

By the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Calatayud

601-03260-24

20241386c1

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 quantifiable potable water offsets;  
13      providing requirements for such rules; providing  
14      construction; amending s. 380.093, F.S.; defining the  
15      term "Florida Flood Hub"; revising the definition of  
16      the term "preconstruction activities"; revising the  
17      purposes 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.;

601-03260-24

20241386c1

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

601-03260-24

20241386c1

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. 403.0673, F.S.; revising the  
78 information to be included in the water quality  
79 improvement grant program annual report; requiring the  
80 department to include specified information on a user-  
81 friendly website or dashboard by a specified date;  
82 providing requirements for the website or dashboard;  
83 amending s. 403.086, F.S.; requiring wastewater  
84 treatment facilities within a basin management action  
85 plan or reasonable assurance plan area which provide  
86 reclaimed water for specified purposes to meet  
87 advanced waste treatment or a more stringent treatment

601-03260-24

20241386c1

88 standard under certain circumstances; providing  
89 applicability; amending s. 403.091, F.S.; authorizing  
90 certain department representatives to enter and  
91 inspect premises on which an onsite sewage treatment  
92 and disposal system is located or being constructed or  
93 installed or where certain records are kept; revising  
94 requirements for such access; revising the  
95 circumstances under which an inspection warrant may be  
96 issued; amending s. 403.121, F.S.; revising department  
97 enforcement provisions; revising administrative  
98 penalty calculations for failure to obtain certain  
99 required permits and for certain violations; amending  
100 ss. 403.9301 and 403.9302, F.S.; requiring the Office  
101 of Economic and Demographic Research to provide a  
102 publicly accessible data visualization tool on its  
103 website for comparative analyses of key information;  
104 amending s. 403.0671, F.S.; conforming provisions to  
105 changes made by the act; reenacting s. 327.73(1)(x),  
106 F.S., relating to noncriminal infractions, to  
107 incorporate the amendment made to s. 253.04, F.S., in  
108 a reference thereto; reenacting ss. 381.0072(4)(a) and  
109 (6)(a), 381.0086(4), 381.0098(7), and 513.10(2), F.S.,  
110 relating to food service protection, penalties,  
111 biomedical waste, and operating without a permit,  
112 respectively, to incorporate the amendment made to s.  
113 381.0061, F.S., in references thereto; providing an  
114 effective date.

115  
116 Be It Enacted by the Legislature of the State of Florida:

601-03260-24

20241386c1

117

118 Section 1. Paragraph (a) of subsection (3) of section  
119 253.04, Florida Statutes, is amended to read:

120 253.04 Duty of board to protect, etc., state lands; state  
121 may join in any action brought.—

122 (3) (a) The duty to conserve and improve state-owned lands  
123 and the products thereof includes ~~shall include~~ the preservation  
124 and regeneration of seagrass, which is deemed essential to the  
125 oceans, gulfs, estuaries, and shorelines of the state. A person  
126 operating a vessel outside a lawfully marked channel in a  
127 careless manner that causes seagrass scarring within an aquatic  
128 preserve established in ss. 258.39-258.3991 ~~ss. 258.39-258.399~~,  
129 with the exception of the Lake Jackson, Oklawaha River, Wekiva  
130 River, and Rainbow Springs aquatic preserves, commits a  
131 noncriminal infraction, punishable as provided in s. 327.73.  
132 Each violation is a separate offense. As used in this  
133 subsection, the term:

134 1. "Seagrass" means Cuban shoal grass (*Halodule wrightii*),  
135 turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium*  
136 *filiforme*), star grass (*Halophila engelmannii*), paddle grass  
137 (*Halophila decipiens*), Johnson's seagrass (*Halophila johnsonii*),  
138 or widgeon grass (*Ruppia maritima*).

139 2. "Seagrass scarring" means destruction of seagrass roots,  
140 shoots, or stems that results in tracks on the substrate  
141 commonly referred to as prop scars or propeller scars caused by  
142 the operation of a motorized vessel in waters supporting  
143 seagrasses.

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

601-03260-24

20241386c1

146 258.39 Boundaries of preserves.—The submerged lands  
147 included within the boundaries of Nassau, Duval, St. Johns,  
148 Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte,  
149 Pinellas, Martin, Palm Beach, Miami-Dade, Monroe, Collier, Lee,  
150 Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa,  
151 Hernando, and Escambia Counties, as hereinafter described, with  
152 the exception of privately held submerged lands lying landward  
153 of established bulkheads and of privately held submerged lands  
154 within Monroe County where the establishment of bulkhead lines  
155 is not required, are hereby declared to be aquatic preserves.  
156 Such aquatic preserve areas include:

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

163  
164 Any and all submerged lands theretofore conveyed by the Trustees  
165 of the Internal Improvement Trust Fund and any and all uplands  
166 now in private ownership are specifically exempted from this  
167 dedication.

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

170 373.250 Reuse of reclaimed water.—

171 (9) To promote the use of reclaimed water and encourage  
172 quantifiable potable water offsets that produce significant  
173 water savings beyond those required in a consumptive use permit,  
174 each water management district, in coordination with the

601-03260-24

20241386c1

175 department, shall develop rules by December 31, 2025, which  
176 provide all of the following:

177 (a) If an applicant proposes a water supply development or  
178 water resource development project using reclaimed water that  
179 meets the advanced waste treatment standards for total nitrogen  
180 and total phosphorous as defined in s. 403.086(4) (a), as part of  
181 an application for consumptive use, the applicant is eligible  
182 for a permit duration of up to 30 years if there is sufficient  
183 data to provide reasonable assurance that the conditions for  
184 permit issuance will be met for the duration of the permit.  
185 Rules developed pursuant to this paragraph must include, at a  
186 minimum:

187 1. A requirement that the permittee demonstrate how  
188 quantifiable groundwater or surface water savings associated  
189 with the new water supply development or water resource  
190 development project either meets water demands beyond a 20-year  
191 permit duration or is completed to benefit a waterbody with a  
192 minimum flow or minimum water level with a recovery or  
193 prevention strategy; and

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

196  
197 This paragraph does not limit the existing authority of a water  
198 management district to issue a shorter duration permit to  
199 protect from harm the water resources or ecology of the area, or  
200 to otherwise ensure compliance with the conditions for permit  
201 issuance.

202 (b) Authorization for a consumptive use permittee to seek a  
203 permit extension of up to 10 years if the permittee proposes a

601-03260-24

20241386c1

204 water supply development or water resource development project  
205 using reclaimed water that meets the advanced waste treatment  
206 standards for total nitrogen and total phosphorous as defined in  
207 s. 403.086(4) (a) during the term of its permit which results in  
208 the reduction of groundwater or surface water withdrawals or is  
209 completed to benefit a waterbody with a minimum flow or minimum  
210 water level with a recovery or prevention strategy. Rules  
211 associated with this paragraph must include, at a minimum:

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

214 2. A requirement that the permittee demonstrate how the  
215 quantifiable groundwater or surface water savings associated  
216 with the new water supply development or water resource  
217 development project either meets water demands beyond the issued  
218 permit duration or benefits a waterbody with a minimum flow or  
219 minimum water level with a recovery or prevention strategy;

220 3. A requirement that the permittee demonstrate a water  
221 demand for the permit's allocation through the term of the  
222 extension; and

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

226  
227 This paragraph does not limit the existing authority of a water  
228 management district to protect from harm the water resources or  
229 ecology of the area, or to otherwise ensure compliance with the  
230 conditions for permit issuance.

231 Section 4. Present paragraphs (c) and (d) of subsection (2)  
232 of section 380.093, Florida Statutes, are redesignated as



601-03260-24

20241386c1

233 paragraphs (d) and (e), respectively, a new paragraph (c) is  
234 added to that subsection, and present paragraph (c) of  
235 subsection (2), paragraphs (b), (c), and (d) of subsection (3),  
236 and subsections (4), (5), and (6) of that section are amended,  
237 to read:

238 380.093 Resilient Florida Grant Program; comprehensive  
239 statewide flood vulnerability and sea level rise data set and  
240 assessment; Statewide Flooding and Sea Level Rise Resilience  
241 Plan; regional resilience entities.—

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

243 (c) "Florida Flood Hub" means the Florida Flood Hub for  
244 Applied Research and Innovation established pursuant to s.  
245 380.0933.

246 (d)(e) "Preconstruction activities" means activities  
247 associated with a project that addresses the risks of flooding  
248 and sea level rise that occur before construction begins,  
249 including, but not limited to, design of the project, permitting  
250 for the project, surveys and data collection, site development,  
251 solicitation, public hearings, local code or comprehensive plan  
252 amendments, establishing local funding sources, and easement  
253 acquisition.

254 (3) RESILIENT FLORIDA GRANT PROGRAM.—

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

257 1. A county or municipality to fund:

258 a. The costs of community resilience planning and necessary  
259 data collection for such planning, including comprehensive plan  
260 amendments and necessary corresponding analyses that address the  
261 requirements of s. 163.3178(2)(f).

601-03260-24

20241386c1

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

264 c. Updates to the county's or municipality's inventory of  
265 critical assets, including regionally significant assets that  
266 are currently or reasonably expected to be impacted by flooding  
267 and sea level rise. The updated inventory must be submitted to  
268 the department and, at the time of submission, must reflect all  
269 such assets that are currently, or within 50 years may  
270 reasonably be expected to be, impacted by flooding and sea level  
271 rise.

272 d. The development of projects, plans, strategies, and  
273 policies that enhance community preparations ~~allow communities~~  
274 ~~to prepare~~ for threats from flooding and sea level rise,  
275 including adaptation plans that help local governments  
276 prioritize project development and implementation across one or  
277 more jurisdictions in a manner consistent with departmental  
278 guidance.

279 ~~e.d.~~ Preconstruction activities for projects to be  
280 submitted for inclusion in the Statewide Flooding and Sea Level  
281 Rise Resilience Plan. Only a county or municipality eligible for  
282 a reduced cost share as defined in paragraph (5) (e) is eligible  
283 for such preconstruction activities ~~that are located in a~~  
284 ~~municipality that has a population of 10,000 or fewer or a~~  
285 ~~county that has a population of 50,000 or fewer, according to~~  
286 ~~the most recent April 1 population estimates posted on the~~  
287 ~~Office of Economic and Demographic Research's website.~~

288 ~~f.e.~~ Feasibility studies and ~~the cost of permitting~~ for  
289 nature-based solutions that reduce the impact of flooding and  
290 sea level rise.

601-03260-24

20241386c1

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

294 2. A water management district identified in s. 373.069 to  
295 support local government adaptation planning, which may be  
296 conducted by the water management district or by a third party  
297 on behalf of the water management district. Such grants must be  
298 used for the express purpose of supporting the Florida Flood Hub  
299 ~~for Applied Research and Innovation~~ and the department in  
300 implementing this section through data creation and collection,  
301 modeling, and the implementation of statewide standards.  
302 Priority must be given to filling critical data gaps identified  
303 by the Florida Flood Hub ~~for Applied Research and Innovation~~  
304 under s. 380.0933(2) (a).

305 (c) A vulnerability assessment conducted pursuant to  
306 paragraph (b) must encompass the entire county or municipality;  
307 include all critical assets owned or maintained by the grant  
308 applicant; and use the most recent publicly available Digital  
309 Elevation Model and generally accepted analysis and modeling  
310 techniques. An assessment may encompass a smaller geographic  
311 area or include only a portion of the critical assets owned or  
312 maintained by the grant applicant with appropriate rationale and  
313 upon approval by the department. Locally collected elevation  
314 data may also be included as part of the assessment as long as  
315 it is submitted to the department pursuant to this paragraph.

