

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

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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.;

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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

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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

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88 standard under certain circumstances; providing
89 applicability; amending s. 403.121, F.S.; revising
90 department enforcement provisions; revising
91 administrative penalty calculations for failure to
92 obtain certain required permits and for certain
93 violations; amending s. 403.0671, F.S.; conforming
94 provisions to changes made by the act; amending ss.
95 403.9301 and 403.9302, F.S.; requiring the Office of
96 Economic and Demographic Research to provide a
97 specified publicly accessible data visualization tool
98 on its website; reenacting s. 327.73(1)(x), F.S.,
99 relating to noncriminal infractions, to incorporate
100 the amendment made to s. 253.04, F.S., in a reference
101 thereto; reenacting ss. 381.0072(4)(a) and (6)(a),
102 381.0086(4), 381.0098(7), and 513.10(2), F.S.,
103 relating to food service protection, penalties,
104 biomedical waste, and operating without a permit,
105 respectively, to incorporate the amendment made to s.
106 381.0061, F.S., in references thereto; providing an
107 effective date.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Paragraph (a) of subsection (3) of section
112 253.04, Florida Statutes, is amended to read:

113 253.04 Duty of board to protect, etc., state lands; state
114 may join in any action brought.—

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

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117 and regeneration of seagrass, which is deemed essential to the
118 oceans, gulfs, estuaries, and shorelines of the state. A person
119 operating a vessel outside a lawfully marked channel in a
120 careless manner that causes seagrass scarring within an aquatic
121 preserve established in ss. 258.39-258.3991 ~~ss. 258.39-258.399~~,
122 with the exception of the Lake Jackson, Oklawaha River, Wekiva
123 River, and Rainbow Springs aquatic preserves, commits a
124 noncriminal infraction, punishable as provided in s. 327.73.
125 Each violation is a separate offense. As used in this
126 subsection, the term:

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

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

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

139 258.39 Boundaries of preserves.—The submerged lands
140 included within the boundaries of Nassau, Duval, St. Johns,
141 Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte,
142 Pinellas, Martin, Palm Beach, Miami-Dade, Monroe, Collier, Lee,
143 Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa,
144 Hernando, and Escambia Counties, as hereinafter described, with
145 the exception of privately held submerged lands lying landward

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146 of established bulkheads and of privately held submerged lands
147 within Monroe County where the establishment of bulkhead lines
148 is not required, are hereby declared to be aquatic preserves.

149 Such aquatic preserve areas include:

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

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

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

163 373.250 Reuse of reclaimed water.—

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

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

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175 for a permit duration of up to 30 years if there is sufficient
176 data to provide reasonable assurance that the conditions for
177 permit issuance will be met for the duration of the permit.
178 Rules developed pursuant to this paragraph must include, at a
179 minimum:

180 1. A requirement that the permittee demonstrate how
181 quantifiable groundwater or surface water savings associated
182 with the new water supply development or water resource
183 development project either meets water demands beyond a 20-year
184 permit duration or is completed for the purpose of meeting the
185 requirements of an adopted recovery or prevention strategy; and

186 2. Guidelines for a district to follow in determining the
187 permit duration based on the project's implementation.
188

189 This paragraph does not limit the existing authority of a water
190 management district to issue a shorter duration permit to
191 protect from harm the water resources or ecology of the area, or
192 to otherwise ensure compliance with the conditions for permit
193 issuance.

194 (b) Authorization for a consumptive use permittee to seek a
195 permit extension of up to 10 years if the permittee proposes a
196 water supply development or water resource development project
197 using reclaimed water that meets the advanced waste treatment
198 standards for total nitrogen and total phosphorous as defined in
199 s. 403.086(4) (a) during the term of its permit which results in
200 the reduction of groundwater or surface water withdrawals or is
201 completed to benefit a waterbody with a minimum flow or minimum
202 water level with a recovery or prevention strategy. Rules
203 associated with this paragraph must include, at a minimum:

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

206 2. A requirement that the permittee demonstrate how the
207 quantifiable groundwater or surface water savings associated
208 with the new water supply development or water resource
209 development project either meets water demands beyond the issued
210 permit duration or is completed for the purpose of meeting the
211 requirements of an adopted recovery or prevention strategy;

212 3. A requirement that the permittee demonstrate a water
213 demand for the permit's allocation through the term of the
214 extension; and

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

218
219 This paragraph does not limit the existing authority of a water
220 management district to protect from harm the water resources or
221 ecology of the area, or to otherwise ensure compliance with the
222 conditions for permit issuance.

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

230 380.093 Resilient Florida Grant Program; comprehensive
231 statewide flood vulnerability and sea level rise data set and
232 assessment; Statewide Flooding and Sea Level Rise Resilience

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233 Plan; regional resilience entities.—

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

235 (c) "Florida Flood Hub" means the Florida Flood Hub for
236 Applied Research and Innovation established pursuant to s.
237 380.0933.

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

246 (3) RESILIENT FLORIDA GRANT PROGRAM.—

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

249 1. A county or municipality to fund:

250 a. The costs of community resilience planning and necessary
251 data collection for such planning, including comprehensive plan
252 amendments and necessary corresponding analyses that address the
253 requirements of s. 163.3178(2)(f).

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

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

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262 reasonably be expected to be, impacted by flooding and sea level
263 rise.

264 d. The development of projects, plans, strategies, and
265 policies that enhance community preparations ~~allow communities~~
266 ~~to prepare~~ for threats from flooding and sea level rise,
267 including adaptation plans that help local governments
268 prioritize project development and implementation across one or
269 more jurisdictions in a manner consistent with departmental
270 guidance.

271 ~~e.d.~~ Preconstruction activities for projects to be
272 submitted for inclusion in the Statewide Flooding and Sea Level
273 Rise Resilience Plan. Only communities eligible for a reduced
274 cost share as defined in paragraph (5) (e) are eligible for such
275 preconstruction activities ~~that are located in a municipality~~
276 ~~that has a population of 10,000 or fewer or a county that has a~~
277 ~~population of 50,000 or fewer, according to the most recent~~
278 ~~April 1 population estimates posted on the Office of Economic~~
279 ~~and Demographic Research's website.~~

280 ~~f.e.~~ Feasibility studies and ~~the cost of permitting~~ for
281 nature-based solutions that reduce the impact of flooding and
282 sea level rise.

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

286 2. A water management district identified in s. 373.069 to
287 support local government adaptation planning, which may be
288 conducted by the water management district or by a third party
289 on behalf of the water management district. Such grants must be
290 used for the express purpose of supporting the Florida Flood Hub

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291 ~~for Applied Research and Innovation~~ and the department in
292 implementing this section through data creation and collection,
293 modeling, and the implementation of statewide standards.
294 Priority must be given to filling critical data gaps identified
295 by the Florida Flood Hub ~~for Applied Research and Innovation~~
296 under s. 380.0933(2) (a).

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

308 1. The assessment must include an analysis of the
309 vulnerability of and risks to critical assets, including
310 regionally significant assets, owned or managed by the county or
311 municipality.

312 2. Upon completion of a vulnerability assessment, the
313 county or municipality shall submit to the department all of the
314 following:

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

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

319 (I) Geospatial data in an electronic file format suitable

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320 for input to the department's mapping tool.

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

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

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

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

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

341 a. Tidal flooding, including future high tide flooding,
342 which must use thresholds published and provided by the
343 department. To the extent practicable, the analysis should also
344 geographically display the number of tidal flood days expected
345 for each scenario and planning horizon.

346 b. Current and future storm surge flooding ~~using publicly~~
347 ~~available National Oceanic and Atmospheric Administration or~~
348 ~~Federal Emergency Management Agency storm surge data.~~ The

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349 initial storm surge event used must equal or exceed the current
350 100-year flood event. Higher frequency storm events may be
351 analyzed to understand the exposure of a critical asset or
352 regionally significant asset. Publicly available National
353 Oceanic and Atmospheric Administration (NOAA) or Federal
354 Emergency Management Agency storm surge data may be used in the
355 absence of applicable data from the Florida Flood Hub.

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

367 d. To the extent practicable, compound flooding or the
368 combination of tidal, storm surge, and rainfall-induced
369 flooding.

370 3. Apply the following scenarios and standards:

371 a. All analyses in the North American Vertical Datum of
372 1988.

373 b. For a vulnerability assessment initiated after July 1,
374 2024, at a minimum ~~least two local sea level rise scenarios,~~
375 ~~which must include the 2022 NOAA 2017 National Oceanic and~~
376 ~~Atmospheric Administration intermediate-low and intermediate~~
377 ~~intermediate-high~~ sea level rise scenarios or the statewide sea

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378 level rise projections developed pursuant to paragraph (4) (a)
 379 projections.

380 c. At least two planning horizons identified in the
 381 following table which correspond with the appropriate
 382 comprehensive statewide flood vulnerability and sea level rise
 383 assessment for which the department, at the time of award,
 384 determines such local vulnerability assessment will be
 385 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>
<u>2044</u>	<u>2065</u>	<u>2095</u>
<u>2049</u>	<u>2070</u>	<u>2100</u>

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

396 d. Local sea level data maintained by the Florida Flood Hub
 397 which reflect the best available scientific information as
 398 certified by the Chief Science Officer, in consultation with the

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399 Chief Resilience Officer. If such data is not available, local
400 sea level data may be ~~that has been~~ interpolated between the two
401 closest NOAA National Oceanic and Atmospheric Administration
402 tide gauges; however, such. ~~Local sea level~~ data may be taken
403 from only one of the two closest NOAA tide gauges ~~such gauge~~ if
404 the gauge has a higher mean sea level or may be. ~~Data~~ taken from
405 an alternate tide gauge ~~may be used~~ with appropriate rationale
406 and department approval, as long as it is publicly available or
407 submitted to the department pursuant to paragraph (b).

