

26 Commission; specifying sources and uses of funding;
 27 providing for administrative procedures; requiring the
 28 department to adopt rules; amending s. 403.853, F.S.;
 29 requiring the department, or a local county health
 30 department designated by the department, to monitor
 31 the level of forever chemicals in certain water
 32 systems; defining the term "forever chemicals";
 33 providing monitoring standards for forever chemicals;
 34 requiring the department to adopt rules by a specified
 35 date; providing an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. Section 380.0939, Florida Statutes, is created
 40 to read:

41 380.0939 The Blue Communities Program.—

42 (1) For purposes of this section, the term:

43 (a) "Coastal waters" has the same meaning as in s.
 44 373.019.

45 (b) "Department" means the Department of Environmental
 46 Protection.

47 (c) "Eutrophication" means a process that creates
 48 excessive plant and algal growth because of the increased
 49 availability of one or more limiting growth factors needed for
 50 photosynthesis, such as sunlight, carbon dioxide, and nutrient

51 fertilizers, which causes the death of animal life.

52 (d) "Nutrient pollution" means excess amounts of nutrients
53 from point and nonpoint sources which may lead to
54 eutrophication.

55 (e) "Program" means the Blue Communities Program created
56 in this section.

57 (f) "Watershed" has the same meaning as in s. 373.403(12).

58 (2)(a) The Blue Communities Program is established within
59 the department to incentivize local action to reduce nutrient
60 pollution and ocean acidification in the coastal waters, fresh
61 waters, and watersheds. The program shall provide technical and
62 financial assistance, in the form of grants and loans, to local
63 governments that qualify as blue communities under this section.

64 (b) The department may delegate certain initiatives within
65 the program to departments, divisions, or offices. The
66 department may also integrate certain initiatives within the
67 program with existing programs, including the total maximum
68 daily load program as set forth in s. 403.067.

69 (3) To qualify as a blue community, a local government
70 must:

71 (a) File an application with the department in a form and
72 manner prescribed by the department.

73 (b) Adopt at least five of the following initiatives:

74 1. A liquid hazardous waste program which advertises
75 detergents, cleaning products, and other hazardous or nutrient-

76 dense liquids that cannot be safely discarded or flushed or
77 poured down drains and through which the producer of such liquid
78 hazardous waste is responsible for collecting and properly
79 disposing of such liquids.

80 2. A model groundwater protection regulation proposed by
81 the applicable water management district that limits the total
82 area of land covered by impervious surfaces to reduce runoff,
83 particularly in areas closest to coastal waters.

84 3. A water conservation ordinance as set forth in s.
85 166.048.

86 4. An ordinance contained within the "Florida-Friendly
87 Landscape Guidance Models for Ordinances, Covenants, and
88 Restrictions" manual developed by the department, or the Model
89 Ordinance for Florida-Friendly Fertilizer Use on Urban
90 Landscapes pursuant to s. 403.9337.

91 5. A shell collection system for local businesses to
92 return carbonate shells to the ocean.

93 6. A shellfish or seagrass regenerative ocean farming
94 operation or shellfish or seagrass restoration project which is
95 consistent with work conducted by the Seagrass Restoration
96 Technology Development Initiative.

97 7. A water quality monitoring system for waterbodies for
98 which total maximum daily loads have not been established, which
99 includes monitoring levels of pH, phosphorus, and nitrogen.

100 8. A plan to eliminate municipal-owned sanitary sewer or

101 combined sewer overflows.

102 9. A stormwater utility program to fund upgrades to
 103 stormwater infrastructure as set forth in s. 403.0893.

104 (c) Develop a blue community plan that prioritizes
 105 implementation of the initiatives in paragraph (b) in
 106 environmental justice communities and outlines specific metrics
 107 for implementing each initiative.

108 (d) Report the expenditures and results of the blue
 109 community plan to the Executive Office of the Governor and the
 110 chairs of the applicable committees of the Legislature every 2
 111 years after the date on which the application is approved by the
 112 department.