316 1. The assessment must include an analysis of the  
317 vulnerability of and risks to critical assets, including  
318 regionally significant assets, owned or managed by the county or  
319 municipality.

601-03260-24

20241386c1

320           2. Upon completion of a vulnerability assessment, the  
321 county or municipality shall submit to the department all of the  
322 following:

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

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

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

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

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

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

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

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

601-03260-24

20241386c1

349 a. Tidal flooding, including future high tide flooding,  
350 which must use thresholds published and provided by the  
351 department. To the extent practicable, the analysis should also  
352 geographically display the number of tidal flood days expected  
353 for each scenario and planning horizon.

354 b. Current and future storm surge flooding ~~using publicly~~  
355 ~~available National Oceanic and Atmospheric Administration or~~  
356 ~~Federal Emergency Management Agency storm surge data.~~ The  
357 initial storm surge event used must equal or exceed the current  
358 100-year flood event. Higher frequency storm events may be  
359 analyzed to understand the exposure of a critical asset or  
360 regionally significant asset. Publicly available National  
361 Oceanic and Atmospheric Administration (NOAA) or Federal  
362 Emergency Management Agency storm surge data may be used in the  
363 absence of applicable data from the Florida Flood Hub.

364 c. To the extent practicable, rainfall-induced flooding  
365 using a GIS-based spatiotemporal analysis or existing hydrologic  
366 and hydraulic modeling results. Future boundary conditions  
367 should be modified to consider sea level rise and high tide  
368 conditions. Vulnerability assessments for rainfall-induced  
369 flooding must include the depth of rainfall-induced flooding for  
370 a 100-year storm and a 500-year storm, as defined by the  
371 applicable water management district or, if necessary, the  
372 appropriate federal agency. Future rainfall conditions should be  
373 used, if available. Noncoastal communities must perform a  
374 rainfall-induced flooding assessment.

375 d. To the extent practicable, compound flooding or the  
376 combination of tidal, storm surge, and rainfall-induced  
377 flooding.

601-03260-24

20241386c1

- 378 3. Apply the following scenarios and standards:
- 379 a. All analyses in the North American Vertical Datum of
- 380 1988.
- 381 b. For a vulnerability assessment initiated after July 1,
- 382 2024, at a minimum least two local sea level rise scenarios,
- 383 which must include the 2022 NOAA 2017 National Oceanic and
- 384 Atmospheric Administration intermediate-low and intermediate
- 385 intermediate-high sea level rise scenarios or the statewide sea
- 386 level rise projections developed pursuant to paragraph (4) (a)
- 387 projections.
- 388 c. At least two planning horizons identified in the
- 389 following table which correspond with the appropriate
- 390 comprehensive statewide flood vulnerability and sea level rise
- 391 assessment for which the department, at the time of award,
- 392 determines such local vulnerability assessment will be
- 393 incorporated:

<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>

601-03260-24

20241386c1

2044

2065

2095

400

2049

2070

2100

401

402

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

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

405 which reflect the best available scientific information as

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

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

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

409 closest NOAA National Oceanic and Atmospheric Administration

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

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

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

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

414 and department approval, as long as it is publicly available or

415 submitted to the department pursuant to paragraph (b).

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

418 (a) ~~By July 1, 2023,~~ The department shall develop and  
419 maintain complete the development of a comprehensive statewide

420 flood vulnerability and sea level rise data set sufficient to

421 conduct a comprehensive statewide flood vulnerability and sea

422 level rise assessment. In developing and maintaining the data

423 set, the department shall, in coordination with the Chief

424 Resilience Officer and the Florida Flood Hub ~~for Applied~~

425 ~~Research and Innovation,~~ compile, analyze, and incorporate, as

426 appropriate, information related to vulnerability assessments

601-03260-24

20241386c1

427 and critical asset inventories submitted to the department  
428 pursuant to subsection (3) or any previously completed  
429 assessments that meet the requirements of subsection (3).

430 1. The Chief Science Officer shall, in coordination with  
431 the Chief Resilience Officer and the Florida Flood Hub ~~necessary~~  
432 ~~experts and resources~~, develop statewide sea level rise  
433 projections that incorporate temporal and spatial variability,  
434 to the extent practicable, for inclusion in the data set. This  
435 subparagraph does not supersede regionally adopted projections.

436 2. The data set must include information necessary to  
437 determine the risks to inland and coastal communities,  
438 including, but not limited to, elevation, tidal levels, and  
439 precipitation.

440 (b) ~~By July 1, 2024,~~ The department, in coordination with  
441 the Chief Resilience Officer and the Florida Flood Hub, shall  
442 complete a comprehensive statewide flood vulnerability and sea  
443 level rise assessment that identifies inland and coastal  
444 infrastructure, geographic areas, and communities in this ~~the~~  
445 state which ~~that~~ are vulnerable to flooding and sea level rise  
446 and the associated risks.

447 1. The department shall use the comprehensive statewide  
448 flood vulnerability and sea level rise data set to conduct the  
449 assessment.

450 2. The assessment must incorporate local and regional  
451 analyses of vulnerabilities and risks, including, as  
452 appropriate, local mitigation strategies and postdisaster  
453 redevelopment plans.

454 3. The assessment must include an inventory of critical  
455 assets, including regionally significant assets, that are



601-03260-24

20241386c1

456 essential for critical government and business functions,  
457 national security, public health and safety, the economy, flood  
458 and storm protection, water quality management, and wildlife  
459 habitat management, and must identify and analyze the  
460 vulnerability of and risks to such critical assets. When  
461 identifying critical assets for inclusion in the assessment, the  
462 department shall also take into consideration the critical  
463 assets identified by local governments and submitted to the  
464 department pursuant to subsection (3).

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

469 (c) The department, in coordination with the Chief  
470 Resilience Officer and the Florida Flood Hub, shall update the  
471 comprehensive statewide flood vulnerability and sea level rise  
472 data set with the best available information each year and shall  
473 update the assessment at least every 5 years. ~~The department may~~  
474 ~~update the data set and assessment more frequently if it~~  
475 ~~determines that updates are necessary to maintain the validity~~  
476 ~~of the data set and assessment.~~

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

478 (a) By December 1 of, 2021, and each year December 1  
479 ~~thereafter,~~ the department shall develop a Statewide Flooding  
480 and Sea Level Rise Resilience Plan on a 3-year planning horizon  
481 and submit it to the Governor, the President of the Senate, and  
482 the Speaker of the House of Representatives. The plan must  
483 consist of ranked projects that address risks of flooding and  
484 sea level rise to coastal and inland communities in the state.

601-03260-24

20241386c1

485 All eligible projects submitted to the department pursuant to  
486 this section must be ranked and included in the plan. Each plan  
487 must include a detailed narrative overview describing how the  
488 plan was developed, including a description of the methodology  
489 used by the department to determine project eligibility, a  
490 description of the methodology used to rank projects, the  
491 specific scoring system used, the project proposal application  
492 form, a copy of each submitted project proposal application form  
493 separated by eligible projects and ineligible projects, the  
494 total number of project proposals received and deemed eligible,  
495 the total funding requested, and the total funding requested for  
496 eligible projects.

497 ~~(b) The plan submitted by December 1, 2021, before the~~  
498 ~~comprehensive statewide flood vulnerability and sea level rise~~  
499 ~~assessment is completed, will be a preliminary plan that~~  
500 ~~includes projects that address risks of flooding and sea level~~  
501 ~~rise identified in available local government vulnerability~~  
502 ~~assessments and projects submitted by water management districts~~  
503 ~~that mitigate the risks of flooding or sea level rise on water~~  
504 ~~supplies or water resources of the state. The plan submitted by~~  
505 ~~December 1, 2022, and the plan submitted by December 1, 2023,~~  
506 ~~will be updates to the preliminary plan. The plan submitted by~~  
507 ~~December 1, 2024, and each plan submitted by December 1~~  
508 ~~thereafter:~~

509 1. Shall primarily address risks of flooding and sea level  
510 rise identified in the comprehensive statewide flood  
511 vulnerability and sea level rise assessment; and

512 2. May include, at the discretion of the department in  
513 consultation with the Chief Resilience Officer, other projects

601-03260-24

20241386c1

514 submitted pursuant to paragraph (d) which address risks of  
515 flooding and sea level rise to critical assets not yet  
516 identified in the comprehensive statewide flood vulnerability  
517 and sea level rise assessment.

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

- 521 1. A description of the project.
- 522 2. The location of the project.
- 523 3. An estimate of how long the project will take to  
524 complete.
- 525 4. An estimate of the cost of the project.
- 526 5. The cost-share percentage available for the project.
- 527 6. A summary of the priority score assigned to the project.
- 528 7. The project sponsor.

529 (d)1. By September 1 ~~of, 2021, and~~ each year ~~September 1~~  
530 ~~thereafter,~~ all of the following entities may submit to the  
531 department a list of proposed projects that address risks of  
532 flooding or sea level rise identified in the comprehensive  
533 statewide flood vulnerability and sea level rise assessment or  
534 vulnerability assessments that meet the requirements of  
535 subsection (3):

- 536 a. Counties.
- 537 b. Municipalities.
- 538 c. Special districts as defined in s. 189.012 which ~~that~~  
539 are responsible for the management and maintenance of inlets and  
540 intracoastal waterways or for the operation and maintenance of a  
541 potable water facility, a wastewater facility, an airport, or a  
542 seaport facility.

601-03260-24

20241386c1

543 d. Regional resilience entities acting on behalf of one or  
544 more member counties or municipalities.

545  
546 For the plans submitted by December 1, 2024, such entities may  
547 submit projects identified in existing vulnerability assessments  
548 that do not comply with subsection (3) only if the entity is  
549 actively developing a vulnerability assessment that is either  
550 under a signed grant agreement with the department pursuant to  
551 subsection (3) or funded by another state or federal agency, or  
552 is self-funded and intended to meet the requirements of  
553 paragraph (3)(d) or the existing vulnerability assessment was  
554 completed using previously compliant statutory requirements.

555 Projects identified from this category of vulnerability  
556 assessments are eligible for submittal until the prior  
557 vulnerability assessment has been updated to meet most recent  
558 statutory requirements 2021; December 1, 2022; and December 1,  
559 2023, such entities may submit projects identified in existing  
560 vulnerability assessments that do not comply with subsection  
561 (3). A regional resilience entity may also submit proposed  
562 projects to the department pursuant to this subparagraph on  
563 behalf of one or more member counties or municipalities.

564 2. By September 1 of, 2021, and each year September 1  
565 thereafter, all of the following entities may submit to the  
566 department a list of any proposed projects that address risks of  
567 flooding or sea level rise identified in the comprehensive  
568 statewide flood vulnerability and sea level rise assessment or  
569 vulnerability assessments that meet the requirements of  
570 subsection (3), or that mitigate the risks of flooding or sea  
571 level rise on water supplies or water resources of the state and

601-03260-24

20241386c1

572 a corresponding evaluation of each project:

573       a. Water management districts.

574       b. Drainage districts.

575       c. Erosion control districts.

576       d. Flood control districts.

577       e. Regional water supply authorities.

578       3. Each project submitted to the department pursuant to

579 this paragraph for consideration by the department for inclusion

580 in the plan must include all of the following information:

581       a. A description of the project.

582       b. The location of the project.

583       c. An estimate of how long the project will take to

584 complete.