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

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

422 1. The Chief Science Officer shall, in coordination with
423 the Chief Resilience Officer and the Florida Flood Hub ~~necessary~~
424 ~~experts and resources~~, develop statewide sea level rise
425 projections that incorporate temporal and spatial variability,
426 to the extent practicable, for inclusion in the data set. This
427 subparagraph does not supersede regionally adopted projections.

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428 2. The data set must include information necessary to
429 determine the risks to inland and coastal communities,
430 including, but not limited to, elevation, tidal levels, and
431 precipitation.

432 (b) ~~By July 1, 2024,~~ The department, in coordination with
433 the Chief Resilience Officer and the Florida Flood Hub, shall
434 complete a comprehensive statewide flood vulnerability and sea
435 level rise assessment that identifies inland and coastal
436 infrastructure, geographic areas, and communities in this ~~the~~
437 state which ~~that~~ are vulnerable to flooding and sea level rise
438 and the associated risks.

439 1. The department shall use the comprehensive statewide
440 flood vulnerability and sea level rise data set to conduct the
441 assessment.

442 2. The assessment must incorporate local and regional
443 analyses of vulnerabilities and risks, including, as
444 appropriate, local mitigation strategies and postdisaster
445 redevelopment plans.

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

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

461 (c) The department, in coordination with the Chief
462 Resilience Officer and the Florida Flood Hub, shall update the
463 comprehensive statewide flood vulnerability and sea level rise
464 data set with the best available information each year and shall
465 update the assessment at least every 5 years. ~~The department may~~
466 ~~update the data set and assessment more frequently if it~~
467 ~~determines that updates are necessary to maintain the validity~~
468 ~~of the data set and assessment.~~

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

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

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486 total number of project proposals received and deemed eligible,
487 the total funding requested, and the total funding requested for
488 eligible projects.

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

501 1. Shall primarily address risks of flooding and sea level
502 rise identified in the comprehensive statewide flood
503 vulnerability and sea level rise assessment; and

504 2. May include, at the discretion of the department in
505 consultation with the Chief Resilience Officer, other projects
506 submitted pursuant to paragraph (d) which address risks of
507 flooding and sea level rise to critical assets not yet
508 identified in the comprehensive statewide flood vulnerability
509 and sea level rise assessment.

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

- 513 1. A description of the project.
514 2. The location of the project.

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- 515 3. An estimate of how long the project will take to
516 complete.
- 517 4. An estimate of the cost of the project.
- 518 5. The cost-share percentage available for the project.
- 519 6. A summary of the priority score assigned to the project.
- 520 7. The project sponsor.

521 (d)1. By September 1 ~~of, 2021, and each year~~ September 1
522 ~~thereafter~~, all of the following entities may submit to the
523 department a list of proposed projects that address risks of
524 flooding or sea level rise identified in the comprehensive
525 statewide flood vulnerability and sea level rise assessment or
526 vulnerability assessments that meet the requirements of
527 subsection (3):

528 a. Counties.

529 b. Municipalities.

530 c. Special districts as defined in s. 189.012 which ~~that~~
531 are responsible for the management and maintenance of inlets and
532 intracoastal waterways or for the operation and maintenance of a
533 potable water facility, a wastewater facility, an airport, or a
534 seaport facility.

535 d. Regional resilience entities acting on behalf of one or
536 more member counties or municipalities.

537

538 For the plans submitted by December 1, 2024, such entities may
539 submit projects identified in existing vulnerability assessments
540 that do not comply with subsection (3) only if the entity is
541 actively developing a vulnerability assessment that is either
542 under a signed grant agreement with the department pursuant to
543 subsection (3) or funded by another state or federal agency, or

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544 is self-funded and intended to meet the requirements of
545 paragraph (3)(d) or if the existing vulnerability assessment was
546 completed using previously compliant statutory requirements.
547 Projects identified from this category of vulnerability
548 assessments will be eligible for submittal until the prior
549 vulnerability assessment has been updated to meet most recent
550 statutory requirements 2021; December 1, 2022; and December 1,
551 2023, such entities may submit projects identified in existing
552 vulnerability assessments that do not comply with subsection
553 (3). A regional resilience entity may also submit proposed
554 projects to the department pursuant to this subparagraph on
555 behalf of one or more member counties or municipalities.

556 2. By September 1 of, 2021, and each year September 1
557 thereafter, all of the following entities may submit to the
558 department a list of any proposed projects that address risks of
559 flooding or sea level rise identified in the comprehensive
560 statewide flood vulnerability and sea level rise assessment or
561 vulnerability assessments that meet the requirements of
562 subsection (3), or that mitigate the risks of flooding or sea
563 level rise on water supplies or water resources of the state and
564 a corresponding evaluation of each project:

- 565 a. Water management districts.
566 b. Drainage districts.
567 c. Erosion control districts.
568 d. Flood control districts.
569 e. Regional water supply authorities.

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

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- 573 a. A description of the project.
- 574 b. The location of the project.
- 575 c. An estimate of how long the project will take to
- 576 complete.
- 577 d. An estimate of the cost of the project.
- 578 e. The cost-share percentage available for the project.
- 579 f. The project sponsor.
- 580 (e) Each project included in the plan must have a minimum
- 581 50 percent cost share unless the project assists or is within a
- 582 ~~financially disadvantaged small~~ community eligible for a reduced
- 583 cost share. For purposes of this section, the term "~~financially~~
- 584 ~~disadvantaged small~~ community eligible for a reduced cost share"
- 585 means:
- 586 1. A municipality that has a population of 10,000 or fewer,
- 587 according to the most recent April 1 population estimates posted
- 588 on the Office of Economic and Demographic Research's website,
- 589 and a per capita annual income that is less than the state's per
- 590 capita annual income as shown in the most recent release from
- 591 the Bureau of the Census of the United States Department of
- 592 Commerce that includes both measurements; ~~or~~
- 593 2. A county that has a population of 50,000 or fewer,
- 594 according to the most recent April 1 population estimates posted
- 595 on the Office of Economic and Demographic Research's website,
- 596 and a per capita annual income that is less than the state's per
- 597 capita annual income as shown in the most recent release from
- 598 the Bureau of the Census of the United States Department of
- 599 Commerce that includes both measurements; or
- 600 3. A municipality or county that has a per capita annual
- 601 income that is equal to or less than 75 percent of the state's

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602 per capita annual income as shown in the most recent release
603 from the Bureau of the Census of the United States Department of
604 Commerce.

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

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

612 1. Aesthetic vegetation.

613 2. Recreational structures such as piers, docks, and
614 boardwalks.

615 3. Water quality components of stormwater and wastewater
616 management systems, except for expenses to mitigate water
617 quality impacts caused by the project or expenses related to
618 water quality which are necessary to obtain a permit for the
619 project.

620 4. Maintenance and repair of over-walks.

621 5. Park activities and facilities, except expenses to
622 control flooding or erosion.

623 6. Navigation construction, operation, and maintenance
624 activities.

625 7. Projects that provide only recreational benefits.

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

630 1. Tier 1 must account for 40 percent of the total score

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631 and consist of all of the following criteria:

632 a. The degree to which the project addresses the risks
633 posed by flooding and sea level rise identified in the local
634 government vulnerability assessments or the comprehensive
635 statewide flood vulnerability and sea level rise assessment, as
636 applicable.

637 b. The degree to which the project addresses risks to
638 regionally significant assets.

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

641 d. The degree to which the project contributes to existing
642 flooding mitigation projects that reduce upland damage costs by
643 incorporating new or enhanced structures or restoration and
644 revegetation projects.

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

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

649 b. The overall readiness of the project to proceed in a
650 timely manner, considering the project's readiness for the
651 construction phase of development, the status of required
652 permits, the status of any needed easement acquisition, and the
653 availability of local funding sources.

654 c. The environmental habitat enhancement or inclusion of
655 nature-based options for resilience, with priority given to
656 state or federal critical habitat areas for threatened or
657 endangered species.

658 d. The cost-effectiveness of the project.

659 3. Tier 3 must account for 20 percent of the total score

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660 and consist of all of the following criteria:

661 a. The availability of local, state, and federal matching
662 funds, considering the status of the funding award, and federal
663 authorization, if applicable.

664 b. Previous state commitment and involvement in the
665 project, considering previously funded phases, the total amount
666 of previous state funding, and previous partial appropriations
667 for the proposed project.

668 c. The exceedance of the flood-resistant construction
669 requirements of the Florida Building Code and applicable flood
670 plain management regulations.

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

673 a. The proposed innovative technologies designed to reduce
674 project costs and provide regional collaboration.

675 b. The extent to which the project assists financially
676 disadvantaged communities.

