749A-24

20241386__

1036 with the objective of encouraging the greatest amount of
1037 cooperation and consensus possible. In developing a basin
1038 management action plan, the department shall assure that key
1039 stakeholders, including, but not limited to, applicable local
1040 governments, water management districts, the Department of
1041 Agriculture and Consumer Services, other appropriate state
1042 agencies, local soil and water conservation districts,
1043 environmental groups, regulated interests, and affected
1044 pollution sources, are invited to participate in the process.
1045 The department shall hold at least one public meeting in the
1046 vicinity of the watershed or basin to discuss and receive
1047 comments during the planning process and shall otherwise
1048 encourage public participation to the greatest practicable
1049 extent. Notice of the public meeting must be published in a
1050 newspaper of general circulation in each county in which the
1051 watershed or basin lies at least 5 days, but not more than 15
1052 days, before the public meeting. A basin management action plan
1053 does not supplant or otherwise alter any assessment made under
1054 subsection (3) or subsection (4) or any calculation or initial
1055 allocation.

1056 4. Each new or revised basin management action plan must
1057 include all of the following:

1058 a. The appropriate management strategies available through
1059 existing water quality protection programs to achieve total
1060 maximum daily loads, which may provide for phased implementation
1061 to promote timely, cost-effective actions as provided for in s.
1062 403.151.

1063 b. A description of best management practices adopted by
1064 rule.

38-00749A-24

20241386__

1065 c. For the applicable 5-year implementation milestone, a
1066 list of projects that will achieve the pollutant load reductions
1067 needed to meet the total maximum daily load or the load
1068 allocations established pursuant to subsection (6). Each project
1069 must include a planning-level cost estimate and an estimated
1070 date of completion.

1071 d. A list of projects developed pursuant to paragraph (e),
1072 if applicable.

1073 e. The source and amount of financial assistance to be made
1074 available by the department, a water management district, or
1075 other entity for each listed project, if applicable.

1076 f. A planning-level estimate of each listed project's
1077 expected load reduction, if applicable.

1078 5. The department shall adopt all or any part of a basin
1079 management action plan and any amendment to such plan by
1080 secretarial order pursuant to chapter 120 to implement this
1081 section.

1082 6. The basin management action plan must include 5-year
1083 milestones for implementation and water quality improvement, and
1084 an associated water quality monitoring component sufficient to
1085 evaluate whether reasonable progress in pollutant load
1086 reductions is being achieved over time. An assessment of
1087 progress toward these milestones shall be conducted every 5
1088 years, and revisions to the plan shall be made as appropriate.
1089 Any entity with a specific pollutant load reduction requirement
1090 established in a basin management action plan shall identify the
1091 projects or strategies that such entity will undertake to meet
1092 current 5-year pollution reduction milestones, beginning with
1093 the first 5-year milestone for new basin management action

38-00749A-24

20241386__

1094 plans, and submit such projects to the department for inclusion
1095 in the appropriate basin management action plan. Each project
1096 identified must include an estimated amount of nutrient
1097 reduction that is reasonably expected to be achieved based on
1098 the best scientific information available. Revisions to the
1099 basin management action plan shall be made by the department in
1100 cooperation with basin stakeholders. Revisions to the management
1101 strategies required for nonpoint sources must follow the
1102 procedures in subparagraph (c)4. Revised basin management action
1103 plans must be adopted pursuant to subparagraph 5.

1104 7. In accordance with procedures adopted by rule under
1105 paragraph (9)(c), basin management action plans, and other
1106 pollution control programs under local, state, or federal
1107 authority as provided in subsection (4), may allow point or
1108 nonpoint sources that will achieve greater pollutant reductions
1109 than required by an adopted total maximum daily load or
1110 wasteload allocation to generate, register, and trade water
1111 quality credits for the excess reductions to enable other
1112 sources to achieve their allocation; however, the generation of
1113 water quality credits does not remove the obligation of a source
1114 or activity to meet applicable technology requirements or
1115 adopted best management practices. Such plans must allow trading
1116 between NPDES permittees, and trading that may or may not
1117 involve NPDES permittees, where the generation or use of the
1118 credits involve an entity or activity not subject to department
1119 water discharge permits whose owner voluntarily elects to obtain
1120 department authorization for the generation and sale of credits.

1121 8. The department's rule relating to the equitable
1122 abatement of pollutants into surface waters do not apply to

38-00749A-24

20241386__

1123 water bodies or waterbody segments for which a basin management
1124 plan that takes into account future new or expanded activities
1125 or discharges has been adopted under this section.

1126 9. In order to promote resilient wastewater utilities, if
1127 the department identifies domestic wastewater treatment
1128 facilities or onsite sewage treatment and disposal systems as
1129 contributors of at least 20 percent of point source or nonpoint
1130 source nutrient pollution or if the department determines
1131 remediation is necessary to achieve the total maximum daily
1132 load, a basin management action plan for a nutrient total
1133 maximum daily load must include the following:

1134 a. A domestic wastewater treatment plan developed by each
1135 local government, in cooperation with the department, the water
1136 management district, and the public and private domestic
1137 wastewater treatment facilities providing services or located
1138 within the jurisdiction of the local government, which ~~that~~
1139 addresses domestic wastewater. Private domestic wastewater
1140 facilities and special districts providing domestic wastewater
1141 services must provide the required wastewater facility
1142 information to the applicable local governments. The domestic
1143 wastewater treatment plan must:

1144 (I) Provide for construction, expansion, or upgrades
1145 necessary to achieve the total maximum daily load requirements
1146 applicable to the domestic wastewater treatment facility.