113 (4) The department shall establish the Blue Communities
 114 Fund, which shall be used to finance the program and all or a
 115 portion of the costs of studying, designing, constructing, and
 116 implementing ocean acidification mitigation programs. The
 117 department may integrate this fund with other similar funds.
 118 Funds shall be appropriated annually by the state and include,
 119 among other sources, moneys obtained from:

120 (a) The Marine Resources Conservation Trust Fund.

121 (b) The sales tax on fertilizers.

122 (c) Other sources of revenue related to carbon reduction,
 123 the fishing industry, and environmental protection.

124 (5) The department must provide administration and
 125 oversight to the program, including by:

126 (a) Adopting rules and guidelines to administer and
 127 enforce this section, including establishing applicant criteria,
 128 application forms, and funding priorities and detailing
 129 requirements for the structure in paragraph (b).

130 (b) Adopting a structure for communities to receive
 131 funding that provides greater amounts of funding to communities
 132 that adopt a greater number of initiatives.

133 (c) Submitting an annual report by September 1 to the
 134 President of the Senate, the Speaker of the House of
 135 Representatives, and the chairs of the appropriations committees
 136 of the Legislature detailing the expenditures and results of the
 137 program.

138 Section 2. Section 380.245, Florida Statutes, is created
 139 to read:

140 380.245 Ocean state climate adaptation and resilience.—

141 (1) This section may be cited as the "Ocean State Climate
 142 Adaptation and Resilience Act."

143 (2) For purposes of this section, the term:

144 (a) "Adaptation and resilience projects" or "projects"
 145 means those projects on public land that protect or enhance
 146 coastal or riverine habitats to address climate change impacts.
 147 The term includes projects that reduce the vulnerability of low-
 148 lying infrastructure on public land through measures that
 149 include removal and relocation of infrastructure and restoration
 150 of river and stream floodplains, including the regrading of

151 banks, revegetation, acquisition of land necessary to maintain
152 and preserve public access, and redesigning, resizing, and
153 replacing culverts and bridge spans at existing wetland
154 crossings.

155 (b) "Climate change impacts" means and includes, but is
156 not limited to, flooding, erosion, sea-level rise, and storm
157 surge.

158 (c) "Council" means the Florida Oceans and Coastal Council
159 created under chapter 161.

160 (d) "Director" means the director of the Division of Water
161 Resource Management.

162 (e) "Infrastructure" means roads, parking lots, and other
163 paved surfaces, shoreline protection structures, buildings,
164 water control structures, culverts, other structures, and
165 development remnants.

166 (f) "Public lands" has the same meaning as in s. 317.0003.

167 (g) "Shoreline protection structures" means revetments,
168 bulkheads, seawalls and floodwalls, breakwaters, jetties, and
169 other structures, the purpose or effect of which is to control
170 the erosion of coastal or river features, and includes any sheet
171 pile, concrete, or stone walls.

172 (3) An advisory board is established within the department
173 to consist of the following members:

174 (a) The Secretary of Environmental Protection or his or
175 her designee.

176 (b) The director or his or her designee.

177 (c) The director of the relevant state planning unit
 178 within the Department of Commerce or his or her designee.

179 (d) The director of the Division of Emergency Management
 180 or his or her designee.

181 (4) (a) The Ocean State Climate Adaptation and Resilience
 182 Grant Fund (OSCAR Grant Fund) is established within the
 183 department.

184 (b) The OSCAR Grant Fund shall consist of:

185 1. Appropriations from the Legislature.

186 2. Funding received from federal, state, or other sources,
 187 including bond funds.

188 3. Funding received from any private donor.

189 4. Any interest earned on the OSCAR Grant Fund.

190 (c) Grant funds shall be used to carry out the purposes of
 191 this section as follows:

192 1. The administrative expenses required to carry out the
 193 activities of the projects as described in this section may not
 194 exceed \$50,000 each for the council and the department annually,
 195 which sum may not include the cost of issuing bonds or notes, if
 196 applicable. The department and the council must submit annual
 197 budget requests for their administrative and implementation
 198 costs of the projects to the Legislature.