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

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

687 (6) REGIONAL RESILIENCE ENTITIES.—Subject to specific
688 legislative appropriation, the department may provide funding

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689 for all of the following purposes to regional entities,
690 including regional planning councils and estuary partnerships,
691 that are established by general purpose local governments and
692 whose responsibilities include planning for the resilience needs
693 of communities and coordinating intergovernmental solutions to
694 mitigate adverse impacts of flooding and sea level rise:

695 (a) Providing technical assistance to counties and
696 municipalities.

697 (b) Coordinating and conducting activities authorized by
698 subsection (3) with broad regional benefit or on behalf of
699 multiple member counties and municipalities ~~multijurisdictional~~
700 ~~vulnerability assessments.~~

701 (c) Developing project proposals to be submitted for
702 inclusion in the Statewide Flooding and Sea Level Rise
703 Resilience Plan.

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

706 381.0061 Administrative fines.—

707 (1) In addition to any administrative action authorized by
708 chapter 120 or by other law, the department may impose a fine,
709 which may not exceed \$500 for each violation, for a violation of
710 s. 381.006(15) or, s. 381.0065, s. 381.0066, s. 381.0072, ~~or~~
711 ~~part III of chapter 489,~~ for a violation of any rule adopted by
712 the department under this chapter, or for a violation of chapter
713 386 not involving onsite sewage treatment and disposal systems.
714 The department shall give an alleged violator a notice of intent
715 to impose such fine shall be given by the department to the
716 ~~alleged violator.~~ Each day that a violation continues may
717 constitute a separate violation.

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718 Section 6. The Legislature intends that the transfer of the
719 regulation of the Onsite Sewage Program from the Department of
720 Health to the Department of Environmental Protection, as
721 required by the Clean Waterways Act, chapter 2020-150, Laws of
722 Florida, be completed in a phased approach.

723 (1) Before the phased transfer, the Department of
724 Environmental Protection shall coordinate with the Department of
725 Health to identify equipment and vehicles that were previously
726 used to carry out the program in each county and that are no
727 longer needed for such purpose. The Department of Health shall
728 transfer the agreed-upon equipment and vehicles to the
729 Department of Environmental Protection, to the extent that each
730 county agrees to relinquish ownership of such equipment and
731 vehicles to the Department of Health.

732 (2) When the Department of Environmental Protection begins
733 implementing the program within a county, the Department of
734 Health may no longer implement or collect fees for the program
735 unless specified by separate delegation or contract with the
736 Department of Environmental Protection.

737 Section 7. Paragraph (h) of subsection (3) and subsections
738 (5) and (7) of section 381.0065, Florida Statutes, are amended,
739 paragraph (o) is added to subsection (3) of that section, and
740 subsection (9) is added to that section, to read:

741 381.0065 Onsite sewage treatment and disposal systems;
742 regulation.—

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

745 (h) Conduct enforcement activities in accordance with part
746 I of chapter 403, including imposing fines, issuing citations,

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747 ~~suspensions, revocations, injunctions, and emergency orders~~ for
748 violations of this section, part I of chapter 386, or part III
749 of chapter 489 or for a violation of any rule adopted by the
750 department under this section, part I of chapter 386, or part
751 III of chapter 489. All references to part I of chapter 386 in
752 this section relate solely to nuisances involving improperly
753 built or maintained septic tanks or other onsite sewage
754 treatment and disposal systems, and untreated or improperly
755 treated or transported waste from onsite sewage treatment and
756 disposal systems. The department shall have all the duties and
757 authorities of the Department of Health in part I of chapter 386
758 for nuisances involving onsite sewage treatment and disposal
759 systems. The department's authority under part I of chapter 386
760 is in addition to and may be pursued independently of or
761 simultaneously with the enforcement remedies provided under this
762 section and chapter 403.

763 (o) Adopt rules establishing and implementing a program of
764 general permits for this section for projects, or categories of
765 projects, which have, individually or cumulatively, a minimal
766 adverse impact on public health or the environment. Such rules
767 must:

768 1. Specify design or performance criteria which, if
769 applied, would result in compliance with appropriate standards;
770 and

771 2. Authorize a person who complies with the general permit
772 eligibility requirements to use the permit 30 days after giving
773 notice to the department without any agency action by the
774 department. Within the 30-day notice period, the department
775 shall determine whether the activity qualifies for a general

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776 permit. If the activity does not qualify or the notice does not
 777 contain all the required information, the department must notify
 778 the person.

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

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

796 (b) ~~1.~~ The department has all of the judicial and
 797 administrative remedies available to it pursuant to part I of
 798 chapter 403 ~~may issue citations that may contain an order of~~
 799 ~~correction or an order to pay a fine, or both, for violations of~~
 800 ss. 381.0065-381.0067, part I of chapter 386, or part III of
 801 chapter 489 or the rules adopted by the department, ~~when a~~
 802 ~~violation of these sections or rules is enforceable by an~~
 803 ~~administrative or civil remedy, or when a violation of these~~
 804 ~~sections or rules is a misdemeanor of the second degree. A~~

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805 ~~citation issued under ss. 381.0065-381.0067, part I of chapter~~
806 ~~386, or part III of chapter 489 constitutes a notice of proposed~~
807 ~~agency action.~~

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

811 ~~3. The fines imposed by a citation issued by the department~~
812 ~~may not exceed \$500 for each violation. Each day the violation~~
813 ~~exists constitutes a separate violation for which a citation may~~
814 ~~be issued.~~

815 ~~4. The department shall inform the recipient, by written~~
816 ~~notice pursuant to ss. 120.569 and 120.57, of the right to an~~
817 ~~administrative hearing to contest the citation within 21 days~~
818 ~~after the date the citation is received. The citation must~~
819 ~~contain a conspicuous statement that if the recipient fails to~~
820 ~~pay the fine within the time allowed, or fails to appear to~~
821 ~~contest the citation after having requested a hearing, the~~
822 ~~recipient has waived the recipient's right to contest the~~
823 ~~citation and must pay an amount up to the maximum fine.~~

824 ~~5. The department may reduce or waive the fine imposed by~~
825 ~~the citation. In determining whether to reduce or waive the~~
826 ~~fine, the department must consider the gravity of the violation,~~
827 ~~the person's attempts at correcting the violation, and the~~
828 ~~person's history of previous violations including violations for~~
829 ~~which enforcement actions were taken under ss. 381.0065-~~
830 ~~381.0067, part I of chapter 386, part III of chapter 489, or~~
831 ~~other provisions of law or rule.~~

832 ~~6. Any person who willfully refuses to sign and accept a~~
833 ~~citation issued by the department commits a misdemeanor of the~~

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834 ~~second degree, punishable as provided in s. 775.082 or s.~~
835 ~~775.083.~~

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

842 ~~8. This section provides an alternative means of enforcing~~
843 ~~ss. 381.0065-381.0067, part I of chapter 386, and part III of~~
844 ~~chapter 489. This section does not prohibit the department from~~
845 ~~enforcing ss. 381.0065-381.0067, part I of chapter 386, or part~~
846 ~~III of chapter 489, or its rules, by any other means. However,~~
847 ~~the department must elect to use only a single method of~~
848 ~~enforcement for each violation.~~

849 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
850 TREATMENT AND DISPOSAL SYSTEMS.-To meet the requirements of a
851 total maximum daily load, the department shall implement a fast-
852 track approval process of no longer than 6 months for the
853 determination of the use of American National Standards
854 Institute 245 systems approved by NSF International before July
855 1, 2020. The department shall also establish an enhanced
856 nutrient-reducing onsite sewage treatment and disposal system
857 approval program that will expeditiously evaluate and approve
858 such systems for use in this state to comply with ss.
859 403.067(7)(a)10. and 373.469(3)(d).

860 (9) CONTRACT OR DELEGATION AUTHORITY.-The department may
861 contract with or delegate its powers and duties under this
862 section to a county as provided in s. 403.061 or s. 403.182.

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

865 381.0066 Onsite sewage treatment and disposal systems;
866 fees.—

867 (2) The minimum fees in the following fee schedule apply
868 until changed by rule by the department within the following
869 limits:

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

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

878 (c) Biennial operating permit for aerobic treatment units
879 or performance-based treatment systems: a fee of not more than
880 \$100.

881 (d) Annual operating permit for systems located in areas
882 zoned for industrial manufacturing or equivalent uses or where
883 the system is expected to receive wastewater which is not
884 domestic in nature: a fee of not less than \$150, or more than
885 \$300.

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

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

891 (g) Application for variance: a fee of not less than \$150,

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892 or more than \$300.

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

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

899 (j) Reinspection fee per visit for site inspection after
900 system construction approval or for noncompliant system
901 installation per site visit: a fee of not less than \$25, or more
902 than \$100.

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

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

913

914 The funds collected pursuant to this subsection for the
915 implementation of onsite sewage treatment and disposal system
916 regulation and for the purposes of ss. 381.00655 and 381.0067,
917 subsequent to any phased transfer of implementation from the
918 Department of Health to the department within any county
919 pursuant to s. 381.0065, must be deposited in the Florida Permit
920 Fee Trust Fund under s. 403.0871, to be administered by the

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921 ~~department a trust fund administered by the department, to be~~
922 ~~used for the purposes stated in this section and ss. 381.0065~~
923 ~~and 381.00655.~~

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

926 403.061 Department; powers and duties.—The department shall
927 have the power and the duty to control and prohibit pollution of
928 air and water in accordance with the law and rules adopted and
929 promulgated by it and, for this purpose, to:

930 (4) Secure necessary scientific, technical, research,
931 administrative, and operational services by interagency
932 agreement, by contract, or otherwise. All state agencies and
933 counties, upon direction of the department, shall make these
934 services and facilities available.