1147 (II) Include the permitted capacity in average annual
1148 gallons per day for the domestic wastewater treatment facility;
1149 the average nutrient concentration and the estimated average
1150 nutrient load of the domestic wastewater; a projected timeline
1151 of the dates by which the construction of any facility

38-00749A-24

20241386__

1152 improvements will begin and be completed and the date by which
1153 operations of the improved facility will begin; the estimated
1154 cost of the improvements; and the identity of responsible
1155 parties.

1156

1157 The domestic wastewater treatment plan must be adopted as part
1158 of the basin management action plan no later than July 1, 2025.
1159 A local government that does not have a domestic wastewater
1160 treatment facility in its jurisdiction is not required to
1161 develop a domestic wastewater treatment plan unless there is a
1162 demonstrated need to establish a domestic wastewater treatment
1163 facility within its jurisdiction to improve water quality
1164 necessary to achieve a total maximum daily load. A local
1165 government is not responsible for a private domestic wastewater
1166 facility's compliance with a basin management action plan unless
1167 such facility is operated through a public-private partnership
1168 to which the local government is a party.

1169 b. An onsite sewage treatment and disposal system
1170 remediation plan developed by each local government in
1171 cooperation with the department, the Department of Health, water
1172 management districts, and public and private domestic wastewater
1173 treatment facilities.

1174 (I) The onsite sewage treatment and disposal system
1175 remediation plan must identify cost-effective and financially
1176 feasible projects necessary to achieve the nutrient load
1177 reductions required for onsite sewage treatment and disposal
1178 systems. To identify cost-effective and financially feasible
1179 projects for remediation of onsite sewage treatment and disposal
1180 systems, the local government shall:

38-00749A-24

20241386__

1181 (A) Include an inventory of onsite sewage treatment and
1182 disposal systems based on the best information available;

1183 (B) Identify onsite sewage treatment and disposal systems
1184 that would be eliminated through connection to existing or
1185 future central domestic wastewater infrastructure in the
1186 jurisdiction or domestic wastewater service area of the local
1187 government, that would be replaced with or upgraded to enhanced
1188 nutrient-reducing onsite sewage treatment and disposal systems,
1189 or that would remain on conventional onsite sewage treatment and
1190 disposal systems;

1191 (C) Estimate the costs of potential onsite sewage treatment
1192 and disposal system connections, upgrades, or replacements; and

1193 (D) Identify deadlines and interim milestones for the
1194 planning, design, and construction of projects.

1195 (II) The department shall adopt the onsite sewage treatment
1196 and disposal system remediation plan as part of the basin
1197 management action plan no later than July 1, 2025, or as
1198 required for Outstanding Florida Springs under s. 373.807.

1199 10. The installation of new onsite sewage treatment and
1200 disposal systems constructed within a basin management action
1201 plan area adopted under this section, a reasonable assurance
1202 plan, or a pollution reduction plan is prohibited where
1203 connection to a publicly owned or investor-owned sewerage system
1204 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1205 or less within a basin management action plan adopted under this
1206 section, a reasonable assurance plan, or a pollution reduction
1207 plan where a publicly owned or investor-owned sewerage system is
1208 not available, the installation of enhanced nutrient-reducing
1209 onsite sewage treatment and disposal systems or other wastewater

38-00749A-24

20241386__

1210 treatment systems that achieve at least 65 percent nitrogen
1211 reduction is required.

1212 11. When identifying wastewater projects in a basin
1213 management action plan, the department may not require the
1214 higher cost option if it achieves the same nutrient load
1215 reduction as a lower cost option. A regulated entity may choose
1216 a different cost option if it complies with the pollutant
1217 reduction requirements of an adopted total maximum daily load
1218 and meets or exceeds the pollution reduction requirement of the
1219 original project.

1220 12. Annually, local governments subject to a basin
1221 management action plan or located within the basin of a
1222 waterbody not attaining nutrient or nutrient-related standards
1223 must provide to the department an update on the status of
1224 construction of sanitary sewers to serve such areas, in a manner
1225 prescribed by the department.

1226 Section 12. Paragraph (c) of subsection (1) of section
1227 403.086, Florida Statutes, is amended to read:

1228 403.086 Sewage disposal facilities; advanced and secondary
1229 waste treatment.—

1230 (1)

1231 (c)1. Notwithstanding this chapter or chapter 373, sewage
1232 disposal facilities may not dispose any wastes into the
1233 following waters without providing advanced waste treatment, as
1234 defined in subsection (4), as approved by the department or a
1235 more stringent treatment standard if the department determines
1236 the more stringent standard is necessary to achieve the total
1237 maximum daily load or applicable water quality criteria:

1238 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega

38-00749A-24

20241386__

1239 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little
1240 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
1241 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
1242 sound, or other water tributary thereto.

1243 b. Beginning July 1, 2025, Indian River Lagoon, or any
1244 river, stream, channel, canal, bay, bayou, sound, or other water
1245 tributary thereto.

1246 c. By January 1, 2033, waterbodies that are currently not
1247 attaining nutrient or nutrient-related standards or that are
1248 subject to a nutrient or nutrient-related basin management
1249 action plan adopted pursuant to s. 403.067 or adopted reasonable
1250 assurance plan.