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

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

587       f. The project sponsor.

588       (e) Each project included in the plan must have a minimum

589 50 percent cost share unless the project assists or is within a

590 ~~financially disadvantaged small~~ community eligible for a reduced

591 cost share. For purposes of this section, the term "community

592 eligible for a reduced cost share" ~~"financially disadvantaged~~

593 ~~small community"~~ means:

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

595 according to the most recent April 1 population estimates posted

596 on the Office of Economic and Demographic Research's website,

597 and a per capita annual income that is less than the state's per

598 capita annual income as shown in the most recent release from

599 the Bureau of the Census of the United States Department of

600 Commerce that includes both measurements; ~~or~~

601-03260-24

20241386c1

601           2. A county that has a population of 50,000 or fewer,  
602 according to the most recent April 1 population estimates posted  
603 on the Office of Economic and Demographic Research's website,  
604 and a per capita annual income that is less than the state's per  
605 capita annual income as shown in the most recent release from  
606 the Bureau of the Census of the United States Department of  
607 Commerce that includes both measurements; or

608           3. A municipality or a county with a per capita annual  
609 income that is equal to or less than 75 percent of the state's  
610 per capita annual income as shown in the most recent release  
611 from the Bureau of the Census of the United States Department of  
612 Commerce.

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

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

620           1. Aesthetic vegetation.

621           2. Recreational structures such as piers, docks, and  
622 boardwalks.

623           3. Water quality components of stormwater and wastewater  
624 management systems, except for expenses to mitigate water  
625 quality impacts caused by the project or expenses related to  
626 water quality which are necessary to obtain a permit for the  
627 project.

628           4. Maintenance and repair of over-walks.

629           5. Park activities and facilities, except expenses to

601-03260-24

20241386c1

630 control flooding or erosion.

631 6. Navigation construction, operation, and maintenance  
632 activities.

633 7. Projects that provide only recreational benefits.

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

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

640 a. The degree to which the project addresses the risks  
641 posed by flooding and sea level rise identified in the local  
642 government vulnerability assessments or the comprehensive  
643 statewide flood vulnerability and sea level rise assessment, as  
644 applicable.

645 b. The degree to which the project addresses risks to  
646 regionally significant assets.

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

649 d. The degree to which the project contributes to existing  
650 flooding mitigation projects that reduce upland damage costs by  
651 incorporating new or enhanced structures or restoration and  
652 revegetation projects.

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

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

657 b. The overall readiness of the project to proceed in a  
658 timely manner, considering the project's readiness for the

601-03260-24

20241386c1

659 construction phase of development, the status of required  
660 permits, the status of any needed easement acquisition, and the  
661 availability of local funding sources.

662 c. The environmental habitat enhancement or inclusion of  
663 nature-based options for resilience, with priority given to  
664 state or federal critical habitat areas for threatened or  
665 endangered species.

666 d. The cost-effectiveness of the project.

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

669 a. The availability of local, state, and federal matching  
670 funds, considering the status of the funding award, and federal  
671 authorization, if applicable.

672 b. Previous state commitment and involvement in the  
673 project, considering previously funded phases, the total amount  
674 of previous state funding, and previous partial appropriations  
675 for the proposed project.

676 c. The exceedance of the flood-resistant construction  
677 requirements of the Florida Building Code and applicable flood  
678 plain management regulations.

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

681 a. The proposed innovative technologies designed to reduce  
682 project costs and provide regional collaboration.

683 b. The extent to which the project assists financially  
684 disadvantaged communities.

685 (h)~~(i)~~ The total amount of funding proposed for each year  
686 of the plan may not be less than \$100 million. Upon review and  
687 subject to appropriation, the Legislature shall approve funding



601-03260-24

20241386c1

688 for the projects as specified in the plan. Multiyear projects  
689 that receive funding for the first year of the project must be  
690 included in subsequent plans and funded until the project is  
691 complete, provided that the project sponsor has complied with  
692 all contractual obligations and funds are available.

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

695 (6) REGIONAL RESILIENCE ENTITIES.—Subject to specific  
696 legislative appropriation, the department may provide funding  
697 for all of the following purposes to regional entities,  
698 including regional planning councils and estuary partnerships,  
699 that are established by general purpose local governments and  
700 whose responsibilities include planning for the resilience needs  
701 of communities and coordinating intergovernmental solutions to  
702 mitigate adverse impacts of flooding and sea level rise:

703 (a) Providing technical assistance to counties and  
704 municipalities.

705 (b) Coordinating and conducting activities authorized by  
706 subsection (3) with broad regional benefit or on behalf of  
707 multiple member counties and municipalities ~~multijurisdictional~~  
708 ~~vulnerability assessments.~~

709 (c) Developing project proposals to be submitted for  
710 inclusion in the Statewide Flooding and Sea Level Rise  
711 Resilience Plan.

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

714 381.0061 Administrative fines.—

715 (1) In addition to any administrative action authorized by  
716 chapter 120 or by other law, the department may impose a fine,

601-03260-24

20241386c1

717 which may not exceed \$500 for each violation, for a violation of  
718 s. 381.006(15) ~~or, s. 381.0065, s. 381.0066,~~ s. 381.0072, ~~or~~  
719 ~~part III of chapter 489,~~ for a violation of any rule adopted by  
720 the department under this chapter, or for a violation of chapter  
721 386 not involving onsite sewage treatment and disposal systems.  
722 The department shall give an alleged violator a notice of intent  
723 to impose such fine shall be given by the department to the  
724 alleged violator. Each day that a violation continues may  
725 constitute a separate violation.

726 Section 6. The Legislature intends that the transfer of the  
727 regulation of the Onsite Sewage Program from the Department of  
728 Health to the Department of Environmental Protection, as  
729 required by the Clean Waterways Act, chapter 2020-150, Laws of  
730 Florida, be completed in a phased approach.

731 (1) Before the phased transfer, the Department of  
732 Environmental Protection shall coordinate with the Department of  
733 Health to identify equipment and vehicles that were previously  
734 used to carry out the program in each county and that are no  
735 longer needed for such purpose. The Department of Health shall  
736 transfer the agreed-upon equipment and vehicles to the  
737 Department of Environmental Protection, to the extent that each  
738 county agrees to relinquish ownership of such equipment and  
739 vehicles to the Department of Health.

740 (2) When the Department of Environmental Protection begins  
741 implementing the program within a county, the Department of  
742 Health may no longer implement or collect fees for the program  
743 unless specified by separate delegation or contract with the  
744 Department of Environmental Protection.

745 Section 7. Paragraph (h) of subsection (3) and subsections

601-03260-24

20241386c1

746 (5) and (7) of section 381.0065, Florida Statutes, are amended,  
747 paragraph (o) is added to subsection (3) of that section, and  
748 subsection (9) is added to that section, to read:

749 381.0065 Onsite sewage treatment and disposal systems;  
750 regulation.—

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

753 (h) Conduct enforcement activities in accordance with part  
754 I of chapter 403, including imposing fines, issuing citations,  
755 suspensions, revocations, injunctions, and emergency orders for  
756 violations of this section, part I of chapter 386, or part III  
757 of chapter 489 or for a violation of any rule adopted by the  
758 department under this section, part I of chapter 386, or part  
759 III of chapter 489. All references to part I of chapter 386 in  
760 this section relate solely to nuisances involving improperly  
761 built or maintained septic tanks or other onsite sewage  
762 treatment and disposal systems, and untreated or improperly  
763 treated or transported waste from onsite sewage treatment and  
764 disposal systems. The department shall have all the duties and  
765 authorities of the Department of Health in part I of chapter 386  
766 for nuisances involving onsite sewage treatment and disposal  
767 systems. The department's authority under part I of chapter 386  
768 is in addition to and may be pursued independently of or  
769 simultaneously with the enforcement remedies provided under this  
770 section and chapter 403.

771 (o) Adopt rules establishing and implementing a program of  
772 general permits for this section for projects, or categories of  
773 projects, which have, individually or cumulatively, a minimal  
774 adverse impact on public health or the environment. Such rules

601-03260-24

20241386c1

775 must:

776 1. Specify design or performance criteria which, if  
777 applied, would result in compliance with appropriate standards;  
778 and

779 2. Authorize a person who complies with the general permit  
780 eligibility requirements to use the permit 30 days after giving  
781 notice to the department without any agency action by the  
782 department. Within the 30-day notice period, the department  
783 shall determine whether the activity qualifies for a general  
784 permit. If the activity does not qualify or the notice does not  
785 contain all the required information, the department must notify  
786 the person.

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

788 (a) Department personnel who have reason to believe  
789 noncompliance exists, may at any reasonable time, enter the  
790 premises permitted under ss. 381.0065-381.0066, or the business  
791 premises of any septic tank contractor or master septic tank  
792 contractor registered under part III of chapter 489, or any  
793 premises that the department has reason to believe is being  
794 operated or maintained not in compliance, to determine  
795 compliance with the provisions of this section, part I of  
796 chapter 386, or part III of chapter 489 or rules or standards  
797 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
798 part III of chapter 489. As used in this paragraph, the term  
799 "premises" does not include a residence or private building. To  
800 gain entry to a residence or private building, the department  
801 must obtain permission from the owner or occupant or secure an  
802 inspection warrant from a court of competent jurisdiction  
803 pursuant to the procedures of s. 403.091.

601-03260-24

20241386c1

804           (b)1. The department has all of the judicial and  
805 administrative remedies available to it pursuant to part I of  
806 chapter 403 ~~may issue citations that may contain an order of~~  
807 ~~correction or an order to pay a fine, or both,~~ for violations of  
808 ss. 381.0065-381.0067, part I of chapter 386, or part III of  
809 chapter 489 or the rules adopted by the department, ~~when a~~  
810 ~~violation of these sections or rules is enforceable by an~~  
811 ~~administrative or civil remedy, or when a violation of these~~  
812 ~~sections or rules is a misdemeanor of the second degree. A~~  
813 ~~citation issued under ss. 381.0065-381.0067, part I of chapter~~  
814 ~~386, or part III of chapter 489 constitutes a notice of proposed~~  
815 ~~agency action.~~

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

819           3. ~~The fines imposed by a citation issued by the department~~  
820 ~~may not exceed \$500 for each violation. Each day the violation~~  
821 ~~exists constitutes a separate violation for which a citation may~~  
822 ~~be issued.~~

823           4. ~~The department shall inform the recipient, by written~~  
824 ~~notice pursuant to ss. 120.569 and 120.57, of the right to an~~  
825 ~~administrative hearing to contest the citation within 21 days~~  
826 ~~after the date the citation is received. The citation must~~  
827 ~~contain a conspicuous statement that if the recipient fails to~~  
828 ~~pay the fine within the time allowed, or fails to appear to~~  
829 ~~contest the citation after having requested a hearing, the~~  
830 ~~recipient has waived the recipient's right to contest the~~  
831 ~~citation and must pay an amount up to the maximum fine.~~

832           5. ~~The department may reduce or waive the fine imposed by~~

601-03260-24

20241386c1

833 ~~the citation. In determining whether to reduce or waive the~~  
834 ~~fine, the department must consider the gravity of the violation,~~  
835 ~~the person's attempts at correcting the violation, and the~~  
836 ~~person's history of previous violations including violations for~~  
837 ~~which enforcement actions were taken under ss. 381.0065-~~  
838 ~~381.0067, part I of chapter 386, part III of chapter 489, or~~  
839 ~~other provisions of law or rule.~~

840 ~~6. Any person who willfully refuses to sign and accept a~~  
841 ~~citation issued by the department commits a misdemeanor of the~~  
842 ~~second degree, punishable as provided in s. 775.082 or s.~~  
843 ~~775.083.~~

844 ~~7. The department, pursuant to ss. 381.0065-381.0067, part~~  
845 ~~I of chapter 386, or part III of chapter 489, shall deposit any~~  
846 ~~damages, costs, or penalties ~~fin~~es it collects pursuant to this~~  
847 ~~section and part I of chapter 403 in the Water Quality Assurance~~  
848 ~~Trust Fund ~~county health department trust fund for use in~~~~  
849 ~~providing services specified in those sections.~~

850 ~~8. This section provides an alternative means of enforcing~~  
851 ~~ss. 381.0065-381.0067, part I of chapter 386, and part III of~~  
852 ~~chapter 489. This section does not prohibit the department from~~  
853 ~~enforcing ss. 381.0065-381.0067, part I of chapter 386, or part~~  
854 ~~III of chapter 489, or its rules, by any other means. However,~~  
855 ~~the department must elect to use only a single method of~~  
856 ~~enforcement for each violation.~~

857 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
858 TREATMENT AND DISPOSAL SYSTEMS.-To meet the requirements of a  
859 total maximum daily load, the department shall implement a fast-  
860 track approval process of no longer than 6 months for the  
861 determination of the use of American National Standards

601-03260-24

20241386c1

862 Institute 245 systems approved by NSF International before July  
863 1, 2020. The department shall also establish an enhanced  
864 nutrient-reducing onsite sewage treatment and disposal system  
865 approval program that will expeditiously evaluate and approve  
866 such systems for use in this state to comply with ss.  
867 403.067(7)(a)10. and 373.469(3)(d).