935

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

940 Section 10. Subsections (1), (2), (14), and (15) of section
941 403.064, Florida Statutes, are amended to read:

942 403.064 Reuse of reclaimed water.—

943 (1) The encouragement and promotion of water conservation,
944 and reuse of reclaimed water, as defined by the department, are
945 state objectives and are considered to be in the public
946 interest. The Legislature finds that the reuse of reclaimed
947 water is a critical component of meeting the state's existing
948 and future water supply needs while sustaining natural systems
949 and encouraging its best and most beneficial use. The

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950 Legislature further finds that for those wastewater treatment
951 plants permitted and operated under an approved reuse program by
952 the department, the reclaimed water shall be considered
953 environmentally acceptable and not a threat to public health and
954 safety. The Legislature encourages the development of incentive-
955 based programs for reuse implementation.

956 (2) All applicants for permits to construct or operate a
957 domestic wastewater treatment facility ~~located within, serving a~~
958 ~~population located within, or discharging within a water~~
959 ~~resource caution area~~ shall prepare a reuse feasibility study as
960 part of their application for the permit. Reuse feasibility
961 studies must ~~shall~~ be prepared in accordance with department
962 guidelines adopted by rule and shall include, but are not
963 limited to:

964 (a) Evaluation of monetary costs and benefits for several
965 levels and types of reuse.

966 (b) Evaluation of the estimated water savings resulting
967 from different types of reuse, if reuse, if is implemented.

968 (c) Evaluation of rates and fees necessary to implement
969 reuse.

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

972 (e) Evaluation of economic, environmental, and technical
973 constraints associated with the different types of reuse,
974 including any constraints caused by potential water quality
975 impacts.

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

978 (14) After conducting a feasibility study under subsection

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

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

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

998 ~~(15) After conducting a feasibility study under subsection~~
999 ~~(2), domestic wastewater treatment facilities that dispose of~~
1000 ~~effluent by surface water discharges or by land application~~
1001 ~~methods must implement reuse to the degree that reuse is~~
1002 ~~feasible, based upon the applicant's reuse feasibility study.~~
1003 This subsection does not apply to surface water discharges or
1004 land application systems which are currently categorized as
1005 reuse under department rules. ~~Applicable permits issued by the~~
1006 ~~department shall be consistent with the requirements of this~~
1007 ~~subsection.~~

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1008 ~~(a) This subsection does not limit the use of a surface~~
1009 ~~water discharge or land application facility as backup for a~~
1010 ~~reclaimed water reuse system.~~

1011 ~~(b) This subsection applies only to domestic wastewater~~
1012 ~~treatment facilities located within, serving a population~~
1013 ~~located within, or discharging within a water resource caution~~
1014 ~~area.~~

1015 Section 11. Paragraph (a) of subsection (7) of section
1016 403.067, Florida Statutes, is amended to read:

1017 403.067 Establishment and implementation of total maximum
1018 daily loads.—

1019 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1020 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1021 (a) *Basin management action plans.*—

1022 1. In developing and implementing the total maximum daily
1023 load for a waterbody, the department, or the department in
1024 conjunction with a water management district, may develop a
1025 basin management action plan that addresses some or all of the
1026 watersheds and basins tributary to the waterbody. Such plan must
1027 integrate the appropriate management strategies available to the
1028 state through existing water quality protection programs to
1029 achieve the total maximum daily loads and may provide for phased
1030 implementation of these management strategies to promote timely,
1031 cost-effective actions as provided for in s. 403.151. The plan
1032 must establish a schedule implementing the management
1033 strategies, establish a basis for evaluating the plan's
1034 effectiveness, and identify feasible funding strategies for
1035 implementing the plan's management strategies. The management
1036 strategies may include regional treatment systems or other

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1037 public works, when appropriate, and voluntary trading of water
1038 quality credits to achieve the needed pollutant load reductions.

1039 2. A basin management action plan must equitably allocate,
1040 pursuant to paragraph (6) (b), pollutant reductions to individual
1041 basins, as a whole to all basins, or to each identified point
1042 source or category of nonpoint sources, as appropriate. For
1043 nonpoint sources for which best management practices have been
1044 adopted, the initial requirement specified by the plan must be
1045 those practices developed pursuant to paragraph (c). When
1046 appropriate, the plan may take into account the benefits of
1047 pollutant load reduction achieved by point or nonpoint sources
1048 that have implemented management strategies to reduce pollutant
1049 loads, including best management practices, before the
1050 development of the basin management action plan. The plan must
1051 also identify the mechanisms that will address potential future
1052 increases in pollutant loading.

1053 3. The basin management action planning process is intended
1054 to involve the broadest possible range of interested parties,
1055 with the objective of encouraging the greatest amount of
1056 cooperation and consensus possible. In developing a basin
1057 management action plan, the department shall assure that key
1058 stakeholders, including, but not limited to, applicable local
1059 governments, water management districts, the Department of
1060 Agriculture and Consumer Services, other appropriate state
1061 agencies, local soil and water conservation districts,
1062 environmental groups, regulated interests, and affected
1063 pollution sources, are invited to participate in the process.
1064 The department shall hold at least one public meeting in the
1065 vicinity of the watershed or basin to discuss and receive

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1066 comments during the planning process and shall otherwise
1067 encourage public participation to the greatest practicable
1068 extent. Notice of the public meeting must be published in a
1069 newspaper of general circulation in each county in which the
1070 watershed or basin lies at least 5 days, but not more than 15
1071 days, before the public meeting. A basin management action plan
1072 does not supplant or otherwise alter any assessment made under
1073 subsection (3) or subsection (4) or any calculation or initial
1074 allocation.

1075 4. Each new or revised basin management action plan must
1076 include all of the following:

1077 a. The appropriate management strategies available through
1078 existing water quality protection programs to achieve total
1079 maximum daily loads, which may provide for phased implementation
1080 to promote timely, cost-effective actions as provided for in s.
1081 403.151.

1082 b. A description of best management practices adopted by
1083 rule.

1084 c. For the applicable 5-year implementation milestone, a
1085 list of projects that will achieve the pollutant load reductions
1086 needed to meet the total maximum daily load or the load
1087 allocations established pursuant to subsection (6). Each project
1088 must include a planning-level cost estimate and an estimated
1089 date of completion.

1090 d. A list of projects developed pursuant to paragraph (e),
1091 if applicable.

1092 e. The source and amount of financial assistance to be made
1093 available by the department, a water management district, or
1094 other entity for each listed project, if applicable.

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1095 f. A planning-level estimate of each listed project's
1096 expected load reduction, if applicable.

1097 5. The department shall adopt all or any part of a basin
1098 management action plan and any amendment to such plan by
1099 secretarial order pursuant to chapter 120 to implement this
1100 section.

1101 6. The basin management action plan must include 5-year
1102 milestones for implementation and water quality improvement, and
1103 an associated water quality monitoring component sufficient to
1104 evaluate whether reasonable progress in pollutant load
1105 reductions is being achieved over time. An assessment of
1106 progress toward these milestones shall be conducted every 5
1107 years, and revisions to the plan shall be made as appropriate.
1108 Any entity with a specific pollutant load reduction requirement
1109 established in a basin management action plan shall identify the
1110 projects or strategies that such entity will undertake to meet
1111 current 5-year pollution reduction milestones, beginning with
1112 the first 5-year milestone for new basin management action
1113 plans, and submit such projects to the department for inclusion
1114 in the appropriate basin management action plan. Each project
1115 identified must include an estimated amount of nutrient
1116 reduction that is reasonably expected to be achieved based on
1117 the best scientific information available. Revisions to the
1118 basin management action plan shall be made by the department in
1119 cooperation with basin stakeholders. Revisions to the management
1120 strategies required for nonpoint sources must follow the
1121 procedures in subparagraph (c)4. Revised basin management action
1122 plans must be adopted pursuant to subparagraph 5.

1123 7. In accordance with procedures adopted by rule under

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1124 paragraph (9)(c), basin management action plans, and other
1125 pollution control programs under local, state, or federal
1126 authority as provided in subsection (4), may allow point or
1127 nonpoint sources that will achieve greater pollutant reductions
1128 than required by an adopted total maximum daily load or
1129 wasteload allocation to generate, register, and trade water
1130 quality credits for the excess reductions to enable other
1131 sources to achieve their allocation; however, the generation of
1132 water quality credits does not remove the obligation of a source
1133 or activity to meet applicable technology requirements or
1134 adopted best management practices. Such plans must allow trading
1135 between NPDES permittees, and trading that may or may not
1136 involve NPDES permittees, where the generation or use of the
1137 credits involve an entity or activity not subject to department
1138 water discharge permits whose owner voluntarily elects to obtain
1139 department authorization for the generation and sale of credits.

1140 8. The department's rule relating to the equitable
1141 abatement of pollutants into surface waters do not apply to
1142 water bodies or waterbody segments for which a basin management
1143 plan that takes into account future new or expanded activities
1144 or discharges has been adopted under this section.