1251 2. For any waterbody determined not to be attaining
1252 nutrient or nutrient-related standards after July 1, 2023, or
1253 subject to a nutrient or nutrient-related basin management
1254 action plan adopted pursuant to s. 403.067 or adopted reasonable
1255 assurance plan after July 1, 2023, sewage disposal facilities
1256 are prohibited from disposing any wastes into such waters
1257 without providing advanced waste treatment, as defined in
1258 subsection (4), as approved by the department within 10 years
1259 after such determination or adoption.

1260 3. By July 1, 2034, within a basin management action plan
1261 or a reasonable assurance plan area, any wastewater treatment
1262 facility providing reclaimed water that will be used for
1263 commercial or residential irrigation or be otherwise land
1264 applied must meet the standards for advanced waste treatment as
1265 defined in subsection (4), as approved by the department, or a
1266 more stringent treatment standard if the department determines
1267 the more stringent standard is necessary to achieve the total

38-00749A-24

20241386__

1268 maximum daily load or applicable water quality criteria.

1269 Section 13. Paragraphs (a) and (b) of subsection (1) and
1270 paragraph (b) of subsection (3) of section 403.091, Florida
1271 Statutes, are amended to read:

1272 403.091 Inspections.—

1273 (1) (a) Any duly authorized representative of the department
1274 may at any reasonable time enter and inspect, for the purpose of
1275 ascertaining the state of compliance with the law or rules and
1276 regulations of the department, any property, premises, or place,
1277 except a building which is used exclusively for a private
1278 residence, on or at which:

1279 1. A hazardous waste generator, transporter, or facility or
1280 other air or water contaminant source;

1281 2. A discharger, including any nondomestic discharger which
1282 introduces any pollutant into a publicly owned treatment works;

1283 3. An onsite sewage treatment and disposal system as
1284 defined in s. 381.0065 (2) (m);

1285 4. Any facility, as defined in s. 376.301; or

1286 5.4. A resource recovery and management facility

1287
1288 is located or is being constructed or installed or where records
1289 which are required under this chapter, ss. 376.30-376.317, or
1290 department rule are kept.

1291 (b) Any duly authorized representative may at reasonable
1292 times have access to and copy any records required under this
1293 chapter or ss. 376.30-376.317; inspect any monitoring equipment
1294 or method; sample for any pollutants as defined in s. 376.301,
1295 effluents, or wastes which the owner or operator of such source
1296 may be discharging or which may otherwise be located on or

38-00749A-24

20241386__

1297 underlying the owner's or operator's property; and obtain any
1298 other information necessary to determine compliance with permit
1299 conditions or other requirements of this chapter, ss. 376.30-
1300 376.317, ss. 381.0065-381.0067, part I of chapter 386 for
1301 purposes of onsite sewage treatment and disposal systems, part
1302 III of chapter 489, or rules or standards adopted under ss.
1303 381.0065-381.0067, part I of chapter 386 for purposes of onsite
1304 sewage treatment and disposal systems, or part III of chapter
1305 489, or department rules.

1306 (3)

1307 (b) Upon proper affidavit being made, an inspection warrant
1308 may be issued under ~~the provisions of~~ this chapter or ss.
1309 376.30-376.317:

1310 1. When it appears that the properties to be inspected may
1311 be connected with or contain evidence of the violation of ~~any of~~
1312 ~~the provisions of~~ this chapter or ss. 376.30-376.317, ss.
1313 381.0065-381.0067, part I of chapter 386 for purposes of onsite
1314 sewage treatment and disposal systems, part III of chapter 489,
1315 or rules or standards adopted under ss. 381.0065-381.0067, part
1316 I of chapter 386 for purposes of onsite sewage treatment and
1317 disposal systems, or part III of chapter 489 or any rule
1318 properly promulgated thereunder; or

1319 2. When the inspection sought is an integral part of a
1320 larger scheme of systematic routine inspections which are
1321 necessary to, and consistent with, the continuing efforts of the
1322 department to ensure compliance with the provisions of this
1323 chapter or ss. 376.30-376.317, ss. 381.0065-381.0067, part I of
1324 chapter 386 for purposes of onsite sewage treatment and disposal
1325 systems, part III of chapter 489, or rules or standards adopted

38-00749A-24

20241386__

1326 under ss. 381.0065-381.0067, part I of chapter 386 for purposes
1327 of onsite sewage treatment and disposal systems, or part III of
1328 chapter 489 and any rules adopted thereunder.

1329 Section 14. Section 403.121, Florida Statutes, is amended
1330 to read:

1331 403.121 Enforcement; procedure; remedies.—The department
1332 shall have the following judicial and administrative remedies
1333 available to it for violations of this chapter, as specified in
1334 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for
1335 purposes of onsite sewage treatment and disposal systems, part
1336 III of chapter 489, or any rule promulgated thereunder.

1337 (1) Judicial Remedies:

1338 (a) The department may institute a civil action in a court
1339 of competent jurisdiction to establish liability and to recover
1340 damages for any injury to the air, waters, or property,
1341 including animal, plant, and aquatic life, of the state caused
1342 by any violation.

1343 (b) The department may institute a civil action in a court
1344 of competent jurisdiction to impose and to recover a civil
1345 penalty for each violation in an amount of not more than \$15,000
1346 per offense. However, the court may receive evidence in
1347 mitigation. Each day during any portion of which such violation
1348 occurs constitutes a separate offense.