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

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

873 381.0066 Onsite sewage treatment and disposal systems;  
874 fees.—

875 (2) The minimum fees in the following fee schedule apply  
876 until changed by rule by the department within the following  
877 limits:

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

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

886 (c) Biennial operating permit for aerobic treatment units  
887 or performance-based treatment systems: a fee of not more than  
888 \$100.

889 (d) Annual operating permit for systems located in areas  
890 zoned for industrial manufacturing or equivalent uses or where

601-03260-24

20241386c1

891 the system is expected to receive wastewater which is not  
892 domestic in nature: a fee of not less than \$150, or more than  
893 \$300.

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

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

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

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

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

907 (j) Reinspection fee per visit for site inspection after  
908 system construction approval or for noncompliant system  
909 installation per site visit: a fee of not less than \$25, or more  
910 than \$100.

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

917 (l) Annual operating permit, including annual inspection  
918 and any required sampling and laboratory analysis of effluent,  
919 for an engineer-designed performance-based system: a fee of not



601-03260-24

20241386c1

920 less than \$150, or more than \$300.

921

922 The funds collected pursuant to this subsection for the  
923 implementation of onsite sewage treatment and disposal system  
924 regulation and for the purposes of ss. 381.00655 and 381.0067,  
925 subsequent to any phased transfer of implementation from the  
926 Department of Health to the department within any county  
927 pursuant to s. 381.0065, must be deposited in the Florida Permit  
928 Fee Trust Fund under s. 403.0871, to be administered by the  
929 department ~~a trust fund administered by the department, to be~~  
930 ~~used for the purposes stated in this section and ss. 381.0065~~  
931 ~~and 381.00655.~~

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

934 403.061 Department; powers and duties.—The department shall  
935 have the power and the duty to control and prohibit pollution of  
936 air and water in accordance with the law and rules adopted and  
937 promulgated by it and, for this purpose, to:

938 (4) Secure necessary scientific, technical, research,  
939 administrative, and operational services by interagency  
940 agreement, by contract, or otherwise. All state agencies and  
941 counties, upon direction of the department, shall make these  
942 services and facilities available.

943

944 The department shall implement such programs in conjunction with  
945 its other powers and duties and shall place special emphasis on  
946 reducing and eliminating contamination that presents a threat to  
947 humans, animals or plants, or to the environment.

948 Section 10. Subsections (1), (2), (14), and (15) of section

601-03260-24

20241386c1

949 403.064, Florida Statutes, are amended to read:

950 403.064 Reuse of reclaimed water.—

951 (1) The encouragement and promotion of water conservation,  
952 and reuse of reclaimed water, as defined by the department, are  
953 state objectives and are considered to be in the public  
954 interest. The Legislature finds that the reuse of reclaimed  
955 water is a critical component of meeting the state's existing  
956 and future water supply needs while sustaining natural systems  
957 and encouraging its best and most beneficial use. The  
958 Legislature further finds that for those wastewater treatment  
959 plants permitted and operated under an approved reuse program by  
960 the department, the reclaimed water shall be considered  
961 environmentally acceptable and not a threat to public health and  
962 safety. The Legislature encourages the development of incentive-  
963 based programs for reuse implementation.

964 (2) All applicants for permits to construct or operate a  
965 domestic wastewater treatment facility ~~located within, serving a~~  
966 ~~population located within, or discharging within a water~~  
967 ~~resource caution area~~ shall prepare a reuse feasibility study as  
968 part of their application for the permit. Reuse feasibility  
969 studies must ~~shall~~ be prepared in accordance with department  
970 guidelines adopted by rule and shall include, but are not  
971 limited to:

972 (a) Evaluation of monetary costs and benefits for several  
973 levels and types of reuse.

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

976 (c) Evaluation of rates and fees necessary to implement  
977 reuse.

601-03260-24

20241386c1

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

980 (e) Evaluation of economic, environmental, and technical  
981 constraints associated with the different types of reuse,  
982 including any constraints caused by potential water quality  
983 impacts.

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

986 (14) After conducting a feasibility study under subsection  
987 (2), a domestic wastewater treatment facility ~~facilities~~ that  
988 disposes ~~dispose~~ of effluent by Class I deep well injection, as  
989 defined in 40 C.F.R. s. 144.6(a), surface water discharge, land  
990 application, or other method to dispose of effluent or a portion  
991 thereof must implement reuse to the degree that reuse is  
992 feasible, based upon the applicant's reuse feasibility study,  
993 with consideration given to direct ecological or public water  
994 supply benefits afforded by any disposal. Applicable permits  
995 issued by the department must ~~shall~~ be consistent with the  
996 requirements of this subsection.

997 (a) This subsection does not limit the use of a Class I  
998 deep well injection as defined in 40 C.F.R. s. 144.6(a), surface  
999 water discharge, land application, or another method to dispose  
1000 of effluent or a portion thereof for backup use only ~~facility as~~  
1001 ~~backup for a reclaimed water reuse system.~~

1002 (b) ~~This subsection applies only to domestic wastewater~~  
1003 ~~treatment facilities located within, serving a population~~  
1004 ~~located within, or discharging within a water resource caution~~  
1005 ~~area.~~

1006 ~~(15) After conducting a feasibility study under subsection~~

601-03260-24

20241386c1

1007 ~~(2), domestic wastewater treatment facilities that dispose of~~  
1008 ~~effluent by surface water discharges or by land application~~  
1009 ~~methods must implement reuse to the degree that reuse is~~  
1010 ~~feasible, based upon the applicant's reuse feasibility study.~~  
1011 This subsection does not apply to surface water discharges or  
1012 land application systems which are currently categorized as  
1013 reuse under department rules. ~~Applicable permits issued by the~~  
1014 ~~department shall be consistent with the requirements of this~~  
1015 ~~subsection.~~

1016 ~~(a) This subsection does not limit the use of a surface~~  
1017 ~~water discharge or land application facility as backup for a~~  
1018 ~~reclaimed water reuse system.~~

1019 ~~(b) This subsection applies only to domestic wastewater~~  
1020 ~~treatment facilities located within, serving a population~~  
1021 ~~located within, or discharging within a water resource caution~~  
1022 ~~area.~~

1023 Section 11. Paragraph (a) of subsection (7) of section  
1024 403.067, Florida Statutes, is amended to read:

1025 403.067 Establishment and implementation of total maximum  
1026 daily loads.—

1027 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1028 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1029 (a) *Basin management action plans.*—

1030 1. In developing and implementing the total maximum daily  
1031 load for a waterbody, the department, or the department in  
1032 conjunction with a water management district, may develop a  
1033 basin management action plan that addresses some or all of the  
1034 watersheds and basins tributary to the waterbody. Such plan must  
1035 integrate the appropriate management strategies available to the

601-03260-24

20241386c1

1036 state through existing water quality protection programs to  
1037 achieve the total maximum daily loads and may provide for phased  
1038 implementation of these management strategies to promote timely,  
1039 cost-effective actions as provided for in s. 403.151. The plan  
1040 must establish a schedule implementing the management  
1041 strategies, establish a basis for evaluating the plan's  
1042 effectiveness, and identify feasible funding strategies for  
1043 implementing the plan's management strategies. The management  
1044 strategies may include regional treatment systems or other  
1045 public works, when appropriate, and voluntary trading of water  
1046 quality credits to achieve the needed pollutant load reductions.

1047 2. A basin management action plan must equitably allocate,  
1048 pursuant to paragraph (6) (b), pollutant reductions to individual  
1049 basins, as a whole to all basins, or to each identified point  
1050 source or category of nonpoint sources, as appropriate. For  
1051 nonpoint sources for which best management practices have been  
1052 adopted, the initial requirement specified by the plan must be  
1053 those practices developed pursuant to paragraph (c). When  
1054 appropriate, the plan may take into account the benefits of  
1055 pollutant load reduction achieved by point or nonpoint sources  
1056 that have implemented management strategies to reduce pollutant  
1057 loads, including best management practices, before the  
1058 development of the basin management action plan. The plan must  
1059 also identify the mechanisms that will address potential future  
1060 increases in pollutant loading.

1061 3. The basin management action planning process is intended  
1062 to involve the broadest possible range of interested parties,  
1063 with the objective of encouraging the greatest amount of  
1064 cooperation and consensus possible. In developing a basin

601-03260-24

20241386c1

1065 management action plan, the department shall assure that key  
1066 stakeholders, including, but not limited to, applicable local  
1067 governments, water management districts, the Department of  
1068 Agriculture and Consumer Services, other appropriate state  
1069 agencies, local soil and water conservation districts,  
1070 environmental groups, regulated interests, and affected  
1071 pollution sources, are invited to participate in the process.  
1072 The department shall hold at least one public meeting in the  
1073 vicinity of the watershed or basin to discuss and receive  
1074 comments during the planning process and shall otherwise  
1075 encourage public participation to the greatest practicable  
1076 extent. Notice of the public meeting must be published in a  
1077 newspaper of general circulation in each county in which the  
1078 watershed or basin lies at least 5 days, but not more than 15  
1079 days, before the public meeting. A basin management action plan  
1080 does not supplant or otherwise alter any assessment made under  
1081 subsection (3) or subsection (4) or any calculation or initial  
1082 allocation.

1083 4. Each new or revised basin management action plan must  
1084 include all of the following:

1085 a. The appropriate management strategies available through  
1086 existing water quality protection programs to achieve total  
1087 maximum daily loads, which may provide for phased implementation  
1088 to promote timely, cost-effective actions as provided for in s.  
1089 403.151.

1090 b. A description of best management practices adopted by  
1091 rule.

1092 c. For the applicable 5-year implementation milestone, a  
1093 list of projects that will achieve the pollutant load reductions

601-03260-24

20241386c1

1094 needed to meet the total maximum daily load or the load  
1095 allocations established pursuant to subsection (6). Each project  
1096 must include a planning-level cost estimate and an estimated  
1097 date of completion.