1145 9. In order to promote resilient wastewater utilities, if
1146 the department identifies domestic wastewater treatment
1147 facilities or onsite sewage treatment and disposal systems as
1148 contributors of at least 20 percent of point source or nonpoint
1149 source nutrient pollution or if the department determines
1150 remediation is necessary to achieve the total maximum daily
1151 load, a basin management action plan for a nutrient total
1152 maximum daily load must include the following:

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1153 a. A domestic wastewater treatment plan developed by each
1154 local government, in cooperation with the department, the water
1155 management district, and the public and private domestic
1156 wastewater treatment facilities providing services or located
1157 within the jurisdiction of the local government, which ~~that~~
1158 addresses domestic wastewater. Private domestic wastewater
1159 facilities and special districts providing domestic wastewater
1160 services must provide the required wastewater facility
1161 information to the applicable local governments. The domestic
1162 wastewater treatment plan must:

1163 (I) Provide for construction, expansion, or upgrades
1164 necessary to achieve the total maximum daily load requirements
1165 applicable to the domestic wastewater treatment facility.

1166 (II) Include the permitted capacity in average annual
1167 gallons per day for the domestic wastewater treatment facility;
1168 the average nutrient concentration and the estimated average
1169 nutrient load of the domestic wastewater; a projected timeline
1170 of the dates by which the construction of any facility
1171 improvements will begin and be completed and the date by which
1172 operations of the improved facility will begin; the estimated
1173 cost of the improvements; and the identity of responsible
1174 parties.

1175
1176 The domestic wastewater treatment plan must be adopted as part
1177 of the basin management action plan no later than July 1, 2025.
1178 A local government that does not have a domestic wastewater
1179 treatment facility in its jurisdiction is not required to
1180 develop a domestic wastewater treatment plan unless there is a
1181 demonstrated need to establish a domestic wastewater treatment

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1182 facility within its jurisdiction to improve water quality
1183 necessary to achieve a total maximum daily load. A local
1184 government is not responsible for a private domestic wastewater
1185 facility's compliance with a basin management action plan unless
1186 such facility is operated through a public-private partnership
1187 to which the local government is a party.

1188 b. An onsite sewage treatment and disposal system
1189 remediation plan developed by each local government in
1190 cooperation with the department, the Department of Health, water
1191 management districts, and public and private domestic wastewater
1192 treatment facilities.

1193 (I) The onsite sewage treatment and disposal system
1194 remediation plan must identify cost-effective and financially
1195 feasible projects necessary to achieve the nutrient load
1196 reductions required for onsite sewage treatment and disposal
1197 systems. To identify cost-effective and financially feasible
1198 projects for remediation of onsite sewage treatment and disposal
1199 systems, the local government shall:

1200 (A) Include an inventory of onsite sewage treatment and
1201 disposal systems based on the best information available;

1202 (B) Identify onsite sewage treatment and disposal systems
1203 that would be eliminated through connection to existing or
1204 future central domestic wastewater infrastructure in the
1205 jurisdiction or domestic wastewater service area of the local
1206 government, that would be replaced with or upgraded to enhanced
1207 nutrient-reducing onsite sewage treatment and disposal systems,
1208 or that would remain on conventional onsite sewage treatment and
1209 disposal systems;

1210 (C) Estimate the costs of potential onsite sewage treatment

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1211 and disposal system connections, upgrades, or replacements; and

1212 (D) Identify deadlines and interim milestones for the
1213 planning, design, and construction of projects.

1214 (II) The department shall adopt the onsite sewage treatment
1215 and disposal system remediation plan as part of the basin
1216 management action plan no later than July 1, 2025, or as
1217 required for Outstanding Florida Springs under s. 373.807.

1218 10. The installation of new onsite sewage treatment and
1219 disposal systems constructed within a basin management action
1220 plan area adopted under this section, a reasonable assurance
1221 plan, or a pollution reduction plan is prohibited where
1222 connection to a publicly owned or investor-owned sewerage system
1223 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1224 or less within a basin management action plan adopted under this
1225 section, a reasonable assurance plan, or a pollution reduction
1226 plan where a publicly owned or investor-owned sewerage system is
1227 not available, the installation of enhanced nutrient-reducing
1228 onsite sewage treatment and disposal systems or other wastewater
1229 treatment systems that achieve at least 65 percent nitrogen
1230 reduction is required.

1231 11. When identifying wastewater projects in a basin
1232 management action plan, the department may not require the
1233 higher cost option if it achieves the same nutrient load
1234 reduction as a lower cost option. A regulated entity may choose
1235 a different cost option if it complies with the pollutant
1236 reduction requirements of an adopted total maximum daily load
1237 and meets or exceeds the pollution reduction requirement of the
1238 original project.

1239 12. Annually, local governments subject to a basin

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1240 management action plan or located within the basin of a
1241 waterbody not attaining nutrient or nutrient-related standards
1242 must provide to the department an update on the status of
1243 construction of sanitary sewers to serve such areas, in a manner
1244 prescribed by the department.

1245 Section 12. Paragraph (f) of subsection (2) and subsection
1246 (7) of section 403.0673, Florida Statutes, are amended, and
1247 subsection (8) is added to that section, to read:

1248 403.0673 Water quality improvement grant program.—A grant
1249 program is established within the Department of Environmental
1250 Protection to address wastewater, stormwater, and agricultural
1251 sources of nutrient loading to surface water or groundwater.

1252 (2) The department may provide grants for all of the
1253 following types of projects that reduce the amount of nutrients
1254 entering those waterbodies identified in subsection (1):

1255 (f) Projects identified in a domestic wastewater treatment
1256 plan or an onsite sewage treatment and disposal system
1257 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and
1258 b.

1259 (7) Beginning January 15, 2024, and each January 15
1260 thereafter, the department shall submit a report regarding the
1261 projects funded pursuant to this section to the Governor, the
1262 President of the Senate, and the Speaker of the House of
1263 Representatives.

1264 (a) The report must include a list of those projects
1265 receiving funding and the following information for each
1266 project:

1267 1.(a) A description of the project;

1268 2.(b) The cost of the project;

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1269 3.~~(e)~~ The estimated nutrient load reduction of the project;

1270 4.~~(d)~~ The location of the project;

1271 5.~~(e)~~ The waterbody or waterbodies where the project will
1272 reduce nutrients; and

1273 6.~~(f)~~ The total cost share being provided for the project.

1274 (b) The report must also include a status report on each
1275 project funded since 2021. The status report must, at a minimum,
1276 identify which projects have been completed and, if such
1277 information is available, provide nutrient load improvements or
1278 water quality testing data for the waterbody.

1279 (8) By July 1, 2025, the department must include the
1280 projects funded pursuant to this section on a user-friendly
1281 website or dashboard. The website or dashboard must allow the
1282 user to see the information provided in subsection (7) and must
1283 be updated at least annually.

1284 Section 13. Paragraph (c) of subsection (1) of section
1285 403.086, Florida Statutes, is amended to read:

1286 403.086 Sewage disposal facilities; advanced and secondary
1287 waste treatment.—

1288 (1)

1289 (c)1. Notwithstanding this chapter or chapter 373, sewage
1290 disposal facilities may not dispose any wastes into the
1291 following waters without providing advanced waste treatment, as
1292 defined in subsection (4), as approved by the department or a
1293 more stringent treatment standard if the department determines
1294 the more stringent standard is necessary to achieve the total
1295 maximum daily load or applicable water quality criteria:

1296 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega
1297 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little

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1298 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
1299 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
1300 sound, or other water tributary thereto.

1301 b. Beginning July 1, 2025, Indian River Lagoon, or any
1302 river, stream, channel, canal, bay, bayou, sound, or other water
1303 tributary thereto.

1304 c. By January 1, 2033, waterbodies that are currently not
1305 attaining nutrient or nutrient-related standards or that are
1306 subject to a nutrient or nutrient-related basin management
1307 action plan adopted pursuant to s. 403.067 or adopted reasonable
1308 assurance plan.

1309 2. For any waterbody determined not to be attaining
1310 nutrient or nutrient-related standards after July 1, 2023, or
1311 subject to a nutrient or nutrient-related basin management
1312 action plan adopted pursuant to s. 403.067 or adopted reasonable
1313 assurance plan after July 1, 2023, sewage disposal facilities
1314 are prohibited from disposing any wastes into such waters
1315 without providing advanced waste treatment, as defined in
1316 subsection (4), as approved by the department within 10 years
1317 after such determination or adoption.

1318 3. By July 1, 2034, any wastewater treatment facility
1319 providing reclaimed water that will be used for commercial or
1320 residential irrigation or be otherwise land applied within a
1321 nutrient basin management action plan or a reasonable assurance
1322 plan area must meet the advanced waste treatment standards for
1323 total nitrogen and total phosphorous as defined in paragraph
1324 (4) (a) if the department has determined in an applicable basin
1325 management action plan or reasonable assurance plan that the use
1326 of reclaimed water as described in this subparagraph is causing

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1327 or contributing to the nutrient impairment being addressed in
1328 such plan. For such department determinations made in a nutrient
1329 basin management action plan or reasonable assurance plan after
1330 July 1, 2024, an applicable wastewater treatment facility must
1331 meet the requisite advanced waste treatment standards described
1332 in this subparagraph within 10 years after such determination.
1333 This subparagraph does not prevent the department from requiring
1334 an alternative treatment standard, including a more stringent
1335 treatment standard, if the department determines the alternative
1336 standard is necessary to achieve the total maximum daily load or
1337 applicable water quality criteria. This subparagraph does not
1338 apply to reclaimed water that is otherwise land applied as part
1339 of a water quality restoration project or water resource
1340 development project approved by the department or water
1341 management district to meet a total maximum daily load or
1342 minimum flow or level and where such reclaimed water will be at
1343 or below the advanced waste treatment standards described above
1344 prior to entering groundwater or surface water.

