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1
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; providing that
19 only certain communities are eligible for
20 preconstruction activities; revising vulnerability
21 assessment requirements; revising requirements for the
22 development and maintenance of the comprehensive
23 statewide flood vulnerability and sea level rise data
24 set and assessment; requiring the department to
25 coordinate with the Chief Resilience Officer and the

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26 Florida Flood Hub to update the data set and
 27 assessment at specified intervals; revising
 28 requirements for the Statewide Flooding and Sea Level
 29 Rise Resilience Plan; revising the purposes of the
 30 funding for regional resilience entities; replacing
 31 the term "financially disadvantaged small community"
 32 with the term "community eligible for a reduced cost
 33 share"; revising the definition of such term; making
 34 technical changes; amending s. 381.0061, F.S.;
 35 revising the violations for which the department may
 36 impose a specified fine; providing legislative intent
 37 regarding a phased transfer of the Department of
 38 Health's Onsite Sewage Program to the Department of
 39 Environmental Protection; requiring the Department of
 40 Environmental Protection to coordinate with the
 41 Department of Health regarding the identification and
 42 transfer of certain equipment and vehicles under
 43 certain circumstances; prohibiting the Department of
 44 Health from implementing or collecting fees for the
 45 program when the Department of Environmental
 46 Protection begins implementing the program; providing
 47 exceptions; amending s. 381.0065, F.S.; requiring the
 48 Department of Environmental Protection to conduct
 49 enforcement activities for violations of certain
 50 onsite sewage treatment and disposal system

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51 regulations in accordance with specified provisions;
52 specifying the department's authority with respect to
53 specific provisions; requiring the department to adopt
54 rules for a program for general permits for certain
55 projects; providing requirements for such rules;
56 revising department enforcement provisions; deleting
57 certain criminal penalties; requiring the damages,
58 costs, or penalties collected to be deposited into the
59 Water Quality Assurance Trust Fund rather than the
60 relevant county health department trust fund;
61 requiring the department to establish an enhanced
62 nutrient-reducing onsite sewage treatment and disposal
63 system approval program; authorizing the department to
64 contract with or delegate certain powers and duties to
65 a county; amending s. 381.0066, F.S.; requiring
66 certain fees to be deposited into the Florida Permit
67 Fee Trust Fund after a specified timeframe; amending
68 s. 403.061, F.S.; requiring counties to make certain
69 services and facilities available upon the direction
70 of the department; amending s. 403.064, F.S.; revising
71 legislative findings; revising the domestic wastewater
72 treatment facilities required to submit a reuse
73 feasibility study as part of a permit application;
74 revising the contents of a required reuse feasibility
75 study; revising the domestic wastewater facilities

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76 required to implement reuse under certain
 77 circumstances; revising applicability; revising
 78 construction; amending s. 403.067, F.S.; requiring
 79 certain facilities and systems to include a domestic
 80 wastewater treatment plan as part of a basin
 81 management action plan for nutrient total maximum
 82 daily loads; amending s. 403.0673, F.S.; requiring the
 83 department to include specified information in the
 84 water quality improvement grant program annual report
 85 and to include projects funded by the grant program on
 86 a user friendly website or dashboard by a specified
 87 date; providing requirements for the website or
 88 dashboard; amending s. 403.086, F.S.; requiring
 89 wastewater treatment facilities within a basin
 90 management action plan or reasonable assurance plan
 91 area which provide reclaimed water for specified
 92 purposes to meet advanced waste treatment or a more
 93 stringent treatment standard under certain
 94 circumstances; providing construction and
 95 applicability; amending s. 403.121, F.S.; revising
 96 department enforcement provisions; revising
 97 administrative penalty calculations for failure to
 98 obtain certain required permits and for certain
 99 violations; amending ss. 403.0671 and 403.0673, F.S.;
 100 conforming provisions to changes made by the act;