1098 d. A list of projects developed pursuant to paragraph (e),  
1099 if applicable.

1100 e. The source and amount of financial assistance to be made  
1101 available by the department, a water management district, or  
1102 other entity for each listed project, if applicable.

1103 f. A planning-level estimate of each listed project's  
1104 expected load reduction, if applicable.

1105 5. The department shall adopt all or any part of a basin  
1106 management action plan and any amendment to such plan by  
1107 secretarial order pursuant to chapter 120 to implement this  
1108 section.

1109 6. The basin management action plan must include 5-year  
1110 milestones for implementation and water quality improvement, and  
1111 an associated water quality monitoring component sufficient to  
1112 evaluate whether reasonable progress in pollutant load  
1113 reductions is being achieved over time. An assessment of  
1114 progress toward these milestones shall be conducted every 5  
1115 years, and revisions to the plan shall be made as appropriate.  
1116 Any entity with a specific pollutant load reduction requirement  
1117 established in a basin management action plan shall identify the  
1118 projects or strategies that such entity will undertake to meet  
1119 current 5-year pollution reduction milestones, beginning with  
1120 the first 5-year milestone for new basin management action  
1121 plans, and submit such projects to the department for inclusion  
1122 in the appropriate basin management action plan. Each project

601-03260-24

20241386c1

1123 identified must include an estimated amount of nutrient  
1124 reduction that is reasonably expected to be achieved based on  
1125 the best scientific information available. Revisions to the  
1126 basin management action plan shall be made by the department in  
1127 cooperation with basin stakeholders. Revisions to the management  
1128 strategies required for nonpoint sources must follow the  
1129 procedures in subparagraph (c)4. Revised basin management action  
1130 plans must be adopted pursuant to subparagraph 5.

1131 7. In accordance with procedures adopted by rule under  
1132 paragraph (9)(c), basin management action plans, and other  
1133 pollution control programs under local, state, or federal  
1134 authority as provided in subsection (4), may allow point or  
1135 nonpoint sources that will achieve greater pollutant reductions  
1136 than required by an adopted total maximum daily load or  
1137 wasteload allocation to generate, register, and trade water  
1138 quality credits for the excess reductions to enable other  
1139 sources to achieve their allocation; however, the generation of  
1140 water quality credits does not remove the obligation of a source  
1141 or activity to meet applicable technology requirements or  
1142 adopted best management practices. Such plans must allow trading  
1143 between NPDES permittees, and trading that may or may not  
1144 involve NPDES permittees, where the generation or use of the  
1145 credits involve an entity or activity not subject to department  
1146 water discharge permits whose owner voluntarily elects to obtain  
1147 department authorization for the generation and sale of credits.

1148 8. The department's rule relating to the equitable  
1149 abatement of pollutants into surface waters do not apply to  
1150 water bodies or waterbody segments for which a basin management  
1151 plan that takes into account future new or expanded activities



601-03260-24

20241386c1

1152 or discharges has been adopted under this section.

1153 9. In order to promote resilient wastewater utilities, if  
1154 the department identifies domestic wastewater treatment  
1155 facilities or onsite sewage treatment and disposal systems as  
1156 contributors of at least 20 percent of point source or nonpoint  
1157 source nutrient pollution or if the department determines  
1158 remediation is necessary to achieve the total maximum daily  
1159 load, a basin management action plan for a nutrient total  
1160 maximum daily load must include the following:

1161 a. A domestic wastewater treatment plan developed by each  
1162 local government, in cooperation with the department, the water  
1163 management district, and the public and private domestic  
1164 wastewater treatment facilities providing services or located  
1165 within the jurisdiction of the local government, ~~which that~~  
1166 addresses domestic wastewater. Private domestic wastewater  
1167 facilities and special districts providing domestic wastewater  
1168 services must provide the required wastewater facility  
1169 information to the applicable local governments. The domestic  
1170 wastewater treatment plan must:

1171 (I) Provide for construction, expansion, or upgrades  
1172 necessary to achieve the total maximum daily load requirements  
1173 applicable to the domestic wastewater treatment facility.

1174 (II) Include the permitted capacity in average annual  
1175 gallons per day for the domestic wastewater treatment facility;  
1176 the average nutrient concentration and the estimated average  
1177 nutrient load of the domestic wastewater; a projected timeline  
1178 of the dates by which the construction of any facility  
1179 improvements will begin and be completed and the date by which  
1180 operations of the improved facility will begin; the estimated

601-03260-24

20241386c1

1181 cost of the improvements; and the identity of responsible  
1182 parties.

1183  
1184 The domestic wastewater treatment plan must be adopted as part  
1185 of the basin management action plan no later than July 1, 2025.  
1186 A local government that does not have a domestic wastewater  
1187 treatment facility in its jurisdiction is not required to  
1188 develop a domestic wastewater treatment plan unless there is a  
1189 demonstrated need to establish a domestic wastewater treatment  
1190 facility within its jurisdiction to improve water quality  
1191 necessary to achieve a total maximum daily load. A local  
1192 government is not responsible for a private domestic wastewater  
1193 facility's compliance with a basin management action plan unless  
1194 such facility is operated through a public-private partnership  
1195 to which the local government is a party.

1196 b. An onsite sewage treatment and disposal system  
1197 remediation plan developed by each local government in  
1198 cooperation with the department, the Department of Health, water  
1199 management districts, and public and private domestic wastewater  
1200 treatment facilities.

1201 (I) The onsite sewage treatment and disposal system  
1202 remediation plan must identify cost-effective and financially  
1203 feasible projects necessary to achieve the nutrient load  
1204 reductions required for onsite sewage treatment and disposal  
1205 systems. To identify cost-effective and financially feasible  
1206 projects for remediation of onsite sewage treatment and disposal  
1207 systems, the local government shall:

1208 (A) Include an inventory of onsite sewage treatment and  
1209 disposal systems based on the best information available;

601-03260-24

20241386c1

1210 (B) Identify onsite sewage treatment and disposal systems  
1211 that would be eliminated through connection to existing or  
1212 future central domestic wastewater infrastructure in the  
1213 jurisdiction or domestic wastewater service area of the local  
1214 government, that would be replaced with or upgraded to enhanced  
1215 nutrient-reducing onsite sewage treatment and disposal systems,  
1216 or that would remain on conventional onsite sewage treatment and  
1217 disposal systems;

1218 (C) Estimate the costs of potential onsite sewage treatment  
1219 and disposal system connections, upgrades, or replacements; and

1220 (D) Identify deadlines and interim milestones for the  
1221 planning, design, and construction of projects.

1222 (II) The department shall adopt the onsite sewage treatment  
1223 and disposal system remediation plan as part of the basin  
1224 management action plan no later than July 1, 2025, or as  
1225 required for Outstanding Florida Springs under s. 373.807.

1226 10. The installation of new onsite sewage treatment and  
1227 disposal systems constructed within a basin management action  
1228 plan area adopted under this section, a reasonable assurance  
1229 plan, or a pollution reduction plan is prohibited where  
1230 connection to a publicly owned or investor-owned sewerage system  
1231 is available as defined in s. 381.0065(2)(a). On lots of 1 acre  
1232 or less within a basin management action plan adopted under this  
1233 section, a reasonable assurance plan, or a pollution reduction  
1234 plan where a publicly owned or investor-owned sewerage system is  
1235 not available, the installation of enhanced nutrient-reducing  
1236 onsite sewage treatment and disposal systems or other wastewater  
1237 treatment systems that achieve at least 65 percent nitrogen  
1238 reduction is required.

601-03260-24

20241386c1

1239 11. When identifying wastewater projects in a basin  
1240 management action plan, the department may not require the  
1241 higher cost option if it achieves the same nutrient load  
1242 reduction as a lower cost option. A regulated entity may choose  
1243 a different cost option if it complies with the pollutant  
1244 reduction requirements of an adopted total maximum daily load  
1245 and meets or exceeds the pollution reduction requirement of the  
1246 original project.

1247 12. Annually, local governments subject to a basin  
1248 management action plan or located within the basin of a  
1249 waterbody not attaining nutrient or nutrient-related standards  
1250 must provide to the department an update on the status of  
1251 construction of sanitary sewers to serve such areas, in a manner  
1252 prescribed by the department.

1253 Section 12. Paragraph (f) of subsection (2) and subsection  
1254 (7) of section 403.0673, Florida Statutes, are amended, and  
1255 subsection (8) is added to that section, to read:

1256 403.0673 Water quality improvement grant program.—A grant  
1257 program is established within the Department of Environmental  
1258 Protection to address wastewater, stormwater, and agricultural  
1259 sources of nutrient loading to surface water or groundwater.

1260 (2) The department may provide grants for all of the  
1261 following types of projects that reduce the amount of nutrients  
1262 entering those waterbodies identified in subsection (1):

1263 (f) Projects identified in a domestic wastewater treatment  
1264 plan or an onsite sewage treatment and disposal system  
1265 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and  
1266 b.

1267 (7) Beginning January 15, 2024, and each January 15

601-03260-24

20241386c1

1268 thereafter, the department shall submit a report regarding the  
1269 projects funded pursuant to this section to the Governor, the  
1270 President of the Senate, and the Speaker of the House of  
1271 Representatives.

1272 (a) The report must include a list of those projects  
1273 receiving funding and the following information for each  
1274 project:

1275 1.~~(a)~~ A description of the project;

1276 2.~~(b)~~ The cost of the project;

1277 3.~~(c)~~ The estimated nutrient load reduction of the project;

1278 4.~~(d)~~ The location of the project;

1279 5.~~(e)~~ The waterbody or waterbodies where the project will  
1280 reduce nutrients; and

1281 6.~~(f)~~ The total cost share being provided for the project.

1282 (b) The report must also include a status report on each  
1283 project funded since 2021. The status report must, at a minimum,  
1284 identify which projects have been completed and, if such  
1285 information is available, provide nutrient load improvements or  
1286 water quality testing data for the waterbody.

1287 (8) By July 1, 2025, the department must include the  
1288 projects funded pursuant to this section on a user-friendly  
1289 website or dashboard. The website or dashboard must allow the  
1290 user to see the information provided in subsection (7) and must  
1291 be updated at least annually.

1292 Section 13. Paragraph (c) of subsection (1) of section  
1293 403.086, Florida Statutes, is amended to read:

1294 403.086 Sewage disposal facilities; advanced and secondary  
1295 waste treatment.—

1296 (1)

601-03260-24

20241386c1

1297 (c)1. Notwithstanding this chapter or chapter 373, sewage  
1298 disposal facilities may not dispose any wastes into the  
1299 following waters without providing advanced waste treatment, as  
1300 defined in subsection (4), as approved by the department or a  
1301 more stringent treatment standard if the department determines  
1302 the more stringent standard is necessary to achieve the total  
1303 maximum daily load or applicable water quality criteria:

1304 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega  
1305 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little  
1306 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;  
1307 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,  
1308 sound, or other water tributary thereto.

1309 b. Beginning July 1, 2025, Indian River Lagoon, or any  
1310 river, stream, channel, canal, bay, bayou, sound, or other water  
1311 tributary thereto.

1312 c. By January 1, 2033, waterbodies that are currently not  
1313 attaining nutrient or nutrient-related standards or that are  
1314 subject to a nutrient or nutrient-related basin management  
1315 action plan adopted pursuant to s. 403.067 or adopted reasonable  
1316 assurance plan.