1345 Section 14. Section 403.121, Florida Statutes, is amended
1346 to read:

1347 403.121 Enforcement; procedure; remedies.—The department
1348 shall have the following judicial and administrative remedies
1349 available to it for violations of this chapter, as specified in
1350 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for
1351 purposes of onsite sewage treatment and disposal systems, part
1352 III of chapter 489, or any rule promulgated thereunder.

1353 (1) Judicial remedies:

1354 (a) The department may institute a civil action in a court
1355 of competent jurisdiction to establish liability and to recover

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1356 damages for any injury to the air, waters, or property,
1357 including animal, plant, and aquatic life, of the state caused
1358 by any violation.

1359 (b) The department may institute a civil action in a court
1360 of competent jurisdiction to impose and to recover a civil
1361 penalty for each violation in an amount of not more than \$15,000
1362 per offense. However, the court may receive evidence in
1363 mitigation. Each day during any portion of which such violation
1364 occurs constitutes a separate offense.

1365 (c) Except as provided in paragraph (2)(c), it is not a
1366 defense to, or ground for dismissal of, these judicial remedies
1367 for damages and civil penalties that the department has failed
1368 to exhaust its administrative remedies, has failed to serve a
1369 notice of violation, or has failed to hold an administrative
1370 hearing before the institution of a civil action.

1371 (2) Administrative remedies:

1372 (a) The department may institute an administrative
1373 proceeding to establish liability and to recover damages for any
1374 injury to the air, waters, or property, including animal, plant,
1375 or aquatic life, of the state caused by any violation. The
1376 department may order that the violator pay a specified sum as
1377 damages to the state. Judgment for the amount of damages
1378 determined by the department may be entered in any court having
1379 jurisdiction thereof and may be enforced as any other judgment.

1380 (b) If the department has reason to believe a violation has
1381 occurred, it may institute an administrative proceeding to order
1382 the prevention, abatement, or control of the conditions creating
1383 the violation or other appropriate corrective action. Except for
1384 violations involving hazardous wastes, asbestos, or underground

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1385 injection, the department shall proceed administratively in all
1386 cases in which the department seeks administrative penalties
1387 that do not exceed \$50,000 per assessment as calculated in
1388 accordance with subsections (3), (4), (5), (6), and (7).
1389 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
1390 assessed pursuant to subsection (3), subsection (4), or
1391 subsection (5) against a public water system serving a
1392 population of more than 10,000 may not be less than \$1,000 per
1393 day per violation. The department may not impose administrative
1394 penalties in excess of \$50,000 in a notice of violation. The
1395 department may not have more than one notice of violation
1396 seeking administrative penalties pending against the same party
1397 at the same time unless the violations occurred at a different
1398 site or the violations were discovered by the department
1399 subsequent to the filing of a previous notice of violation.

1400 (c) An administrative proceeding shall be instituted by the
1401 department's serving of a written notice of violation upon the
1402 alleged violator by certified mail. If the department is unable
1403 to effect service by certified mail, the notice of violation may
1404 be hand delivered or personally served in accordance with
1405 chapter 48. The notice shall specify the law, rule, regulation,
1406 permit, certification, or order of the department alleged to be
1407 violated and the facts alleged to constitute a violation
1408 thereof. An order for corrective action, penalty assessment, or
1409 damages may be included with the notice. When the department is
1410 seeking to impose an administrative penalty for any violation by
1411 issuing a notice of violation, any corrective action needed to
1412 correct the violation or damages caused by the violation must be
1413 pursued in the notice of violation or they are waived. However,

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1414 an order is not effective until after service and an
1415 administrative hearing, if requested within 20 days after
1416 service. Failure to request an administrative hearing within
1417 this time period constitutes a waiver thereof, unless the
1418 respondent files a written notice with the department within
1419 this time period opting out of the administrative process
1420 initiated by the department to impose administrative penalties.
1421 Any respondent choosing to opt out of the administrative process
1422 initiated by the department in an action that seeks the
1423 imposition of administrative penalties must file a written
1424 notice with the department within 20 days after service of the
1425 notice of violation opting out of the administrative process. A
1426 respondent's decision to opt out of the administrative process
1427 does not preclude the department from initiating a state court
1428 action seeking injunctive relief, damages, and the judicial
1429 imposition of civil penalties.

1430 (d) If a person timely files a petition challenging a
1431 notice of violation, that person will thereafter be referred to
1432 as the respondent. The hearing requested by the respondent shall
1433 be held within 180 days after the department has referred the
1434 initial petition to the Division of Administrative Hearings
1435 unless the parties agree to a later date. The department has the
1436 burden of proving with the preponderance of the evidence that
1437 the respondent is responsible for the violation. Administrative
1438 penalties should not be imposed unless the department satisfies
1439 that burden. Following the close of the hearing, the
1440 administrative law judge shall issue a final order on all
1441 matters, including the imposition of an administrative penalty.
1442 When the department seeks to enforce that portion of a final

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1443 order imposing administrative penalties pursuant to s. 120.69,
1444 the respondent may not assert as a defense the inappropriateness
1445 of the administrative remedy. The department retains its final-
1446 order authority in all administrative actions that do not
1447 request the imposition of administrative penalties.

1448 (e) After filing a petition requesting a formal hearing in
1449 response to a notice of violation in which the department
1450 imposes an administrative penalty, a respondent may request that
1451 a private mediator be appointed to mediate the dispute by
1452 contacting the Florida Conflict Resolution Consortium within 10
1453 days after receipt of the initial order from the administrative
1454 law judge. The Florida Conflict Resolution Consortium shall pay
1455 all of the costs of the mediator and for up to 8 hours of the
1456 mediator's time per case at \$150 per hour. Upon notice from the
1457 respondent, the Florida Conflict Resolution Consortium shall
1458 provide to the respondent a panel of possible mediators from the
1459 area in which the hearing on the petition would be heard. The
1460 respondent shall select the mediator and notify the Florida
1461 Conflict Resolution Consortium of the selection within 15 days
1462 of receipt of the proposed panel of mediators. The Florida
1463 Conflict Resolution Consortium shall provide all of the
1464 administrative support for the mediation process. The mediation
1465 must be completed at least 15 days before the final hearing date
1466 set by the administrative law judge.

1467 (f) In any administrative proceeding brought by the
1468 department, the prevailing party shall recover all costs as
1469 provided in ss. 57.041 and 57.071. The costs must be included in
1470 the final order. The respondent is the prevailing party when an
1471 order is entered awarding no penalties to the department and

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1472 such order has not been reversed on appeal or the time for
1473 seeking judicial review has expired. The respondent is entitled
1474 to an award of attorney fees if the administrative law judge
1475 determines that the notice of violation issued by the department
1476 seeking the imposition of administrative penalties was not
1477 substantially justified as defined in s. 57.111(3)(e). An award
1478 of attorney fees as provided by this subsection may not exceed
1479 \$15,000.

1480 (g) This section does not prevent any other legal or
1481 administrative action in accordance with law and does not limit
1482 the department's authority provided in ss. 403.131, 403.141, and
1483 this section to judicially pursue injunctive relief. When the
1484 department exercises its authority to judicially pursue
1485 injunctive relief, penalties in any amount up to the statutory
1486 maximum sought by the department must be pursued as part of the
1487 state court action and not by initiating a separate
1488 administrative proceeding. The department retains the authority
1489 to judicially pursue penalties in excess of \$50,000 for
1490 violations not specifically included in the administrative
1491 penalty schedule, or for multiple or multiday violations alleged
1492 to exceed a total of \$50,000. The department also retains the
1493 authority provided in ss. 403.131, 403.141, and this section to
1494 judicially pursue injunctive relief and damages, if a notice of
1495 violation seeking the imposition of administrative penalties has
1496 not been issued. The department has the authority to enter into
1497 a settlement, before or after initiating a notice of violation,
1498 and the settlement may include a penalty amount different from
1499 the administrative penalty schedule. Any case filed in state
1500 court because it is alleged to exceed a total of \$50,000 in

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1501 penalties may be settled in the court action for less than
1502 \$50,000.

1503 (h) Chapter 120 applies to any administrative action taken
1504 by the department or any delegated program pursuing
1505 administrative penalties in accordance with this section.

1506 (3) Except for violations involving hazardous wastes,
1507 asbestos, or underground injection, administrative penalties
1508 must be calculated according to the following schedule:

1509 (a) For a drinking water contamination violation, the
1510 department shall assess a penalty of \$3,000 for a Maximum
1511 Containment Level (MCL) violation; plus \$1,500 if the violation
1512 is for a primary inorganic, organic, or radiological Maximum
1513 Contaminant Level or it is a fecal coliform bacteria violation;
1514 plus \$1,500 if the violation occurs at a community water system;
1515 and plus \$1,500 if any Maximum Contaminant Level is exceeded by
1516 more than 100 percent. For failure to obtain a clearance letter
1517 before placing a drinking water system into service when the
1518 system would not have been eligible for clearance, the
1519 department shall assess a penalty of \$4,500.