1349 (c) Except as provided in paragraph (2)(c), it is not a
1350 defense to, or ground for dismissal of, these judicial remedies
1351 for damages and civil penalties that the department has failed
1352 to exhaust its administrative remedies, has failed to serve a
1353 notice of violation, or has failed to hold an administrative
1354 hearing before the institution of a civil action.

38-00749A-24

20241386__

1355 (2) Administrative Remedies:

1356 (a) The department may institute an administrative
1357 proceeding to establish liability and to recover damages for any
1358 injury to the air, waters, or property, including animal, plant,
1359 or aquatic life, of the state caused by any violation. The
1360 department may order that the violator pay a specified sum as
1361 damages to the state. Judgment for the amount of damages
1362 determined by the department may be entered in any court having
1363 jurisdiction thereof and may be enforced as any other judgment.

1364 (b) If the department has reason to believe a violation has
1365 occurred, it may institute an administrative proceeding to order
1366 the prevention, abatement, or control of the conditions creating
1367 the violation or other appropriate corrective action. Except for
1368 violations involving hazardous wastes, asbestos, or underground
1369 injection, the department shall proceed administratively in all
1370 cases in which the department seeks administrative penalties
1371 that do not exceed \$50,000 per assessment as calculated in
1372 accordance with subsections (3), (4), (5), (6), and (7).
1373 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
1374 assessed pursuant to subsection (3), subsection (4), or
1375 subsection (5) against a public water system serving a
1376 population of more than 10,000 may not be less than \$1,000 per
1377 day per violation. The department may not impose administrative
1378 penalties in excess of \$50,000 in a notice of violation. The
1379 department may not have more than one notice of violation
1380 seeking administrative penalties pending against the same party
1381 at the same time unless the violations occurred at a different
1382 site or the violations were discovered by the department
1383 subsequent to the filing of a previous notice of violation.

38-00749A-24

20241386__

1384 (c) An administrative proceeding shall be instituted by the
1385 department's serving of a written notice of violation upon the
1386 alleged violator by certified mail. If the department is unable
1387 to effect service by certified mail, the notice of violation may
1388 be hand delivered or personally served in accordance with
1389 chapter 48. The notice shall specify the law, rule, regulation,
1390 permit, certification, or order of the department alleged to be
1391 violated and the facts alleged to constitute a violation
1392 thereof. An order for corrective action, penalty assessment, or
1393 damages may be included with the notice. When the department is
1394 seeking to impose an administrative penalty for any violation by
1395 issuing a notice of violation, any corrective action needed to
1396 correct the violation or damages caused by the violation must be
1397 pursued in the notice of violation or they are waived. However,
1398 an order is not effective until after service and an
1399 administrative hearing, if requested within 20 days after
1400 service. Failure to request an administrative hearing within
1401 this time period constitutes a waiver thereof, unless the
1402 respondent files a written notice with the department within
1403 this time period opting out of the administrative process
1404 initiated by the department to impose administrative penalties.
1405 Any respondent choosing to opt out of the administrative process
1406 initiated by the department in an action that seeks the
1407 imposition of administrative penalties must file a written
1408 notice with the department within 20 days after service of the
1409 notice of violation opting out of the administrative process. A
1410 respondent's decision to opt out of the administrative process
1411 does not preclude the department from initiating a state court
1412 action seeking injunctive relief, damages, and the judicial

38-00749A-24

20241386__

1413 imposition of civil penalties.

1414 (d) If a person timely files a petition challenging a
1415 notice of violation, that person will thereafter be referred to
1416 as the respondent. The hearing requested by the respondent shall
1417 be held within 180 days after the department has referred the
1418 initial petition to the Division of Administrative Hearings
1419 unless the parties agree to a later date. The department has the
1420 burden of proving with the preponderance of the evidence that
1421 the respondent is responsible for the violation. Administrative
1422 penalties should not be imposed unless the department satisfies
1423 that burden. Following the close of the hearing, the
1424 administrative law judge shall issue a final order on all
1425 matters, including the imposition of an administrative penalty.
1426 When the department seeks to enforce that portion of a final
1427 order imposing administrative penalties pursuant to s. 120.69,
1428 the respondent may not assert as a defense the inappropriateness
1429 of the administrative remedy. The department retains its final-
1430 order authority in all administrative actions that do not
1431 request the imposition of administrative penalties.

1432 (e) After filing a petition requesting a formal hearing in
1433 response to a notice of violation in which the department
1434 imposes an administrative penalty, a respondent may request that
1435 a private mediator be appointed to mediate the dispute by
1436 contacting the Florida Conflict Resolution Consortium within 10
1437 days after receipt of the initial order from the administrative
1438 law judge. The Florida Conflict Resolution Consortium shall pay
1439 all of the costs of the mediator and for up to 8 hours of the
1440 mediator's time per case at \$150 per hour. Upon notice from the
1441 respondent, the Florida Conflict Resolution Consortium shall

38-00749A-24

20241386__

1442 provide to the respondent a panel of possible mediators from the
1443 area in which the hearing on the petition would be heard. The
1444 respondent shall select the mediator and notify the Florida
1445 Conflict Resolution Consortium of the selection within 15 days
1446 of receipt of the proposed panel of mediators. The Florida
1447 Conflict Resolution Consortium shall provide all of the
1448 administrative support for the mediation process. The mediation
1449 must be completed at least 15 days before the final hearing date
1450 set by the administrative law judge.