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101 amending ss. 403.9301 and 403.9302, F.S.; requiring
 102 the Office of Economic and Demographic Research to
 103 provide a specified publicly accessible data
 104 visualization tool on its website; reenacting s.
 105 327.73(1)(x), F.S., relating to noncriminal
 106 infractions, to incorporate the amendment made to s.
 107 253.04, F.S., in a reference thereto; reenacting ss.
 108 381.0072(4)(a) and (6)(a), 381.0086(4), 381.0098(7),
 109 and 513.10(2), F.S., relating to food service
 110 protection, penalties, biomedical waste, and operating
 111 without a permit, respectively, to incorporate the
 112 amendment made to s. 381.0061, F.S., in references
 113 thereto; providing an effective date.

114

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

116

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

119 253.04 Duty of board to protect, etc., state lands; state
 120 may join in any action brought.—

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

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126 | careless manner that causes seagrass scarring within an aquatic
 127 | preserve established in ss. 258.39-258.3991 ~~ss. 258.39-258.399~~,
 128 | with the exception of the Lake Jackson, Oklawaha River, Wekiva
 129 | River, and Rainbow Springs aquatic preserves, commits a
 130 | noncriminal infraction, punishable as provided in s. 327.73.
 131 | Each violation is a separate offense. As used in this
 132 | subsection, the term:

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

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

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

145 | 258.39 Boundaries of preserves.—The submerged lands
 146 | included within the boundaries of Nassau, Duval, St. Johns,
 147 | Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte,
 148 | Pinellas, Martin, Palm Beach, Miami-Dade, Monroe, Collier, Lee,
 149 | Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa,
 150 | Hernando, and Escambia Counties, as hereinafter described, with

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151 the exception of privately held submerged lands lying landward
 152 of established bulkheads and of privately held submerged lands
 153 within Monroe County where the establishment of bulkhead lines
 154 is not required, are hereby declared to be aquatic preserves.

155 Such aquatic preserve areas include:

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

162
 163 Any and all submerged lands theretofore conveyed by the Trustees
 164 of the Internal Improvement Trust Fund and any and all uplands
 165 now in private ownership are specifically exempted from this
 166 dedication.

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

169 373.250 Reuse of reclaimed water.—

170 (9) To promote the use of reclaimed water and encourage
 171 quantifiable potable water offsets that produce significant
 172 water savings beyond those required in a consumptive use permit,
 173 each water management district, in coordination with the
 174 department, shall develop rules by December 31, 2025, which
 175 provide all of the following:

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

186 1. A requirement that the permittee demonstrate how
187 quantifiable groundwater or surface water savings associated
188 with the new water supply development or water resource
189 development project either meets water demands beyond a 20-year
190 permit duration or is completed for the purpose of meeting the
191 requirements of an adopted recovery or prevention strategy; and
192 2. Guidelines for a district to follow in determining the
193 permit duration based on the project's implementation.

194
195 This paragraph does not limit the existing authority of a water
196 management district to issue a shorter duration permit to
197 protect from harm the water resources or ecology of the area, or
198 to otherwise ensure compliance with the conditions for permit
199 issuance.

200 (b) Authorization for a consumptive use permittee to seek

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

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

212 2. A requirement that the permittee demonstrate how the
213 quantifiable groundwater or surface water savings associated
214 with the new water supply development or water resource
215 development project either meets water demands beyond the issued
216 permit duration or is completed for the purpose of meeting the
217 requirements of an adopted recovery or prevention strategy;

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

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

224

225 This paragraph does not limit the existing authority of a water

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226 management district to protect from harm the water resources or
 227 ecology of the area, or to otherwise ensure compliance with the
 228 conditions for permit issuance.