1520 (b) For failure to obtain a required wastewater permit,
1521 other than a permit required for surface water discharge, or
1522 obtain an onsite sewage treatment and disposal system permit, or
1523 for a violation of s. 381.0065, or the creation of or
1524 maintenance of a nuisance related to an onsite sewage treatment
1525 and disposal system under part I of chapter 386, or for a
1526 violation of part III of chapter 489, or any rule properly
1527 promulgated thereunder, the department shall assess a penalty of
1528 \$2,000. For a domestic or industrial wastewater violation, not
1529 involving a surface water or groundwater quality violation, the

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1530 department shall assess a penalty of \$4,000 for an unpermitted
1531 or unauthorized discharge or effluent-limitation exceedance or
1532 for failure to comply with s. 403.061(14) or s. 403.086(7) or
1533 rules adopted thereunder. For an unpermitted or unauthorized
1534 discharge or effluent-limitation exceedance that resulted in a
1535 surface water or groundwater quality violation, the department
1536 shall assess a penalty of \$10,000. Each day the cause of an
1537 unauthorized discharge of domestic wastewater or sanitary
1538 nuisance is not addressed constitutes a separate offense.

1539 (c) For a dredge and fill or stormwater violation, the
1540 department shall assess a penalty of \$1,500 for unpermitted or
1541 unauthorized dredging or filling or unauthorized construction of
1542 a stormwater management system against the person or persons
1543 responsible for the illegal dredging or filling, or unauthorized
1544 construction of a stormwater management system plus \$3,000 if
1545 the dredging or filling occurs in an aquatic preserve, an
1546 Outstanding Florida Water, a conservation easement, or a Class I
1547 or Class II surface water, plus \$1,500 if the area dredged or
1548 filled is greater than one-quarter acre but less than or equal
1549 to one-half acre, and plus \$1,500 if the area dredged or filled
1550 is greater than one-half acre but less than or equal to one
1551 acre. The administrative penalty schedule does not apply to a
1552 dredge and fill violation if the area dredged or filled exceeds
1553 one acre. The department retains the authority to seek the
1554 judicial imposition of civil penalties for all dredge and fill
1555 violations involving more than one acre. The department shall
1556 assess a penalty of \$4,500 for the failure to complete required
1557 mitigation, failure to record a required conservation easement,
1558 or for a water quality violation resulting from dredging or

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1559 filling activities, stormwater construction activities or
1560 failure of a stormwater treatment facility. For stormwater
1561 management systems serving less than 5 acres, the department
1562 shall assess a penalty of \$3,000 for the failure to properly or
1563 timely construct a stormwater management system. In addition to
1564 the penalties authorized in this subsection, the department
1565 shall assess a penalty of \$7,500 per violation against the
1566 contractor or agent of the owner or tenant that conducts
1567 unpermitted or unauthorized dredging or filling. For purposes of
1568 this paragraph, the preparation or signing of a permit
1569 application by a person currently licensed under chapter 471 to
1570 practice as a professional engineer does not make that person an
1571 agent of the owner or tenant.

1572 (d) For mangrove trimming or alteration violations, the
1573 department shall assess a penalty of \$7,500 per violation
1574 against the contractor or agent of the owner or tenant that
1575 conducts mangrove trimming or alteration without a permit as
1576 required by s. 403.9328. For purposes of this paragraph, the
1577 preparation or signing of a permit application by a person
1578 currently licensed under chapter 471 to practice as a
1579 professional engineer does not make that person an agent of the
1580 owner or tenant.

1581 (e) For solid waste violations, the department shall assess
1582 a penalty of \$3,000 for the unpermitted or unauthorized disposal
1583 or storage of solid waste; plus \$1,000 if the solid waste is
1584 Class I or Class III (excluding yard trash) or if the solid
1585 waste is construction and demolition debris in excess of 20
1586 cubic yards, plus \$1,500 if the waste is disposed of or stored
1587 in any natural or artificial body of water or within 500 feet of

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1588 a potable water well, plus \$1,500 if the waste contains PCB at a
1589 concentration of 50 parts per million or greater; untreated
1590 biomedical waste; friable asbestos greater than 1 cubic meter
1591 which is not wetted, bagged, and covered; used oil greater than
1592 25 gallons; or 10 or more lead acid batteries. The department
1593 shall assess a penalty of \$4,500 for failure to properly
1594 maintain leachate control; unauthorized burning; failure to have
1595 a trained spotter on duty at the working face when accepting
1596 waste; or failure to provide access control for three
1597 consecutive inspections. The department shall assess a penalty
1598 of \$3,000 for failure to construct or maintain a required
1599 stormwater management system.

1600 (f) For an air emission violation, the department shall
1601 assess a penalty of \$1,500 for an unpermitted or unauthorized
1602 air emission or an air-emission-permit exceedance, plus \$4,500
1603 if the emission was from a major source and the source was major
1604 for the pollutant in violation; plus \$1,500 if the emission was
1605 more than 150 percent of the allowable level.

1606 (g) For storage tank system and petroleum contamination
1607 violations, the department shall assess a penalty of \$7,500 for
1608 failure to empty a damaged storage system as necessary to ensure
1609 that a release does not occur until repairs to the storage
1610 system are completed; when a release has occurred from that
1611 storage tank system; for failure to timely recover free product;
1612 or for failure to conduct remediation or monitoring activities
1613 until a no-further-action or site-rehabilitation completion
1614 order has been issued. The department shall assess a penalty of
1615 \$4,500 for failure to timely upgrade a storage tank system. The
1616 department shall assess a penalty of \$3,000 for failure to

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1617 conduct or maintain required release detection; failure to
1618 timely investigate a suspected release from a storage system;
1619 depositing motor fuel into an unregistered storage tank system;
1620 failure to timely assess or remediate petroleum contamination;
1621 or failure to properly install a storage tank system. The
1622 department shall assess a penalty of \$1,500 for failure to
1623 properly operate, maintain, or close a storage tank system.

1624 (4) In an administrative proceeding, in addition to the
1625 penalties that may be assessed under subsection (3), the
1626 department shall assess administrative penalties according to
1627 the following schedule:

1628 (a) For failure to satisfy financial responsibility
1629 requirements or for violation of s. 377.371(1), \$7,500.

1630 (b) For failure to install, maintain, or use a required
1631 pollution control system or device, \$6,000.

1632 (c) For failure to obtain a required permit before
1633 construction or modification, \$4,500.

1634 (d) For failure to conduct required monitoring or testing;
1635 failure to conduct required release detection; or failure to
1636 construct in compliance with a permit, \$3,000.

1637 (e) For failure to maintain required staff to respond to
1638 emergencies; failure to conduct required training; failure to
1639 prepare, maintain, or update required contingency plans; failure
1640 to adequately respond to emergencies to bring an emergency
1641 situation under control; or failure to submit required
1642 notification to the department, \$1,500.

1643 (f) Except as provided in subsection (2) with respect to
1644 public water systems serving a population of more than 10,000,
1645 for failure to prepare, submit, maintain, or use required

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1646 reports or other required documentation, \$750.

1647 (5) Except as provided in subsection (2) with respect to
1648 public water systems serving a population of more than 10,000,
1649 for failure to comply with any other departmental regulatory
1650 statute or rule requirement not otherwise identified in this
1651 section, the department may assess a penalty of \$1,000.

1652 (6) For each additional day during which a violation
1653 occurs, the administrative penalties in subsections (3)-(5) may
1654 be assessed per day per violation.

1655 (7) The history of noncompliance of the violator for any
1656 previous violation resulting in an executed consent order, but
1657 not including a consent order entered into without a finding of
1658 violation, or resulting in a final order or judgment after the
1659 effective date of this law involving the imposition of \$3,000 or
1660 more in penalties shall be taken into consideration in the
1661 following manner:

1662 (a) One previous such violation within 5 years before the
1663 filing of the notice of violation will result in a 25-percent
1664 per day increase in the scheduled administrative penalty.

1665 (b) Two previous such violations within 5 years before the
1666 filing of the notice of violation will result in a 50-percent
1667 per day increase in the scheduled administrative penalty.

1668 (c) Three or more previous such violations within 5 years
1669 before the filing of the notice of violation will result in a
1670 100-percent per day increase in the scheduled administrative
1671 penalty.

1672 (8) The direct economic benefit gained by the violator from
1673 the violation, where consideration of economic benefit is
1674 provided by Florida law or required by federal law as part of a

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1675 federally delegated or approved program, must be added to the
1676 scheduled administrative penalty. The total administrative
1677 penalty, including any economic benefit added to the scheduled
1678 administrative penalty, may not exceed \$15,000.

1679 (9) The administrative penalties assessed for any
1680 particular violation may not exceed \$10,000 against any one
1681 violator, unless the violator has a history of noncompliance,
1682 the economic benefit of the violation as described in subsection
1683 (8) exceeds \$10,000, or there are multiday violations. The total
1684 administrative penalties may not exceed \$50,000 per assessment
1685 for all violations attributable to a specific person in the
1686 notice of violation.