1451 (f) In any administrative proceeding brought by the
1452 department, the prevailing party shall recover all costs as
1453 provided in ss. 57.041 and 57.071. The costs must be included in
1454 the final order. The respondent is the prevailing party when an
1455 order is entered awarding no penalties to the department and
1456 such order has not been reversed on appeal or the time for
1457 seeking judicial review has expired. The respondent is entitled
1458 to an award of attorney fees if the administrative law judge
1459 determines that the notice of violation issued by the department
1460 seeking the imposition of administrative penalties was not
1461 substantially justified as defined in s. 57.111(3)(e). An award
1462 of attorney fees as provided by this subsection may not exceed
1463 \$15,000.

1464 (g) This section does not prevent any other legal or
1465 administrative action in accordance with law and does not limit
1466 the department's authority provided in ss. 403.131, 403.141, and
1467 this section to judicially pursue injunctive relief. When the
1468 department exercises its authority to judicially pursue
1469 injunctive relief, penalties in any amount up to the statutory
1470 maximum sought by the department must be pursued as part of the

38-00749A-24

20241386__

1471 state court action and not by initiating a separate
1472 administrative proceeding. The department retains the authority
1473 to judicially pursue penalties in excess of \$50,000 for
1474 violations not specifically included in the administrative
1475 penalty schedule, or for multiple or multiday violations alleged
1476 to exceed a total of \$50,000. The department also retains the
1477 authority provided in ss. 403.131, 403.141, and this section to
1478 judicially pursue injunctive relief and damages, if a notice of
1479 violation seeking the imposition of administrative penalties has
1480 not been issued. The department has the authority to enter into
1481 a settlement, before or after initiating a notice of violation,
1482 and the settlement may include a penalty amount different from
1483 the administrative penalty schedule. Any case filed in state
1484 court because it is alleged to exceed a total of \$50,000 in
1485 penalties may be settled in the court action for less than
1486 \$50,000.

1487 (h) Chapter 120 applies to any administrative action taken
1488 by the department or any delegated program pursuing
1489 administrative penalties in accordance with this section.

1490 (3) Except for violations involving hazardous wastes,
1491 asbestos, or underground injection, administrative penalties
1492 must be calculated according to the following schedule:

1493 (a) For a drinking water contamination violation, the
1494 department shall assess a penalty of \$3,000 for a Maximum
1495 Containment Level (MCL) violation; plus \$1,500 if the violation
1496 is for a primary inorganic, organic, or radiological Maximum
1497 Contaminant Level or it is a fecal coliform bacteria violation;
1498 plus \$1,500 if the violation occurs at a community water system;
1499 and plus \$1,500 if any Maximum Contaminant Level is exceeded by

38-00749A-24

20241386__

1500 more than 100 percent. For failure to obtain a clearance letter
1501 before placing a drinking water system into service when the
1502 system would not have been eligible for clearance, the
1503 department shall assess a penalty of \$4,500.

1504 (b) For failure to obtain a required wastewater permit,
1505 other than a permit required for surface water discharge, or
1506 obtain an onsite sewage treatment and disposal system permit, or
1507 for a violation of s. 381.0065, or the creation of or
1508 maintenance of a nuisance related to an onsite sewage treatment
1509 and disposal system under part I of chapter 386, or for a
1510 violation of part III of chapter 489, or any rule properly
1511 promulgated thereunder, the department shall assess a penalty of
1512 \$2,000. For a domestic or industrial wastewater violation, not
1513 involving a surface water or groundwater quality violation, the
1514 department shall assess a penalty of \$4,000 for an unpermitted
1515 or unauthorized discharge or effluent-limitation exceedance or
1516 for failure to comply with s. 403.061(14) or s. 403.086(7) or
1517 rules adopted thereunder. For an unpermitted or unauthorized
1518 discharge or effluent-limitation exceedance that resulted in a
1519 surface water or groundwater quality violation, the department
1520 shall assess a penalty of \$10,000. Each day the cause of an
1521 unauthorized discharge of domestic wastewater or sanitary
1522 nuisance is not addressed constitutes a separate offense.

1523 (c) For a dredge and fill or stormwater violation, the
1524 department shall assess a penalty of \$1,500 for unpermitted or
1525 unauthorized dredging or filling or unauthorized construction of
1526 a stormwater management system against the person or persons
1527 responsible for the illegal dredging or filling, or unauthorized
1528 construction of a stormwater management system plus \$3,000 if

38-00749A-24

20241386__

1529 the dredging or filling occurs in an aquatic preserve, an
1530 Outstanding Florida Water, a conservation easement, or a Class I
1531 or Class II surface water, plus \$1,500 if the area dredged or
1532 filled is greater than one-quarter acre but less than or equal
1533 to one-half acre, and plus \$1,500 if the area dredged or filled
1534 is greater than one-half acre but less than or equal to one
1535 acre. The administrative penalty schedule does not apply to a
1536 dredge and fill violation if the area dredged or filled exceeds
1537 one acre. The department retains the authority to seek the
1538 judicial imposition of civil penalties for all dredge and fill
1539 violations involving more than one acre. The department shall
1540 assess a penalty of \$4,500 for the failure to complete required
1541 mitigation, failure to record a required conservation easement,
1542 or for a water quality violation resulting from dredging or
1543 filling activities, stormwater construction activities or
1544 failure of a stormwater treatment facility. For stormwater
1545 management systems serving less than 5 acres, the department
1546 shall assess a penalty of \$3,000 for the failure to properly or
1547 timely construct a stormwater management system. In addition to
1548 the penalties authorized in this subsection, the department
1549 shall assess a penalty of \$7,500 per violation against the
1550 contractor or agent of the owner or tenant that conducts
1551 unpermitted or unauthorized dredging or filling. For purposes of
1552 this paragraph, the preparation or signing of a permit
1553 application by a person currently licensed under chapter 471 to
1554 practice as a professional engineer does not make that person an
1555 agent of the owner or tenant.