199 2. The planning, design, engineering, construction, and
 200 monitoring of projects which must be approved by the department

201 and the council upon recommendation of the advisory board. Only
 202 grants approved through the process established by the
 203 department and the council are eligible for funding under this
 204 section. Subject to the availability of funds in the grant fund,
 205 the Legislative Budget Commission shall award funding upon
 206 receipt of written approval of the department and the council.

207 (d) Factors to be taken into consideration by the advisory
 208 board in determining the eligibility and priority of projects
 209 for funding must include:

210 1. Consistency with the following, if applicable:

211 a. The council's most recent projections for sea-level
 212 rise.

213 b. A coastal habitat restoration strategy.

214 c. The applicable best management practices plan.

215 d. Other applicable state and federal laws.

216 2. The ability and authority of the applicant to carry out
 217 and properly maintain the project.

218 3. Whether the project will enhance public access to
 219 public land.

220 4. The degree, risk, or extent of infrastructure
 221 degradation on public land.

222 5. The extent of the public's use of the public land.

223 6. The proposed milestones to ensure that the project is
 224 completed as designed and approved.

225 7. Whether the project will create or replace habitat

226 losses that benefit fish and wildlife resources.
 227 8. Potential water quality improvements.
 228 9. Potential improvements to fish and wildlife habitats
 229 for rare or endangered species under the federal Endangered
 230 Species Act, 16 U.S.C. s. 1531 et seq.
 231 10. The level and extent of collaboration with partners
 232 such as municipalities, counties, nongovernmental organizations,
 233 watershed councils, and federal agencies.
 234 11. Overall potential benefits to the public and estimated
 235 timeframe for the public to realize such benefits.
 236 (5)(a) Grant funds shall be used solely for adaptation and
 237 resilience projects as set forth in this section.
 238 (b) Grant funds may not be used for:
 239 1. Mitigating any current, planned, or future projects
 240 that degrade, fill, or otherwise destroy coastal, estuarine, or
 241 riverine habitats.
 242 2. Fulfilling any liability for restoration required by
 243 any local, state, or federal agency pursuant to an environmental
 244 or a public health enforcement action.
 245 3. With the exception of culverts, elevating, repairing,
 246 or replacing existing infrastructure, or constructing new
 247 infrastructure, in a location experiencing climate change
 248 impacts.
 249 4. Constructing new or repairing existing shoreline
 250 protection structures; provided, however, that existing

251 shoreline protection structures located in public parks may be
252 repaired.

253 5. Constructing roads or bridges.

254 (6)(a) The department and the council shall jointly
255 establish and execute a process, at least annually, for the
256 solicitation, evaluation, and award of grant funds for projects
257 that meet the requirements in this section. The department and
258 the council shall forward written notifications of approval of a
259 project application to the Legislative Budget Commission.

260 (b) The department and the council shall jointly submit a
261 report to the President of the Senate and the Speaker of the
262 House of Representatives no later than the 10th day following
263 the convening of each regular session. The report shall include
264 all of the following:

265 1. The amount of grant funds awarded during the preceding
266 fiscal year.

267 2. A brief summary of the projects that received funding
268 and a timeline of implementation of such projects.

269 3. Any other information requested by the Legislature.

270 (7) The department and the council shall jointly adopt
271 rules as necessary to administer and enforce this section.

272 Section 3. Section 379.27, Florida Statutes, is created to
273 read:

274 379.27 Ocean stewardship and marine resources; legislative
275 findings; purposes; funding.—

276 (1) (a) The Legislature finds that Florida's ocean waters
277 and its marine resources are some of the state's most
278 ecologically, economically, and culturally valuable
279 environmental assets.

280 (b) The Legislature further finds that the increasing
281 popularity of marine ecotourism requires greater measures to
282 ensure the continued health of marine ecosystems. The broad
283 range of recently documented anthropogenic impacts on coral reef
284 health, including coral bleaching, vessel groundings, anchoring
285 and mooring, diving activities, poaching, land- and water-based
286 pollutant discharges, and other direct and indirect uses of the
287 state's coral reefs, indicate that the state may need a more
288 consistent and reliable source of funding to manage, protect,
289 and restore its marine resources. A sustainable funding source
290 is especially critical to create a cohesive network of nearshore
291 areas that benefits fisheries and ecosystem resilience.