229 Section 4. Present paragraphs (c) and (d) of subsection
 230 (2) of section 380.093, Florida Statutes, are redesignated as
 231 paragraphs (d) and (e), respectively, a new paragraph (c) is
 232 added to that subsection, and present paragraph (c) of
 233 subsection (2), paragraphs (b), (c), and (d) of subsection (3),
 234 and subsections (4), (5), and (6) of that section are amended,
 235 to read:

236 380.093 Resilient Florida Grant Program; comprehensive
 237 statewide flood vulnerability and sea level rise data set and
 238 assessment; Statewide Flooding and Sea Level Rise Resilience
 239 Plan; regional resilience entities.—

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

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

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

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251 acquisition.

252 (3) RESILIENT FLORIDA GRANT PROGRAM.—

253 (b) Subject to appropriation, the department may provide

254 grants to each of the following entities:

255 1. A county or municipality to fund:

256 a. The costs of community resilience planning and

257 necessary data collection for such planning, including

258 comprehensive plan amendments and necessary corresponding

259 analyses that address the requirements of s. 163.3178(2)(f).

260 b. Vulnerability assessments that identify or address

261 risks of inland or coastal flooding and sea level rise.

262 c. Updates to the county's or municipality's inventory of

263 critical assets, including regionally significant assets that

264 are currently or reasonably expected to be impacted by flooding

265 and sea level rise. The updated inventory must be submitted to

266 the department and, at the time of submission, must reflect all

267 such assets that are currently, or within 50 years may

268 reasonably be expected to be, impacted by flooding and sea level

269 rise.

270 d. The development of projects, plans, strategies, and

271 policies that enhance community preparations ~~allow communities~~

272 ~~to prepare~~ for threats from flooding and sea level rise,

273 including adaptation plans that help local governments

274 prioritize project development and implementation across one or

275 more jurisdictions in a manner consistent with departmental

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276 guidance.

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

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

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

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

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301 by the Florida Flood Hub ~~for Applied Research and Innovation~~
 302 under s. 380.0933(2)(a).

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

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

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

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

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

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

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326 for input to the department's mapping tool.

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

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

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

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

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

347 a. Tidal flooding, including future high tide flooding,
 348 which must use thresholds published and provided by the
 349 department. To the extent practicable, the analysis should also
 350 geographically display the number of tidal flood days expected

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351 for each scenario and planning horizon.

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

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

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

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

<u>Year of assessment</u>	<u>20-year</u> <u>planning horizon</u>	<u>50-year</u> <u>planning horizon</u>
<u>2024</u>	<u>2040</u>	<u>2070</u>
<u>2029</u>	<u>2050</u>	<u>2080</u>
<u>2034</u>	<u>2055</u>	<u>2085</u>

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<u>2039</u>	<u>2060</u>	<u>2090</u>
<u>2044</u>	<u>2065</u>	<u>2095</u>
<u>2049</u>	<u>2070</u>	<u>2100</u>

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

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

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

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

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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418 | conduct a comprehensive statewide flood vulnerability and sea
 419 | level rise assessment. In developing and maintaining the data
 420 | set, the department shall, in coordination with the Chief
 421 | Resilience Officer and the Florida Flood Hub ~~for Applied~~
 422 | ~~Research and Innovation~~, compile, analyze, and incorporate, as
 423 | appropriate, information related to vulnerability assessments
 424 | and critical asset inventories submitted to the department
 425 | pursuant to subsection (3) or any previously completed
 426 | assessments that meet the requirements of subsection (3).

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

433 | 2. The data set must include information necessary to
 434 | determine the risks to inland and coastal communities,
 435 | including, but not limited to, elevation, tidal levels, and
 436 | precipitation.

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

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443 and the associated risks.

444 1. The department shall use the comprehensive statewide
 445 flood vulnerability and sea level rise data set to conduct the
 446 assessment.

447 2. The assessment must incorporate local and regional
 448 analyses of vulnerabilities and risks, including, as
 449 appropriate, local mitigation strategies and postdisaster
 450 redevelopment plans.