1556 (d) For mangrove trimming or alteration violations, the
1557 department shall assess a penalty of \$7,500 per violation

38-00749A-24

20241386__

1558 against the contractor or agent of the owner or tenant that
1559 conducts mangrove trimming or alteration without a permit as
1560 required by s. 403.9328. For purposes of this paragraph, the
1561 preparation or signing of a permit application by a person
1562 currently licensed under chapter 471 to practice as a
1563 professional engineer does not make that person an agent of the
1564 owner or tenant.

1565 (e) For solid waste violations, the department shall assess
1566 a penalty of \$3,000 for the unpermitted or unauthorized disposal
1567 or storage of solid waste; plus \$1,000 if the solid waste is
1568 Class I or Class III (excluding yard trash) or if the solid
1569 waste is construction and demolition debris in excess of 20
1570 cubic yards, plus \$1,500 if the waste is disposed of or stored
1571 in any natural or artificial body of water or within 500 feet of
1572 a potable water well, plus \$1,500 if the waste contains PCB at a
1573 concentration of 50 parts per million or greater; untreated
1574 biomedical waste; friable asbestos greater than 1 cubic meter
1575 which is not wetted, bagged, and covered; used oil greater than
1576 25 gallons; or 10 or more lead acid batteries. The department
1577 shall assess a penalty of \$4,500 for failure to properly
1578 maintain leachate control; unauthorized burning; failure to have
1579 a trained spotter on duty at the working face when accepting
1580 waste; or failure to provide access control for three
1581 consecutive inspections. The department shall assess a penalty
1582 of \$3,000 for failure to construct or maintain a required
1583 stormwater management system.

1584 (f) For an air emission violation, the department shall
1585 assess a penalty of \$1,500 for an unpermitted or unauthorized
1586 air emission or an air-emission-permit exceedance, plus \$4,500

38-00749A-24

20241386__

1587 if the emission was from a major source and the source was major
1588 for the pollutant in violation; plus \$1,500 if the emission was
1589 more than 150 percent of the allowable level.

1590 (g) For storage tank system and petroleum contamination
1591 violations, the department shall assess a penalty of \$7,500 for
1592 failure to empty a damaged storage system as necessary to ensure
1593 that a release does not occur until repairs to the storage
1594 system are completed; when a release has occurred from that
1595 storage tank system; for failure to timely recover free product;
1596 or for failure to conduct remediation or monitoring activities
1597 until a no-further-action or site-rehabilitation completion
1598 order has been issued. The department shall assess a penalty of
1599 \$4,500 for failure to timely upgrade a storage tank system. The
1600 department shall assess a penalty of \$3,000 for failure to
1601 conduct or maintain required release detection; failure to
1602 timely investigate a suspected release from a storage system;
1603 depositing motor fuel into an unregistered storage tank system;
1604 failure to timely assess or remediate petroleum contamination;
1605 or failure to properly install a storage tank system. The
1606 department shall assess a penalty of \$1,500 for failure to
1607 properly operate, maintain, or close a storage tank system.

1608 (4) In an administrative proceeding, in addition to the
1609 penalties that may be assessed under subsection (3), the
1610 department shall assess administrative penalties according to
1611 the following schedule:

1612 (a) For failure to satisfy financial responsibility
1613 requirements or for violation of s. 377.371(1), \$7,500.

1614 (b) For failure to install, maintain, or use a required
1615 pollution control system or device, \$6,000.

38-00749A-24

20241386__

1616 (c) For failure to obtain a required permit before
1617 construction or modification, \$4,500.

1618 (d) For failure to conduct required monitoring or testing;
1619 failure to conduct required release detection; or failure to
1620 construct in compliance with a permit, \$3,000.

1621 (e) For failure to maintain required staff to respond to
1622 emergencies; failure to conduct required training; failure to
1623 prepare, maintain, or update required contingency plans; failure
1624 to adequately respond to emergencies to bring an emergency
1625 situation under control; or failure to submit required
1626 notification to the department, \$1,500.

1627 (f) Except as provided in subsection (2) with respect to
1628 public water systems serving a population of more than 10,000,
1629 for failure to prepare, submit, maintain, or use required
1630 reports or other required documentation, \$750.

1631 (5) Except as provided in subsection (2) with respect to
1632 public water systems serving a population of more than 10,000,
1633 for failure to comply with any other departmental regulatory
1634 statute or rule requirement not otherwise identified in this
1635 section, the department may assess a penalty of \$1,000.

1636 (6) For each additional day during which a violation
1637 occurs, the administrative penalties in subsections (3)-(5) may
1638 be assessed per day per violation.