292 (2) The purpose of this section is to establish an account
293 for the collection and use of moneys for the conservation,
294 restoration, and enhancement of the state's marine resources.

295 (3) (a) The Marine Resources Conservation Account is
296 established within the Marine Resources Conservation Trust Fund
297 to be administered by the commission.

298 (b) The following shall be deposited into the Marine
299 Resources Conservation Account:

300 1. Revenues due to the state from leases of any lands,

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301 facilities, equipment, and other property owned by the
302 department and used for or dedicated to the management,
303 research, restoration, or enhancement of marine resources.

304 2. Moneys collected for the purposes of compensatory
305 mitigation from federal- or state-permitted impacts to the
306 marine environment.

307 3. Grants, awards, donations, gifts, transfers, or moneys
308 derived from private or public sources, except:

309 a. Monetary contributions or moneys collected from the
310 sale of nonmonetary gifts to benefit sport fish or sport
311 fishing.

312 b. Monetary contributions or moneys collected from the
313 sale of nonmonetary gifts to benefit aquatic life used for
314 commercial purposes or fishing for commercial purposes.

315 4. Moneys derived from interest or dividends on the
316 account.

317 (4) The Marine Resources Conservation Account shall be
318 used to:

319 (a) Develop and carry out marine resource conservation,
320 restoration, enhancement, research, regulatory measures,
321 enforcement actions, educational activities, or any other
322 management measure intended to conserve, restore, and enhance
323 marine resources under the jurisdiction of the state.

324 (b) Develop and carry out restoration and compensatory
325 mitigation measures for impacts to the marine environment,

326 including impacts to the marine environment from federal- or
327 state-permitted actions.

328 (c) Install, maintain, and replace day use mooring buoys
329 and other infrastructure to reduce impacts to the marine
330 ecosystem.

331 (5) (a) The Marine Resources Conservation Account shall be
332 held separate and apart from all other moneys, funds, and
333 accounts in the department, provided that any moneys received
334 from the federal government, through federal programs, or from
335 private contributions shall be deposited and accounted for in
336 accordance with conditions established by the agency or private
337 entity from which the moneys were received. Any balance
338 remaining in the account at the end of any fiscal year shall be
339 carried forward in the account for the next fiscal year.

340 (b) The proceeds of the Marine Resources Conservation
341 Account may not be used as security for, or pledged to the
342 payment of principal or interest on, any bonds or instruments of
343 indebtedness.

344 (c) General revenue funds or funds from other programs and
345 activities may be used to implement or enforce other laws to
346 manage and conserve the state's ocean waters and marine
347 resources.

348 (6) The department shall adopt rules to implement this
349 section.

350 Section 4. Subsection (8) is added to section 403.853,

351 Florida Statutes, to read:

352 403.853 Drinking water standards.—

353 (8)(a) The department, or a local county health department
354 designated by the department, shall monitor the level of forever
355 chemicals in community water systems and nontransient
356 noncommunity water systems using the national primary drinking
357 water regulations in effect at such time. For purposes of this
358 subsection, the term "forever chemicals" means per- and
359 polyfluoroalkyl substances, otherwise known as "PFAS," including
360 perfluorooctanoic acid, perfluorooctane sulfonic acid,
361 perfluorohexane sulfonic acid, perfluorononanoic acid, and
362 perfluoroheptanoic acid.

363 (b) If the presence of forever chemicals is detectable at
364 or above each analyte's lowest concentration minimum reporting
365 level, as specified in the standard laboratory methods
366 established by the United States Environmental Protection
367 Agency, and the level is below the United States Environmental
368 Protection Agency health advisory level of 70 parts per
369 trillion, either individually or in combination with other
370 detectable forever chemicals, the department, or a local county
371 health department designated by the department, shall annually
372 monitor the level of forever chemicals in community water
373 systems and nontransient noncommunity water systems.

374 (c) By September 1, 2024, the department shall adopt rules
375 for purposes of this subsection, including establishing an

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376 | enforceable maximum contaminant level for forever chemicals.

377 | Section 5. This act shall take effect July 1, 2024.