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

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

466 (c) The department, in coordination with the Chief
 467 Resilience Officer and the Florida Flood Hub, shall update the

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468 comprehensive statewide flood vulnerability and sea level rise
469 data set with the best available information each year and shall
470 update the assessment at least every 5 years. ~~The department may~~
471 ~~update the data set and assessment more frequently if it~~
472 ~~determines that updates are necessary to maintain the validity~~
473 ~~of the data set and assessment.~~

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

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

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493 the total funding requested, and the total funding requested for
 494 eligible projects.

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

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

510 2. May include, at the discretion of the department in
 511 consultation with the Chief Resilience Officer, other projects
 512 submitted pursuant to paragraph (d) which address risks of
 513 flooding and sea level rise to critical assets not yet
 514 identified in the comprehensive statewide flood vulnerability
 515 and sea level rise assessment.

516 (c) Each plan submitted by the department pursuant to this
 517 subsection must include all of the following information for

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518 | each recommended project:

519 | 1. A description of the project.

520 | 2. The location of the project.

521 | 3. An estimate of how long the project will take to
522 | complete.

523 | 4. An estimate of the cost of the project.

524 | 5. The cost-share percentage available for the project.

525 | 6. A summary of the priority score assigned to the
526 | project.

527 | 7. The project sponsor.

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

535 | a. Counties.

536 | b. Municipalities.

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

542 | d. Regional resilience entities acting on behalf of one or

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543 more member counties or municipalities.

544
545 For the plans submitted by December 1, 2024, such entities may
546 submit projects identified in existing vulnerability assessments
547 that do not comply with subsection (3) only if the entity is
548 actively developing a vulnerability assessment that is either
549 under a signed grant agreement with the department pursuant to
550 subsection (3) or funded by another state or federal agency, or
551 is self-funded and intended to meet the requirements of
552 paragraph (3)(d) or if the existing vulnerability assessment was
553 completed using previously compliant statutory requirements.

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

563 2. By September 1 ~~of, 2021, and~~ each year ~~September 1~~
564 ~~thereafter,~~ all of the following entities may submit to the
565 department a list of any proposed projects that address risks of
566 flooding or sea level rise identified in the comprehensive
567 statewide flood vulnerability and sea level rise assessment or

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568 vulnerability assessments that meet the requirements of
 569 subsection (3), or that mitigate the risks of flooding or sea
 570 level rise on water supplies or water resources of the state and
 571 a corresponding evaluation of each project:

- 572 a. Water management districts.
- 573 b. Drainage districts.
- 574 c. Erosion control districts.
- 575 d. Flood control districts.
- 576 e. Regional water supply authorities.

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

- 580 a. A description of the project.
- 581 b. The location of the project.
- 582 c. An estimate of how long the project will take to
 583 complete.
- 584 d. An estimate of the cost of the project.
- 585 e. The cost-share percentage available for the project.
- 586 f. The project sponsor.

587 (e) Each project included in the plan must have a minimum
 588 50 percent cost share unless the project assists or is within a
 589 ~~financially disadvantaged small~~ community eligible for a reduced
 590 cost share. For purposes of this section, the term "~~financially~~
 591 ~~disadvantaged small~~ community eligible for a reduced cost share"
 592 means:

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593 1. A municipality that has a population of 10,000 or
 594 fewer, according to the most recent April 1 population estimates
 595 posted on the Office of Economic and Demographic Research's
 596 website, and a per capita annual income that is less than the
 597 state's per capita annual income as shown in the most recent
 598 release from the Bureau of the Census of the United States
 599 Department of Commerce that includes both measurements; ~~or~~

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

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

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

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

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618 | following:

619 | 1. Aesthetic vegetation.

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

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

627 | 4. Maintenance and repair of over-walks.

628 | 5. Park activities and facilities, except expenses to
629 | control flooding or erosion.

630 | 6. Navigation construction, operation, and maintenance
631 | activities.

632 | 7. Projects that provide only recreational benefits.

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

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

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

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643 applicable.