1687 (10) The administrative law judge may receive evidence in
1688 mitigation. The penalties identified in subsections (3)-(5) may
1689 be reduced up to 50 percent by the administrative law judge for
1690 mitigating circumstances, including good faith efforts to comply
1691 before or after discovery of the violations by the department.
1692 Upon an affirmative finding that the violation was caused by
1693 circumstances beyond the reasonable control of the respondent
1694 and could not have been prevented by respondent's due diligence,
1695 the administrative law judge may further reduce the penalty.

1696 (11) Penalties collected pursuant to this section must
1697 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund
1698 or other trust fund designated by statute and shall be used to
1699 fund the restoration of ecosystems, or polluted areas of the
1700 state, as defined by the department, to their condition before
1701 pollution occurred. The Florida Conflict Resolution Consortium
1702 may use a portion of the fund to administer the mediation
1703 process provided in paragraph (2) (e) and to contract with

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1704 private mediators for administrative penalty cases.

1705 (12) The purpose of the administrative penalty schedule and
1706 process is to provide a more predictable and efficient manner
1707 for individuals and businesses to resolve relatively minor
1708 environmental disputes. Subsections (3)-(7) may not be construed
1709 as limiting a state court in the assessment of damages. The
1710 administrative penalty schedule does not apply to the judicial
1711 imposition of civil penalties in state court as provided in this
1712 section.

1713 Section 15. Subsection (1) of section 403.0671, Florida
1714 Statutes, is amended to read:

1715 403.0671 Basin management action plan wastewater reports.—

1716 (1) By July 1, 2021, the department, in coordination with
1717 the county health departments, wastewater treatment facilities,
1718 and other governmental entities, shall submit a report to the
1719 Governor, the President of the Senate, and the Speaker of the
1720 House of Representatives evaluating the costs of wastewater
1721 projects identified in the basin management action plans
1722 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1723 sewage treatment and disposal system remediation plans and other
1724 restoration plans developed to meet the total maximum daily
1725 loads required under s. 403.067. The report must include all of
1726 the following:

1727 (a) Projects to:

1728 1. Replace onsite sewage treatment and disposal systems
1729 with enhanced nutrient-reducing onsite sewage treatment and
1730 disposal systems.

1731 2. Install or retrofit onsite sewage treatment and disposal
1732 systems with enhanced nutrient-reducing technologies.

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1733 3. Construct, upgrade, or expand domestic wastewater
1734 treatment facilities to meet the domestic wastewater treatment
1735 plan required under s. 403.067(7)(a)9.

1736 4. Connect onsite sewage treatment and disposal systems to
1737 domestic wastewater treatment facilities.~~;~~

1738 (b) The estimated costs, nutrient load reduction estimates,
1739 and other benefits of each project.~~;~~

1740 (c) The estimated implementation timeline for each
1741 project.~~;~~

1742 (d) A proposed 5-year funding plan for each project and the
1743 source and amount of financial assistance the department, a
1744 water management district, or other project partner will make
1745 available to fund the project.~~;~~~~and~~

1746 (e) The projected costs of installing enhanced nutrient-
1747 reducing onsite sewage treatment and disposal systems on
1748 buildable lots in priority focus areas to comply with s.
1749 373.811.

1750 Section 16. Subsection (5) of section 403.9301, Florida
1751 Statutes, is amended to read:

1752 403.9301 Wastewater services projections.—

1753 (5) The Office of Economic and Demographic Research shall
1754 evaluate the compiled documents from the counties for the
1755 purpose of developing a statewide analysis for inclusion in the
1756 assessment due the following January ~~1, 2023~~, pursuant to s.
1757 403.928. Beginning July 1, 2024, and by the July 1 following
1758 subsequent publications of the analysis required by this
1759 section, the Office of Economic and Demographic Research shall
1760 provide a publicly accessible data visualization tool on its
1761 website which allows for comparative analyses of key

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1762 information.

1763 Section 17. Subsection (5) of section 403.9302, Florida
1764 Statutes, is amended to read:

1765 403.9302 Stormwater management projections.—

1766 (5) The Office of Economic and Demographic Research shall
1767 evaluate the compiled documents from the counties for the
1768 purpose of developing a statewide analysis for inclusion in the
1769 assessment due the following January 1, ~~2023~~, pursuant to s.
1770 403.928. Beginning July 1, 2024, and by the July 1 following
1771 subsequent publications of the analysis required by this
1772 section, the Office of Economic and Demographic Research shall
1773 provide a publicly accessible data visualization tool on its
1774 website which allows for comparative analyses of key
1775 information.

1776 Section 18. For the purpose of incorporating the amendment
1777 made by this act to section 253.04, Florida Statutes, in a
1778 reference thereto, paragraph (x) of subsection (1) of section
1779 327.73, Florida Statutes, is reenacted to read:

1780 327.73 Noncriminal infractions.—

1781 (1) Violations of the following provisions of the vessel
1782 laws of this state are noncriminal infractions:

1783 (x) Section 253.04(3)(a), relating to carelessly causing
1784 seagrass scarring, for which the civil penalty upon conviction
1785 is:

1786 1. For a first offense, \$100.

1787 2. For a second offense occurring within 12 months after a
1788 prior conviction, \$250.

1789 3. For a third offense occurring within 36 months after a
1790 prior conviction, \$500.

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1791 4. For a fourth or subsequent offense occurring within 72
1792 months after a prior conviction, \$1,000.

1793
1794 Any person cited for a violation of this subsection shall be
1795 deemed to be charged with a noncriminal infraction, shall be
1796 cited for such an infraction, and shall be cited to appear
1797 before the county court. The civil penalty for any such
1798 infraction is \$100, except as otherwise provided in this
1799 section. Any person who fails to appear or otherwise properly
1800 respond to a uniform boating citation, in addition to the charge
1801 relating to the violation of the boating laws of this state,
1802 must be charged with the offense of failing to respond to such
1803 citation and, upon conviction, be guilty of a misdemeanor of the
1804 second degree, punishable as provided in s. 775.082 or s.
1805 775.083. A written warning to this effect shall be provided at
1806 the time such uniform boating citation is issued.

1807 Section 19. For the purpose of incorporating the amendment
1808 made by this act to section 381.0061, Florida Statutes, in
1809 references thereto, paragraph (a) of subsection (4) and
1810 paragraph (a) of subsection (6) of section 381.0072, Florida
1811 Statutes, are reenacted to read:

1812 381.0072 Food service protection.—

1813 (4) LICENSES REQUIRED.—

1814 (a) *Licenses; annual renewals.*—Each food service
1815 establishment regulated under this section shall obtain a
1816 license from the department annually. Food service establishment
1817 licenses shall expire annually and are not transferable from one
1818 place or individual to another. However, those facilities
1819 licensed by the department's Office of Licensure and

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1820 Certification, the Child Care Services Program Office, or the
1821 Agency for Persons with Disabilities are exempt from this
1822 subsection. It shall be a misdemeanor of the second degree,
1823 punishable as provided in s. 381.0061, s. 775.082, or s.
1824 775.083, for such an establishment to operate without this
1825 license. The department may refuse a license, or a renewal
1826 thereof, to any establishment that is not constructed or
1827 maintained in accordance with law and with the rules of the
1828 department. Annual application for renewal is not required.

1829 (6) FINES; SUSPENSION OR REVOCATION OF LICENSES;
1830 PROCEDURE.—

1831 (a) The department may impose fines against the
1832 establishment or operator regulated under this section for
1833 violations of sanitary standards, in accordance with s.
1834 381.0061. All amounts collected shall be deposited to the credit
1835 of the County Health Department Trust Fund administered by the
1836 department.

1837 Section 20. For the purpose of incorporating the amendment
1838 made by this act to section 381.0061, Florida Statutes, in a
1839 reference thereto, subsection (4) of section 381.0086, Florida
1840 Statutes, is reenacted to read:

1841 381.0086 Rules; variances; penalties.—

1842 (4) A person who violates any provision of ss. 381.008-
1843 381.00895 or rules adopted under such sections is subject either
1844 to the penalties provided in ss. 381.0012 and 381.0061 or to the
1845 penalties provided in s. 381.0087.

1846 Section 21. For the purpose of incorporating the amendment
1847 made by this act to section 381.0061, Florida Statutes, in a
1848 reference thereto, subsection (7) of section 381.0098, Florida

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1849 Statutes, is reenacted to read:

1850 381.0098 Biomedical waste.—

1851 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in
1852 violation of this section or rules adopted under this section is
1853 subject to penalties provided in ss. 381.0012 and 381.0061.
1854 However, an administrative fine not to exceed \$2,500 may be
1855 imposed for each day such person or public body is in violation
1856 of this section. The department may deny, suspend, or revoke any
1857 biomedical waste permit or registration if the permittee
1858 violates this section, any rule adopted under this section, or
1859 any lawful order of the department.

1860 Section 22. For the purpose of incorporating the amendment
1861 made by this act to section 381.0061, Florida Statutes, in a
1862 reference thereto, subsection (2) of section 513.10, Florida
1863 Statutes, is reenacted to read:

1864 513.10 Operating without permit; enforcement of chapter;
1865 penalties.—

1866 (2) This chapter or rules adopted under this chapter may be
1867 enforced in the manner provided in s. 381.0012 and as provided
1868 in this chapter. Violations of this chapter and the rules
1869 adopted under this chapter are subject to the penalties provided
1870 in this chapter and in s. 381.0061.

1871 Section 23. This act shall take effect July 1, 2024.