1639 (7) The history of noncompliance of the violator for any
1640 previous violation resulting in an executed consent order, but
1641 not including a consent order entered into without a finding of
1642 violation, or resulting in a final order or judgment after the
1643 effective date of this law involving the imposition of \$3,000 or
1644 more in penalties shall be taken into consideration in the

38-00749A-24

20241386__

1645 following manner:

1646 (a) One previous such violation within 5 years before the
1647 filing of the notice of violation will result in a 25-percent
1648 per day increase in the scheduled administrative penalty.

1649 (b) Two previous such violations within 5 years before the
1650 filing of the notice of violation will result in a 50-percent
1651 per day increase in the scheduled administrative penalty.

1652 (c) Three or more previous such violations within 5 years
1653 before the filing of the notice of violation will result in a
1654 100-percent per day increase in the scheduled administrative
1655 penalty.

1656 (8) The direct economic benefit gained by the violator from
1657 the violation, where consideration of economic benefit is
1658 provided by Florida law or required by federal law as part of a
1659 federally delegated or approved program, must be added to the
1660 scheduled administrative penalty. The total administrative
1661 penalty, including any economic benefit added to the scheduled
1662 administrative penalty, may not exceed \$15,000.

1663 (9) The administrative penalties assessed for any
1664 particular violation may not exceed \$10,000 against any one
1665 violator, unless the violator has a history of noncompliance,
1666 the economic benefit of the violation as described in subsection
1667 (8) exceeds \$10,000, or there are multiday violations. The total
1668 administrative penalties may not exceed \$50,000 per assessment
1669 for all violations attributable to a specific person in the
1670 notice of violation.

1671 (10) The administrative law judge may receive evidence in
1672 mitigation. The penalties identified in subsections (3)-(5) may
1673 be reduced up to 50 percent by the administrative law judge for

38-00749A-24

20241386__

1674 mitigating circumstances, including good faith efforts to comply
1675 before or after discovery of the violations by the department.
1676 Upon an affirmative finding that the violation was caused by
1677 circumstances beyond the reasonable control of the respondent
1678 and could not have been prevented by respondent's due diligence,
1679 the administrative law judge may further reduce the penalty.

1680 (11) Penalties collected pursuant to this section must
1681 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund
1682 or other trust fund designated by statute and shall be used to
1683 fund the restoration of ecosystems, or polluted areas of the
1684 state, as defined by the department, to their condition before
1685 pollution occurred. The Florida Conflict Resolution Consortium
1686 may use a portion of the fund to administer the mediation
1687 process provided in paragraph (2)(e) and to contract with
1688 private mediators for administrative penalty cases.

1689 (12) The purpose of the administrative penalty schedule and
1690 process is to provide a more predictable and efficient manner
1691 for individuals and businesses to resolve relatively minor
1692 environmental disputes. Subsections (3)-(7) may not be construed
1693 as limiting a state court in the assessment of damages. The
1694 administrative penalty schedule does not apply to the judicial
1695 imposition of civil penalties in state court as provided in this
1696 section.

1697 Section 15. Subsection (1) of section 403.0671, Florida
1698 Statutes, is amended to read:

1699 403.0671 Basin management action plan wastewater reports.-

1700 (1) By July 1, 2021, the department, in coordination with
1701 the county health departments, wastewater treatment facilities,
1702 and other governmental entities, shall submit a report to the

38-00749A-24

20241386__

1703 Governor, the President of the Senate, and the Speaker of the
1704 House of Representatives evaluating the costs of wastewater
1705 projects identified in the basin management action plans
1706 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1707 sewage treatment and disposal system remediation plans and other
1708 restoration plans developed to meet the total maximum daily
1709 loads required under s. 403.067. The report must include all of
1710 the following:

1711 (a) Projects to:

1712 1. Replace onsite sewage treatment and disposal systems
1713 with enhanced nutrient-reducing onsite sewage treatment and
1714 disposal systems.

1715 2. Install or retrofit onsite sewage treatment and disposal
1716 systems with enhanced nutrient-reducing technologies.

1717 3. Construct, upgrade, or expand domestic wastewater
1718 treatment facilities to meet the domestic wastewater treatment
1719 plan required under s. 403.067(7)(a)9.

1720 4. Connect onsite sewage treatment and disposal systems to
1721 domestic wastewater treatment facilities.~~†~~

1722 (b) The estimated costs, nutrient load reduction estimates,
1723 and other benefits of each project.~~†~~

1724 (c) The estimated implementation timeline for each
1725 project.~~†~~

1726 (d) A proposed 5-year funding plan for each project and the
1727 source and amount of financial assistance the department, a
1728 water management district, or other project partner will make
1729 available to fund the project.~~†~~ ~~and~~

1730 (e) The projected costs of installing enhanced nutrient-
1731 reducing onsite sewage treatment and disposal systems on

38-00749A-24

20241386__

1732 buildable lots in priority focus areas to comply with s.
1733 373.811.

1734 Section 16. Paragraph (f) of subsection (2) of section
1735 403.0673, Florida Statutes, is amended to read:

1736 403.0673 Water quality improvement grant program.—A grant
1737 program is established within the Department of Environmental
1738 Protection to address wastewater, stormwater, and agricultural
1739 sources of nutrient loading to surface water or groundwater.