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

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

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

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

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

656 b. The overall readiness of the project to proceed in a
657 timely manner, considering the project's readiness for the
658 construction phase of development, the status of required
659 permits, the status of any needed easement acquisition, and the
660 availability of local funding sources.

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

665 d. The cost-effectiveness of the project.

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

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

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

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

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

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

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

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

692 (i)-(j) The department shall adopt rules ~~initiate~~

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693 ~~rulemaking by August 1, 2021,~~ to implement this section.

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

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

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

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

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

713 381.0061 Administrative fines.—

714 (1) In addition to any administrative action authorized by
 715 chapter 120 or by other law, the department may impose a fine,
 716 which may not exceed \$500 for each violation, for a violation of
 717 s. 381.006(15) or, ~~s. 381.0065, s. 381.0066,~~ s. 381.0072, ~~or~~

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718 ~~part III of chapter 489,~~ for a violation of any rule adopted by
719 the department under this chapter, or for a violation of chapter
720 386 not involving onsite sewage treatment and disposal systems.
721 The department shall give an alleged violator a notice of intent
722 to impose such fine shall be given by the department to the
723 alleged violator. Each day that a violation continues may
724 constitute a separate violation.

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

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

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

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743 Department of Environmental Protection.

744 Section 7. Paragraph (h) of subsection (3) and subsections
745 (5) and (7) of section 381.0065, Florida Statutes, are amended,
746 paragraph (o) is added to subsection (3) of that section, and
747 subsection (9) is added to that section, to read:

748 381.0065 Onsite sewage treatment and disposal systems;
749 regulation.—

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

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

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768 simultaneously with the enforcement remedies provided under this
 769 section and chapter 403.

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

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

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

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

787 (a) Department personnel who have reason to believe
 788 noncompliance exists, may at any reasonable time, enter the
 789 premises permitted under ss. 381.0065-381.0066, or the business
 790 premises of any septic tank contractor or master septic tank
 791 contractor registered under part III of chapter 489, or any
 792 premises that the department has reason to believe is being

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793 operated or maintained not in compliance, to determine
794 compliance with the provisions of this section, part I of
795 chapter 386, or part III of chapter 489 or rules or standards
796 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
797 part III of chapter 489. As used in this paragraph, the term
798 "premises" does not include a residence or private building. To
799 gain entry to a residence or private building, the department
800 must obtain permission from the owner or occupant or secure an
801 inspection warrant from a court of competent jurisdiction
802 pursuant to the procedures of s. 403.091.

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

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

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

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

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

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

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

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

856 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
 857 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a
 858 total maximum daily load, the department shall implement a fast-
 859 track approval process of no longer than 6 months for the
 860 determination of the use of American National Standards
 861 Institute 245 systems approved by NSF International before July
 862 1, 2020. The department shall also establish an enhanced
 863 nutrient-reducing onsite sewage treatment and disposal system
 864 approval program that will expeditiously evaluate and approve
 865 such systems for use in this state to comply with ss.
 866 403.067(7)(a)10. and 373.469(3)(d).

867 (9) CONTRACT OR DELEGATION AUTHORITY.—The department may

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868 contract with or delegate its powers and duties under this
 869 section to a county as provided in s. 403.061 or s. 403.182.

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

872 381.0066 Onsite sewage treatment and disposal systems;
 873 fees.—

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

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

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

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

888 (d) Annual operating permit for systems located in areas
 889 zoned for industrial manufacturing or equivalent uses or where
 890 the system is expected to receive wastewater which is not
 891 domestic in nature: a fee of not less than \$150, or more than
 892 \$300.

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

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

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

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

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

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

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

916 (l) Annual operating permit, including annual inspection
 917 and any required sampling and laboratory analysis of effluent,

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918 | for an engineer-designed performance-based system: a fee of not
 919 | less than \$150, or more than \$300.