1317 2. For any waterbody determined not to be attaining  
1318 nutrient or nutrient-related standards after July 1, 2023, or  
1319 subject to a nutrient or nutrient-related basin management  
1320 action plan adopted pursuant to s. 403.067 or adopted reasonable  
1321 assurance plan after July 1, 2023, sewage disposal facilities  
1322 are prohibited from disposing any wastes into such waters  
1323 without providing advanced waste treatment, as defined in  
1324 subsection (4), as approved by the department within 10 years  
1325 after such determination or adoption.

601-03260-24

20241386c1

1326       3. By July 1, 2034, a wastewater treatment facility  
1327 providing reclaimed water that will be used for commercial or  
1328 residential irrigation or be otherwise land applied within a  
1329 nutrient basin management action plan or reasonable assurance  
1330 plan area must meet the advanced waste treatment standards for  
1331 total nitrogen and total phosphorous as defined in paragraph  
1332 (4) (a) if the department has determined in an applicable basin  
1333 management action plan or reasonable assurance plan that the use  
1334 of reclaimed water as described in this subparagraph is causing  
1335 or contributing to the nutrient impairment being addressed in  
1336 such plan. For such department determinations made in a nutrient  
1337 basin management action plan or reasonable assurance plan after  
1338 July 1, 2024, an applicable wastewater treatment facility must  
1339 meet the requisite advanced waste treatment standards described  
1340 in this subparagraph within 10 years after such determination.  
1341 This subparagraph does not prevent the department from requiring  
1342 an alternative treatment standard, including a more stringent  
1343 treatment standard, if the department determines that the  
1344 alternative standard is necessary to achieve the total maximum  
1345 daily load or applicable water quality criteria. This  
1346 subparagraph does not apply to reclaimed water that is otherwise  
1347 land applied as part of a water quality restoration project or  
1348 water resource development project approved by the department to  
1349 meet a total maximum daily load or minimum flow or level and  
1350 where such reclaimed water will be at or below the advanced  
1351 waste treatment standards described above before entering  
1352 groundwater or surface water.

1353       Section 14. Paragraphs (a) and (b) of subsection (1) and  
1354 paragraph (b) of subsection (3) of section 403.091, Florida

601-03260-24

20241386c1

1355 Statutes, are amended to read:

1356 403.091 Inspections.—

1357 (1) (a) Any duly authorized representative of the department  
1358 may at any reasonable time enter and inspect, for the purpose of  
1359 ascertaining the state of compliance with the law or rules and  
1360 regulations of the department, any property, premises, or place,  
1361 except a building which is used exclusively for a private  
1362 residence, on or at which:

1363 1. A hazardous waste generator, transporter, or facility or  
1364 other air or water contaminant source;

1365 2. A discharger, including any nondomestic discharger which  
1366 introduces any pollutant into a publicly owned treatment works;

1367 3. An onsite sewage treatment and disposal system as  
1368 defined in s. 381.0065(2) (m);

1369 4. Any facility, as defined in s. 376.301; or

1370 ~~5.4.~~ A resource recovery and management facility

1371  
1372 is located or is being constructed or installed or where records  
1373 which are required under this chapter, ss. 376.30-376.317, or  
1374 department rule are kept.

1375 (b) Any duly authorized representative may at reasonable  
1376 times have access to and copy any records required under this  
1377 chapter or ss. 376.30-376.317; inspect any monitoring equipment  
1378 or method; sample for any pollutants as defined in s. 376.301,  
1379 effluents, or wastes which the owner or operator of such source  
1380 may be discharging or which may otherwise be located on or  
1381 underlying the owner's or operator's property; and obtain any  
1382 other information necessary to determine compliance with permit  
1383 conditions or other requirements of this chapter, ss. 376.30-



601-03260-24

20241386c1

1384 376.317, ss. 381.0065-381.0067, part I of chapter 386 for  
1385 purposes of onsite sewage treatment and disposal systems, part  
1386 III of chapter 489, or rules or standards adopted under ss.  
1387 381.0065-381.0067, part I of chapter 386 for purposes of onsite  
1388 sewage treatment and disposal systems, or part III of chapter  
1389 489, or department rules.

1390 (3)

1391 (b) Upon proper affidavit being made, an inspection warrant  
1392 may be issued under ~~the provisions of~~ this chapter or ss.  
1393 376.30-376.317:

1394 1. When it appears that the properties to be inspected may  
1395 be connected with or contain evidence of the violation of ~~any of~~  
1396 ~~the provisions of~~ this chapter or ss. 376.30-376.317, ss.  
1397 381.0065-381.0067, part I of chapter 386 for purposes of onsite  
1398 sewage treatment and disposal systems, part III of chapter 489,  
1399 or rules or standards adopted under ss. 381.0065-381.0067, part  
1400 I of chapter 386 for purposes of onsite sewage treatment and  
1401 disposal systems, or part III of chapter 489 or any rule  
1402 properly promulgated thereunder; or

1403 2. When the inspection sought is an integral part of a  
1404 larger scheme of systematic routine inspections which are  
1405 necessary to, and consistent with, the continuing efforts of the  
1406 department to ensure compliance with the provisions of this  
1407 chapter or ss. 376.30-376.317, ss. 381.0065-381.0067, part I of  
1408 chapter 386 for purposes of onsite sewage treatment and disposal  
1409 systems, part III of chapter 489, or rules or standards adopted  
1410 under ss. 381.0065-381.0067, part I of chapter 386 for purposes  
1411 of onsite sewage treatment and disposal systems, or part III of  
1412 chapter 489 and any rules adopted thereunder.

601-03260-24

20241386c1

1413 Section 15. Section 403.121, Florida Statutes, is amended  
1414 to read:

1415 403.121 Enforcement; procedure; remedies.—The department  
1416 shall have the following judicial and administrative remedies  
1417 available to it for violations of this chapter, as specified in  
1418 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for  
1419 purposes of onsite sewage treatment and disposal systems, part  
1420 III of chapter 489, or any rule promulgated thereunder.

1421 (1) Judicial Remedies:

1422 (a) The department may institute a civil action in a court  
1423 of competent jurisdiction to establish liability and to recover  
1424 damages for any injury to the air, waters, or property,  
1425 including animal, plant, and aquatic life, of the state caused  
1426 by any violation.

1427 (b) The department may institute a civil action in a court  
1428 of competent jurisdiction to impose and to recover a civil  
1429 penalty for each violation in an amount of not more than \$15,000  
1430 per offense. However, the court may receive evidence in  
1431 mitigation. Each day during any portion of which such violation  
1432 occurs constitutes a separate offense.

1433 (c) Except as provided in paragraph (2)(c), it is not a  
1434 defense to, or ground for dismissal of, these judicial remedies  
1435 for damages and civil penalties that the department has failed  
1436 to exhaust its administrative remedies, has failed to serve a  
1437 notice of violation, or has failed to hold an administrative  
1438 hearing before the institution of a civil action.

1439 (2) Administrative Remedies:

1440 (a) The department may institute an administrative  
1441 proceeding to establish liability and to recover damages for any

601-03260-24

20241386c1

1442 injury to the air, waters, or property, including animal, plant,  
1443 or aquatic life, of the state caused by any violation. The  
1444 department may order that the violator pay a specified sum as  
1445 damages to the state. Judgment for the amount of damages  
1446 determined by the department may be entered in any court having  
1447 jurisdiction thereof and may be enforced as any other judgment.

1448 (b) If the department has reason to believe a violation has  
1449 occurred, it may institute an administrative proceeding to order  
1450 the prevention, abatement, or control of the conditions creating  
1451 the violation or other appropriate corrective action. Except for  
1452 violations involving hazardous wastes, asbestos, or underground  
1453 injection, the department shall proceed administratively in all  
1454 cases in which the department seeks administrative penalties  
1455 that do not exceed \$50,000 per assessment as calculated in  
1456 accordance with subsections (3), (4), (5), (6), and (7).

1457 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty  
1458 assessed pursuant to subsection (3), subsection (4), or  
1459 subsection (5) against a public water system serving a  
1460 population of more than 10,000 may not be less than \$1,000 per  
1461 day per violation. The department may not impose administrative  
1462 penalties in excess of \$50,000 in a notice of violation. The  
1463 department may not have more than one notice of violation  
1464 seeking administrative penalties pending against the same party  
1465 at the same time unless the violations occurred at a different  
1466 site or the violations were discovered by the department  
1467 subsequent to the filing of a previous notice of violation.

1468 (c) An administrative proceeding shall be instituted by the  
1469 department's serving of a written notice of violation upon the  
1470 alleged violator by certified mail. If the department is unable

601-03260-24

20241386c1

1471 to effect service by certified mail, the notice of violation may  
1472 be hand delivered or personally served in accordance with  
1473 chapter 48. The notice shall specify the law, rule, regulation,  
1474 permit, certification, or order of the department alleged to be  
1475 violated and the facts alleged to constitute a violation  
1476 thereof. An order for corrective action, penalty assessment, or  
1477 damages may be included with the notice. When the department is  
1478 seeking to impose an administrative penalty for any violation by  
1479 issuing a notice of violation, any corrective action needed to  
1480 correct the violation or damages caused by the violation must be  
1481 pursued in the notice of violation or they are waived. However,  
1482 an order is not effective until after service and an  
1483 administrative hearing, if requested within 20 days after  
1484 service. Failure to request an administrative hearing within  
1485 this time period constitutes a waiver thereof, unless the  
1486 respondent files a written notice with the department within  
1487 this time period opting out of the administrative process  
1488 initiated by the department to impose administrative penalties.  
1489 Any respondent choosing to opt out of the administrative process  
1490 initiated by the department in an action that seeks the  
1491 imposition of administrative penalties must file a written  
1492 notice with the department within 20 days after service of the  
1493 notice of violation opting out of the administrative process. A  
1494 respondent's decision to opt out of the administrative process  
1495 does not preclude the department from initiating a state court  
1496 action seeking injunctive relief, damages, and the judicial  
1497 imposition of civil penalties.

1498 (d) If a person timely files a petition challenging a  
1499 notice of violation, that person will thereafter be referred to

601-03260-24

20241386c1

1500 as the respondent. The hearing requested by the respondent shall  
1501 be held within 180 days after the department has referred the  
1502 initial petition to the Division of Administrative Hearings  
1503 unless the parties agree to a later date. The department has the  
1504 burden of proving with the preponderance of the evidence that  
1505 the respondent is responsible for the violation. Administrative  
1506 penalties should not be imposed unless the department satisfies  
1507 that burden. Following the close of the hearing, the  
1508 administrative law judge shall issue a final order on all  
1509 matters, including the imposition of an administrative penalty.  
1510 When the department seeks to enforce that portion of a final  
1511 order imposing administrative penalties pursuant to s. 120.69,  
1512 the respondent may not assert as a defense the inappropriateness  
1513 of the administrative remedy. The department retains its final-  
1514 order authority in all administrative actions that do not  
1515 request the imposition of administrative penalties.