1740 (2) The department may provide grants for all of the
1741 following types of projects that reduce the amount of nutrients
1742 entering those waterbodies identified in subsection (1):

1743 (f) Projects identified in a domestic wastewater treatment
1744 plan or an onsite sewage treatment and disposal system
1745 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and
1746 b.

1747 Section 17. For the purpose of incorporating the amendment
1748 made by this act to section 253.04, Florida Statutes, in a
1749 reference thereto, paragraph (x) of subsection (1) of section
1750 327.73, Florida Statutes, is reenacted to read:

1751 327.73 Noncriminal infractions.—

1752 (1) Violations of the following provisions of the vessel
1753 laws of this state are noncriminal infractions:

1754 (x) Section 253.04(3)(a), relating to carelessly causing
1755 seagrass scarring, for which the civil penalty upon conviction
1756 is:

1757 1. For a first offense, \$100.

1758 2. For a second offense occurring within 12 months after a
1759 prior conviction, \$250.

1760 3. For a third offense occurring within 36 months after a

38-00749A-24

20241386__

1761 prior conviction, \$500.

1762 4. For a fourth or subsequent offense occurring within 72
1763 months after a prior conviction, \$1,000.

1764
1765 Any person cited for a violation of this subsection shall be
1766 deemed to be charged with a noncriminal infraction, shall be
1767 cited for such an infraction, and shall be cited to appear
1768 before the county court. The civil penalty for any such
1769 infraction is \$100, except as otherwise provided in this
1770 section. Any person who fails to appear or otherwise properly
1771 respond to a uniform boating citation, in addition to the charge
1772 relating to the violation of the boating laws of this state,
1773 must be charged with the offense of failing to respond to such
1774 citation and, upon conviction, be guilty of a misdemeanor of the
1775 second degree, punishable as provided in s. 775.082 or s.
1776 775.083. A written warning to this effect shall be provided at
1777 the time such uniform boating citation is issued.

1778 Section 18. For the purpose of incorporating the amendment
1779 made by this act to section 381.0061, Florida Statutes, in
1780 references thereto, paragraph (a) of subsection (4) and
1781 paragraph (a) of subsection (6) of section 381.0072, Florida
1782 Statutes, are reenacted to read:

1783 381.0072 Food service protection.—

1784 (4) LICENSES REQUIRED.—

1785 (a) *Licenses; annual renewals.*—Each food service
1786 establishment regulated under this section shall obtain a
1787 license from the department annually. Food service establishment
1788 licenses shall expire annually and are not transferable from one
1789 place or individual to another. However, those facilities

38-00749A-24

20241386__

1790 licensed by the department's Office of Licensure and
 1791 Certification, the Child Care Services Program Office, or the
 1792 Agency for Persons with Disabilities are exempt from this
 1793 subsection. It shall be a misdemeanor of the second degree,
 1794 punishable as provided in s. 381.0061, s. 775.082, or s.
 1795 775.083, for such an establishment to operate without this
 1796 license. The department may refuse a license, or a renewal
 1797 thereof, to any establishment that is not constructed or
 1798 maintained in accordance with law and with the rules of the
 1799 department. Annual application for renewal is not required.

1800 (6) FINES; SUSPENSION OR REVOCATION OF LICENSES;
 1801 PROCEDURE.—

1802 (a) The department may impose fines against the
 1803 establishment or operator regulated under this section for
 1804 violations of sanitary standards, in accordance with s.
 1805 381.0061. All amounts collected shall be deposited to the credit
 1806 of the County Health Department Trust Fund administered by the
 1807 department.

1808 Section 19. For the purpose of incorporating the amendment
 1809 made by this act to section 381.0061, Florida Statutes, in a
 1810 reference thereto, subsection (4) of section 381.0086, Florida
 1811 Statutes, is reenacted to read:

1812 381.0086 Rules; variances; penalties.—

1813 (4) A person who violates any provision of ss. 381.008-
 1814 381.00895 or rules adopted under such sections is subject either
 1815 to the penalties provided in ss. 381.0012 and 381.0061 or to the
 1816 penalties provided in s. 381.0087.

1817 Section 20. For the purpose of incorporating the amendment
 1818 made by this act to section 381.0061, Florida Statutes, in a

38-00749A-24

20241386__

1819 reference thereto, subsection (7) of section 381.0098, Florida
1820 Statutes, is reenacted to read:

1821 381.0098 Biomedical waste.—

1822 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in
1823 violation of this section or rules adopted under this section is
1824 subject to penalties provided in ss. 381.0012 and 381.0061.
1825 However, an administrative fine not to exceed \$2,500 may be
1826 imposed for each day such person or public body is in violation
1827 of this section. The department may deny, suspend, or revoke any
1828 biomedical waste permit or registration if the permittee
1829 violates this section, any rule adopted under this section, or
1830 any lawful order of the department.

1831 Section 21. For the purpose of incorporating the amendment
1832 made by this act to section 381.0061, Florida Statutes, in a
1833 reference thereto, subsection (2) of section 513.10, Florida
1834 Statutes, is reenacted to read:

1835 513.10 Operating without permit; enforcement of chapter;
1836 penalties.—

1837 (2) This chapter or rules adopted under this chapter may be
1838 enforced in the manner provided in s. 381.0012 and as provided
1839 in this chapter. Violations of this chapter and the rules
1840 adopted under this chapter are subject to the penalties provided
1841 in this chapter and in s. 381.0061.

1842 Section 22. This act shall take effect July 1, 2024.