920 |
 921 | The funds collected pursuant to this subsection for the
 922 | implementation of onsite sewage treatment and disposal system
 923 | regulation and for the purposes of ss. 381.00655 and 381.0067,
 924 | subsequent to any phased transfer of implementation from the
 925 | Department of Health to the department within any county
 926 | pursuant to s. 381.0065, must be deposited in the Florida Permit
 927 | Fee Trust Fund under s. 403.0871, to be administered by the
 928 | department ~~a trust fund administered by the department, to be~~
 929 | ~~used for the purposes stated in this section and ss. 381.0065~~
 930 | ~~and 381.00655.~~

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

933 | 403.061 Department; powers and duties.—The department
 934 | shall have the power and the duty to control and prohibit
 935 | pollution of air and water in accordance with the law and rules
 936 | adopted and promulgated by it and, for this purpose, to:

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

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

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

949 403.064 Reuse of reclaimed water.—

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

963 (2) All applicants for permits to construct or operate a
964 domestic wastewater treatment facility ~~located within, serving a~~
965 ~~population located within, or discharging within a water~~
966 ~~resource caution area~~ shall prepare a reuse feasibility study as
967 part of their application for the permit. Reuse feasibility

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968 studies must ~~shall~~ be prepared in accordance with department
 969 guidelines adopted by rule and shall include, but are not
 970 limited to:

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

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

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

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

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

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

985 (14) After conducting a feasibility study under subsection
 986 (2), a domestic wastewater treatment facility ~~facilities~~ that
 987 disposes ~~dispose~~ of effluent by Class I deep well injection, as
 988 defined in 40 C.F.R. s. 144.6(a), surface water discharge, land
 989 application, or other method to dispose of effluent or a portion
 990 thereof must implement reuse to the degree that reuse is
 991 feasible, based upon the applicant's reuse feasibility study,
 992 with consideration given to direct ecological or public water

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993 supply benefits afforded by any disposal. Applicable permits
994 issued by the department must ~~shall~~ be consistent with the
995 requirements of this subsection.

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

1001 (b) ~~This subsection applies only to domestic wastewater~~
1002 ~~treatment facilities located within, serving a population~~
1003 ~~located within, or discharging within a water resource caution~~
1004 ~~area.~~

1005 ~~(15) After conducting a feasibility study under subsection~~
1006 ~~(2), domestic wastewater treatment facilities that dispose of~~
1007 ~~effluent by surface water discharges or by land application~~
1008 ~~methods must implement reuse to the degree that reuse is~~
1009 ~~feasible, based upon the applicant's reuse feasibility study.~~
1010 This subsection does not apply to surface water discharges or
1011 land application systems which are currently categorized as
1012 reuse under department rules. ~~Applicable permits issued by the~~
1013 ~~department shall be consistent with the requirements of this~~
1014 ~~subsection.~~

1015 ~~(a) This subsection does not limit the use of a surface~~
1016 ~~water discharge or land application facility as backup for a~~
1017 ~~reclaimed water reuse system.~~

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1018 ~~(b) This subsection applies only to domestic wastewater~~
 1019 ~~treatment facilities located within, serving a population~~
 1020 ~~located within, or discharging within a water resource caution~~
 1021 ~~area.~~

1022 Section 11. Paragraph (a) of subsection (7) of section
 1023 403.067, Florida Statutes, is amended to read:

1024 403.067 Establishment and implementation of total maximum
 1025 daily loads.—

1026 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 1027 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1028 (a) *Basin management action plans.*—

1029 1. In developing and implementing the total maximum daily
 1030 load for a waterbody, the department, or the department in
 1031 conjunction with a water management district, may develop a
 1032 basin management action plan that addresses some or all of the
 1033 watersheds and basins tributary to the waterbody. Such plan must
 1034 integrate the appropriate management strategies available to the
 1035 state through existing water quality protection programs to
 1036 achieve the total maximum daily loads and may provide for phased
 1037 implementation of these management strategies to promote timely,
 1038 cost-effective actions as provided for in s. 403.151. The plan
 1039 must establish a schedule implementing the management
 1040 strategies, establish a basis for evaluating the plan's
 1041 effectiveness, and identify feasible funding strategies for
 1042 implementing the plan's management strategies. The management

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1043 strategies may include regional treatment systems or other
1044 public works, when appropriate, and voluntary trading of water
1045 quality credits to achieve the needed pollutant load reductions.