1516 (e) After filing a petition requesting a formal hearing in  
1517 response to a notice of violation in which the department  
1518 imposes an administrative penalty, a respondent may request that  
1519 a private mediator be appointed to mediate the dispute by  
1520 contacting the Florida Conflict Resolution Consortium within 10  
1521 days after receipt of the initial order from the administrative  
1522 law judge. The Florida Conflict Resolution Consortium shall pay  
1523 all of the costs of the mediator and for up to 8 hours of the  
1524 mediator's time per case at \$150 per hour. Upon notice from the  
1525 respondent, the Florida Conflict Resolution Consortium shall  
1526 provide to the respondent a panel of possible mediators from the  
1527 area in which the hearing on the petition would be heard. The  
1528 respondent shall select the mediator and notify the Florida

601-03260-24

20241386c1

1529 Conflict Resolution Consortium of the selection within 15 days  
1530 of receipt of the proposed panel of mediators. The Florida  
1531 Conflict Resolution Consortium shall provide all of the  
1532 administrative support for the mediation process. The mediation  
1533 must be completed at least 15 days before the final hearing date  
1534 set by the administrative law judge.

1535 (f) In any administrative proceeding brought by the  
1536 department, the prevailing party shall recover all costs as  
1537 provided in ss. 57.041 and 57.071. The costs must be included in  
1538 the final order. The respondent is the prevailing party when an  
1539 order is entered awarding no penalties to the department and  
1540 such order has not been reversed on appeal or the time for  
1541 seeking judicial review has expired. The respondent is entitled  
1542 to an award of attorney fees if the administrative law judge  
1543 determines that the notice of violation issued by the department  
1544 seeking the imposition of administrative penalties was not  
1545 substantially justified as defined in s. 57.111(3)(e). An award  
1546 of attorney fees as provided by this subsection may not exceed  
1547 \$15,000.

1548 (g) This section does not prevent any other legal or  
1549 administrative action in accordance with law and does not limit  
1550 the department's authority provided in ss. 403.131, 403.141, and  
1551 this section to judicially pursue injunctive relief. When the  
1552 department exercises its authority to judicially pursue  
1553 injunctive relief, penalties in any amount up to the statutory  
1554 maximum sought by the department must be pursued as part of the  
1555 state court action and not by initiating a separate  
1556 administrative proceeding. The department retains the authority  
1557 to judicially pursue penalties in excess of \$50,000 for

601-03260-24

20241386c1

1558 violations not specifically included in the administrative  
1559 penalty schedule, or for multiple or multiday violations alleged  
1560 to exceed a total of \$50,000. The department also retains the  
1561 authority provided in ss. 403.131, 403.141, and this section to  
1562 judicially pursue injunctive relief and damages, if a notice of  
1563 violation seeking the imposition of administrative penalties has  
1564 not been issued. The department has the authority to enter into  
1565 a settlement, before or after initiating a notice of violation,  
1566 and the settlement may include a penalty amount different from  
1567 the administrative penalty schedule. Any case filed in state  
1568 court because it is alleged to exceed a total of \$50,000 in  
1569 penalties may be settled in the court action for less than  
1570 \$50,000.

1571 (h) Chapter 120 applies to any administrative action taken  
1572 by the department or any delegated program pursuing  
1573 administrative penalties in accordance with this section.

1574 (3) Except for violations involving hazardous wastes,  
1575 asbestos, or underground injection, administrative penalties  
1576 must be calculated according to the following schedule:

1577 (a) For a drinking water contamination violation, the  
1578 department shall assess a penalty of \$3,000 for a Maximum  
1579 Containment Level (MCL) violation; plus \$1,500 if the violation  
1580 is for a primary inorganic, organic, or radiological Maximum  
1581 Contaminant Level or it is a fecal coliform bacteria violation;  
1582 plus \$1,500 if the violation occurs at a community water system;  
1583 and plus \$1,500 if any Maximum Contaminant Level is exceeded by  
1584 more than 100 percent. For failure to obtain a clearance letter  
1585 before placing a drinking water system into service when the  
1586 system would not have been eligible for clearance, the

601-03260-24

20241386c1

1587 department shall assess a penalty of \$4,500.

1588 (b) For failure to obtain a required wastewater permit,  
1589 other than a permit required for surface water discharge, or  
1590 obtain an onsite sewage treatment and disposal system permit, or  
1591 for a violation of s. 381.0065, or the creation of or  
1592 maintenance of a nuisance related to an onsite sewage treatment  
1593 and disposal system under part I of chapter 386, or for a  
1594 violation of part III of chapter 489, or any rule properly  
1595 promulgated thereunder, the department shall assess a penalty of  
1596 \$2,000. For a domestic or industrial wastewater violation, not  
1597 involving a surface water or groundwater quality violation, the  
1598 department shall assess a penalty of \$4,000 for an unpermitted  
1599 or unauthorized discharge or effluent-limitation exceedance or  
1600 for failure to comply with s. 403.061(14) or s. 403.086(7) or  
1601 rules adopted thereunder. For an unpermitted or unauthorized  
1602 discharge or effluent-limitation exceedance that resulted in a  
1603 surface water or groundwater quality violation, the department  
1604 shall assess a penalty of \$10,000. Each day the cause of an  
1605 unauthorized discharge of domestic wastewater or sanitary  
1606 nuisance is not addressed constitutes a separate offense.

1607 (c) For a dredge and fill or stormwater violation, the  
1608 department shall assess a penalty of \$1,500 for unpermitted or  
1609 unauthorized dredging or filling or unauthorized construction of  
1610 a stormwater management system against the person or persons  
1611 responsible for the illegal dredging or filling, or unauthorized  
1612 construction of a stormwater management system plus \$3,000 if  
1613 the dredging or filling occurs in an aquatic preserve, an  
1614 Outstanding Florida Water, a conservation easement, or a Class I  
1615 or Class II surface water, plus \$1,500 if the area dredged or



601-03260-24

20241386c1

1616 filled is greater than one-quarter acre but less than or equal  
1617 to one-half acre, and plus \$1,500 if the area dredged or filled  
1618 is greater than one-half acre but less than or equal to one  
1619 acre. The administrative penalty schedule does not apply to a  
1620 dredge and fill violation if the area dredged or filled exceeds  
1621 one acre. The department retains the authority to seek the  
1622 judicial imposition of civil penalties for all dredge and fill  
1623 violations involving more than one acre. The department shall  
1624 assess a penalty of \$4,500 for the failure to complete required  
1625 mitigation, failure to record a required conservation easement,  
1626 or for a water quality violation resulting from dredging or  
1627 filling activities, stormwater construction activities or  
1628 failure of a stormwater treatment facility. For stormwater  
1629 management systems serving less than 5 acres, the department  
1630 shall assess a penalty of \$3,000 for the failure to properly or  
1631 timely construct a stormwater management system. In addition to  
1632 the penalties authorized in this subsection, the department  
1633 shall assess a penalty of \$7,500 per violation against the  
1634 contractor or agent of the owner or tenant that conducts  
1635 unpermitted or unauthorized dredging or filling. For purposes of  
1636 this paragraph, the preparation or signing of a permit  
1637 application by a person currently licensed under chapter 471 to  
1638 practice as a professional engineer does not make that person an  
1639 agent of the owner or tenant.

1640 (d) For mangrove trimming or alteration violations, the  
1641 department shall assess a penalty of \$7,500 per violation  
1642 against the contractor or agent of the owner or tenant that  
1643 conducts mangrove trimming or alteration without a permit as  
1644 required by s. 403.9328. For purposes of this paragraph, the

601-03260-24

20241386c1

1645 preparation or signing of a permit application by a person  
1646 currently licensed under chapter 471 to practice as a  
1647 professional engineer does not make that person an agent of the  
1648 owner or tenant.

1649 (e) For solid waste violations, the department shall assess  
1650 a penalty of \$3,000 for the unpermitted or unauthorized disposal  
1651 or storage of solid waste; plus \$1,000 if the solid waste is  
1652 Class I or Class III (excluding yard trash) or if the solid  
1653 waste is construction and demolition debris in excess of 20  
1654 cubic yards, plus \$1,500 if the waste is disposed of or stored  
1655 in any natural or artificial body of water or within 500 feet of  
1656 a potable water well, plus \$1,500 if the waste contains PCB at a  
1657 concentration of 50 parts per million or greater; untreated  
1658 biomedical waste; friable asbestos greater than 1 cubic meter  
1659 which is not wetted, bagged, and covered; used oil greater than  
1660 25 gallons; or 10 or more lead acid batteries. The department  
1661 shall assess a penalty of \$4,500 for failure to properly  
1662 maintain leachate control; unauthorized burning; failure to have  
1663 a trained spotter on duty at the working face when accepting  
1664 waste; or failure to provide access control for three  
1665 consecutive inspections. The department shall assess a penalty  
1666 of \$3,000 for failure to construct or maintain a required  
1667 stormwater management system.

1668 (f) For an air emission violation, the department shall  
1669 assess a penalty of \$1,500 for an unpermitted or unauthorized  
1670 air emission or an air-emission-permit exceedance, plus \$4,500  
1671 if the emission was from a major source and the source was major  
1672 for the pollutant in violation; plus \$1,500 if the emission was  
1673 more than 150 percent of the allowable level.

601-03260-24

20241386c1

1674 (g) For storage tank system and petroleum contamination  
1675 violations, the department shall assess a penalty of \$7,500 for  
1676 failure to empty a damaged storage system as necessary to ensure  
1677 that a release does not occur until repairs to the storage  
1678 system are completed; when a release has occurred from that  
1679 storage tank system; for failure to timely recover free product;  
1680 or for failure to conduct remediation or monitoring activities  
1681 until a no-further-action or site-rehabilitation completion  
1682 order has been issued. The department shall assess a penalty of  
1683 \$4,500 for failure to timely upgrade a storage tank system. The  
1684 department shall assess a penalty of \$3,000 for failure to  
1685 conduct or maintain required release detection; failure to  
1686 timely investigate a suspected release from a storage system;  
1687 depositing motor fuel into an unregistered storage tank system;  
1688 failure to timely assess or remediate petroleum contamination;  
1689 or failure to properly install a storage tank system. The  
1690 department shall assess a penalty of \$1,500 for failure to  
1691 properly operate, maintain, or close a storage tank system.

1692 (4) In an administrative proceeding, in addition to the  
1693 penalties that may be assessed under subsection (3), the  
1694 department shall assess administrative penalties according to  
1695 the following schedule:

1696 (a) For failure to satisfy financial responsibility  
1697 requirements or for violation of s. 377.371(1), \$7,500.

1698 (b) For failure to install, maintain, or use a required  
1699 pollution control system or device, \$6,000.

1700 (c) For failure to obtain a required permit before  
1701 construction or modification, \$4,500.

1702 (d) For failure to conduct required monitoring or testing;

601-03260-24

20241386c1

1703 failure to conduct required release detection; or failure to  
1704 construct in compliance with a permit, \$3,000.

1705 (e) For failure to maintain required staff to respond to  
1706 emergencies; failure to conduct required training; failure to  
1707 prepare, maintain, or update required contingency plans; failure  
1708 to adequately respond to emergencies to bring an emergency  
1709 situation under control; or failure to submit required  
1710 notification to the department, \$1,500.

1711 (f) Except as provided in subsection (2) with respect to  
1712 public water systems serving a population of more than 10,000,  
1713 for failure to prepare, submit, maintain, or use required  
1714 reports or other required documentation, \$750.

1715 (5) Except as provided in subsection (2) with respect to  
1716 public water systems serving a population of more than 10,000,  
1717 for failure to comply with any other departmental regulatory  
1718 statute or rule requirement not otherwise identified in this  
1719 section, the department may assess a penalty of \$1,000.

1720 (6) For each additional day during which a violation  
1721 occurs, the administrative penalties in subsections (3)-(5) may  
1722 be assessed per day per violation.

1723 (7) The history of noncompliance of the violator for any  
1724 previous violation resulting in an executed consent order, but  
1725 not including a consent order entered into without a finding of  
1726 violation, or resulting in a final order or judgment after the  
1727 effective date of this law involving the imposition of \$3,000 or  
1728 more in penalties shall be taken into consideration in the  
1729 following manner:

1730 (a) One previous such violation within 5 years before the  
1731 filing of the notice of violation will result in a 25-percent

601-03260-24

20241386c1

1732 per day increase in the scheduled administrative penalty.

1733 (b) Two previous such violations within 5 years before the  
1734 filing of the notice of violation will result in a 50-percent  
1735 per day increase in the scheduled administrative penalty.

1736 (c) Three or more previous such violations within 5 years  
1737 before the filing of the notice of violation will result in a  
1738 100-percent per day increase in the scheduled administrative  
1739 penalty.

1740 (8) The direct economic benefit gained by the violator from  
1741 the violation, where consideration of economic benefit is  
1742 provided by Florida law or required by federal law as part of a  
1743 federally delegated or approved program, must be added to the  
1744 scheduled administrative penalty. The total administrative  
1745 penalty, including any economic benefit added to the scheduled  
1746 administrative penalty, may not exceed \$15,000.

1747 (9) The administrative penalties assessed for any  
1748 particular violation may not exceed \$10,000 against any one  
1749 violator, unless the violator has a history of noncompliance,  
1750 the economic benefit of the violation as described in subsection  
1751 (8) exceeds \$10,000, or there are multiday violations. The total  
1752 administrative penalties may not exceed \$50,000 per assessment  
1753 for all violations attributable to a specific person in the  
1754 notice of violation.

1755 (10) The administrative law judge may receive evidence in  
1756 mitigation. The penalties identified in subsections (3)-(5) may  
1757 be reduced up to 50 percent by the administrative law judge for  
1758 mitigating circumstances, including good faith efforts to comply  
1759 before or after discovery of the violations by the department.  
1760 Upon an affirmative finding that the violation was caused by

601-03260-24

20241386c1

1761 circumstances beyond the reasonable control of the respondent  
1762 and could not have been prevented by respondent's due diligence,  
1763 the administrative law judge may further reduce the penalty.

1764 (11) Penalties collected pursuant to this section must  
1765 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund  
1766 or other trust fund designated by statute and shall be used to  
1767 fund the restoration of ecosystems, or polluted areas of the  
1768 state, as defined by the department, to their condition before  
1769 pollution occurred. The Florida Conflict Resolution Consortium  
1770 may use a portion of the fund to administer the mediation  
1771 process provided in paragraph (2) (e) and to contract with  
1772 private mediators for administrative penalty cases.

1773 (12) The purpose of the administrative penalty schedule and  
1774 process is to provide a more predictable and efficient manner  
1775 for individuals and businesses to resolve relatively minor  
1776 environmental disputes. Subsections (3)-(7) may not be construed  
1777 as limiting a state court in the assessment of damages. The  
1778 administrative penalty schedule does not apply to the judicial  
1779 imposition of civil penalties in state court as provided in this  
1780 section.

1781 Section 16. Subsection (5) of section 403.9301, Florida  
1782 Statutes, is amended to read:

1783 403.9301 Wastewater services projections.—

1784 (5) The Office of Economic and Demographic Research shall  
1785 evaluate the compiled documents from the counties for the  
1786 purpose of developing a statewide analysis for inclusion in the  
1787 assessment due the following January 1, ~~2023~~, pursuant to s.  
1788 403.928. Beginning July 1, 2024, and by the July 1 following  
1789 subsequent publications of the analysis required by this

601-03260-24

20241386c1

1790 section, the Office of Economic and Demographic Research shall  
1791 provide a publicly accessible data visualization tool on its  
1792 website which allows for comparative analyses of key  
1793 information.

1794 Section 17. Subsection (5) of section 403.9302, Florida  
1795 Statutes, is amended to read:

1796 403.9302 Stormwater management projections.—

1797 (5) The Office of Economic and Demographic Research shall  
1798 evaluate the compiled documents from the counties for the  
1799 purpose of developing a statewide analysis for inclusion in the  
1800 assessment due the following January 1, ~~2023~~, pursuant to s.  
1801 403.928. Beginning July 1, 2024, and by the July 1 following  
1802 subsequent publications of the analysis required by this  
1803 section, the Office of Economic and Demographic Research shall  
1804 provide a publicly accessible data visualization tool on its  
1805 website which allows for comparative analyses of key  
1806 information.

1807 Section 18. Subsection (1) of section 403.0671, Florida  
1808 Statutes, is amended to read:

1809 403.0671 Basin management action plan wastewater reports.—

1810 (1) By July 1, 2021, the department, in coordination with  
1811 the county health departments, wastewater treatment facilities,  
1812 and other governmental entities, shall submit a report to the  
1813 Governor, the President of the Senate, and the Speaker of the  
1814 House of Representatives evaluating the costs of wastewater  
1815 projects identified in the basin management action plans  
1816 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1817 sewage treatment and disposal system remediation plans and other  
1818 restoration plans developed to meet the total maximum daily

601-03260-24

20241386c1

1819 loads required under s. 403.067. The report must include all of  
1820 the following:

1821 (a) Projects to:

1822 1. Replace onsite sewage treatment and disposal systems  
1823 with enhanced nutrient-reducing onsite sewage treatment and  
1824 disposal systems.

1825 2. Install or retrofit onsite sewage treatment and disposal  
1826 systems with enhanced nutrient-reducing technologies.

1827 3. Construct, upgrade, or expand domestic wastewater  
1828 treatment facilities to meet the domestic wastewater treatment  
1829 plan required under s. 403.067(7)(a)9.

1830 4. Connect onsite sewage treatment and disposal systems to  
1831 domestic wastewater treatment facilities.~~†~~

1832 (b) The estimated costs, nutrient load reduction estimates,  
1833 and other benefits of each project.~~†~~

1834 (c) The estimated implementation timeline for each  
1835 project.~~†~~

1836 (d) A proposed 5-year funding plan for each project and the  
1837 source and amount of financial assistance the department, a  
1838 water management district, or other project partner will make  
1839 available to fund the project.~~†~~ ~~and~~

1840 (e) The projected costs of installing enhanced nutrient-  
1841 reducing onsite sewage treatment and disposal systems on  
1842 buildable lots in priority focus areas to comply with s.  
1843 373.811.

1844 Section 19. For the purpose of incorporating the amendment  
1845 made by this act to section 253.04, Florida Statutes, in a  
1846 reference thereto, paragraph (x) of subsection (1) of section  
1847 327.73, Florida Statutes, is reenacted to read:



601-03260-24

20241386c1

1848 327.73 Noncriminal infractions.—

1849 (1) Violations of the following provisions of the vessel  
1850 laws of this state are noncriminal infractions:

1851 (x) Section 253.04(3)(a), relating to carelessly causing  
1852 seagrass scarring, for which the civil penalty upon conviction  
1853 is:

1854 1. For a first offense, \$100.

1855 2. For a second offense occurring within 12 months after a  
1856 prior conviction, \$250.

1857 3. For a third offense occurring within 36 months after a  
1858 prior conviction, \$500.

1859 4. For a fourth or subsequent offense occurring within 72  
1860 months after a prior conviction, \$1,000.

1861

1862 Any person cited for a violation of this subsection shall be  
1863 deemed to be charged with a noncriminal infraction, shall be  
1864 cited for such an infraction, and shall be cited to appear  
1865 before the county court. The civil penalty for any such  
1866 infraction is \$100, except as otherwise provided in this  
1867 section. Any person who fails to appear or otherwise properly  
1868 respond to a uniform boating citation, in addition to the charge  
1869 relating to the violation of the boating laws of this state,  
1870 must be charged with the offense of failing to respond to such  
1871 citation and, upon conviction, be guilty of a misdemeanor of the  
1872 second degree, punishable as provided in s. 775.082 or s.  
1873 775.083. A written warning to this effect shall be provided at  
1874 the time such uniform boating citation is issued.

1875 Section 20. For the purpose of incorporating the amendment  
1876 made by this act to section 381.0061, Florida Statutes, in

601-03260-24

20241386c1

1877 references thereto, paragraph (a) of subsection (4) and  
1878 paragraph (a) of subsection (6) of section 381.0072, Florida  
1879 Statutes, are reenacted to read:

1880 381.0072 Food service protection.—

1881 (4) LICENSES REQUIRED.—

1882 (a) *Licenses; annual renewals.*—Each food service  
1883 establishment regulated under this section shall obtain a  
1884 license from the department annually. Food service establishment  
1885 licenses shall expire annually and are not transferable from one  
1886 place or individual to another. However, those facilities  
1887 licensed by the department's Office of Licensure and  
1888 Certification, the Child Care Services Program Office, or the  
1889 Agency for Persons with Disabilities are exempt from this  
1890 subsection. It shall be a misdemeanor of the second degree,  
1891 punishable as provided in s. 381.0061, s. 775.082, or s.  
1892 775.083, for such an establishment to operate without this  
1893 license. The department may refuse a license, or a renewal  
1894 thereof, to any establishment that is not constructed or  
1895 maintained in accordance with law and with the rules of the  
1896 department. Annual application for renewal is not required.

1897 (6) FINES; SUSPENSION OR REVOCATION OF LICENSES;  
1898 PROCEDURE.—

1899 (a) The department may impose fines against the  
1900 establishment or operator regulated under this section for  
1901 violations of sanitary standards, in accordance with s.  
1902 381.0061. All amounts collected shall be deposited to the credit  
1903 of the County Health Department Trust Fund administered by the  
1904 department.

1905 Section 21. For the purpose of incorporating the amendment

601-03260-24

20241386c1

1906 made by this act to section 381.0061, Florida Statutes, in a  
1907 reference thereto, subsection (4) of section 381.0086, Florida  
1908 Statutes, is reenacted to read:

1909 381.0086 Rules; variances; penalties.—

1910 (4) A person who violates any provision of ss. 381.008-  
1911 381.00895 or rules adopted under such sections is subject either  
1912 to the penalties provided in ss. 381.0012 and 381.0061 or to the  
1913 penalties provided in s. 381.0087.

1914 Section 22. For the purpose of incorporating the amendment  
1915 made by this act to section 381.0061, Florida Statutes, in a  
1916 reference thereto, subsection (7) of section 381.0098, Florida  
1917 Statutes, is reenacted to read:

1918 381.0098 Biomedical waste.—

1919 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in  
1920 violation of this section or rules adopted under this section is  
1921 subject to penalties provided in ss. 381.0012 and 381.0061.  
1922 However, an administrative fine not to exceed \$2,500 may be  
1923 imposed for each day such person or public body is in violation  
1924 of this section. The department may deny, suspend, or revoke any  
1925 biomedical waste permit or registration if the permittee  
1926 violates this section, any rule adopted under this section, or  
1927 any lawful order of the department.

1928 Section 23. For the purpose of incorporating the amendment  
1929 made by this act to section 381.0061, Florida Statutes, in a  
1930 reference thereto, subsection (2) of section 513.10, Florida  
1931 Statutes, is reenacted to read:

1932 513.10 Operating without permit; enforcement of chapter;  
1933 penalties.—

1934 (2) This chapter or rules adopted under this chapter may be

601-03260-24

20241386c1

1935 enforced in the manner provided in s. 381.0012 and as provided  
1936 in this chapter. Violations of this chapter and the rules  
1937 adopted under this chapter are subject to the penalties provided  
1938 in this chapter and in s. 381.0061.

1939       Section 24. This act shall take effect July 1, 2024.