1046 2. A basin management action plan must equitably allocate,
1047 pursuant to paragraph (6) (b), pollutant reductions to individual
1048 basins, as a whole to all basins, or to each identified point
1049 source or category of nonpoint sources, as appropriate. For
1050 nonpoint sources for which best management practices have been
1051 adopted, the initial requirement specified by the plan must be
1052 those practices developed pursuant to paragraph (c). When
1053 appropriate, the plan may take into account the benefits of
1054 pollutant load reduction achieved by point or nonpoint sources
1055 that have implemented management strategies to reduce pollutant
1056 loads, including best management practices, before the
1057 development of the basin management action plan. The plan must
1058 also identify the mechanisms that will address potential future
1059 increases in pollutant loading.

1060 3. The basin management action planning process is
1061 intended to involve the broadest possible range of interested
1062 parties, with the objective of encouraging the greatest amount
1063 of cooperation and consensus possible. In developing a basin
1064 management action plan, the department shall assure that key
1065 stakeholders, including, but not limited to, applicable local
1066 governments, water management districts, the Department of
1067 Agriculture and Consumer Services, other appropriate state

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

1082 4. Each new or revised basin management action plan must
 1083 include all of the following:

1084 a. The appropriate management strategies available through
 1085 existing water quality protection programs to achieve total
 1086 maximum daily loads, which may provide for phased implementation
 1087 to promote timely, cost-effective actions as provided for in s.
 1088 403.151.

1089 b. A description of best management practices adopted by
 1090 rule.

1091 c. For the applicable 5-year implementation milestone, a
 1092 list of projects that will achieve the pollutant load reductions

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1093 needed to meet the total maximum daily load or the load
1094 allocations established pursuant to subsection (6). Each project
1095 must include a planning-level cost estimate and an estimated
1096 date of completion.

1097 d. A list of projects developed pursuant to paragraph (e),
1098 if applicable.

1099 e. The source and amount of financial assistance to be
1100 made available by the department, a water management district,
1101 or other entity for each listed project, if applicable.

1102 f. A planning-level estimate of each listed project's
1103 expected load reduction, if applicable.

1104 5. The department shall adopt all or any part of a basin
1105 management action plan and any amendment to such plan by
1106 secretarial order pursuant to chapter 120 to implement this
1107 section.

1108 6. The basin management action plan must include 5-year
1109 milestones for implementation and water quality improvement, and
1110 an associated water quality monitoring component sufficient to
1111 evaluate whether reasonable progress in pollutant load
1112 reductions is being achieved over time. An assessment of
1113 progress toward these milestones shall be conducted every 5
1114 years, and revisions to the plan shall be made as appropriate.
1115 Any entity with a specific pollutant load reduction requirement
1116 established in a basin management action plan shall identify the
1117 projects or strategies that such entity will undertake to meet

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1118 current 5-year pollution reduction milestones, beginning with
1119 the first 5-year milestone for new basin management action
1120 plans, and submit such projects to the department for inclusion
1121 in the appropriate basin management action plan. Each project
1122 identified must include an estimated amount of nutrient
1123 reduction that is reasonably expected to be achieved based on
1124 the best scientific information available. Revisions to the
1125 basin management action plan shall be made by the department in
1126 cooperation with basin stakeholders. Revisions to the management
1127 strategies required for nonpoint sources must follow the
1128 procedures in subparagraph (c)4. Revised basin management action
1129 plans must be adopted pursuant to subparagraph 5.

1130 7. In accordance with procedures adopted by rule under
1131 paragraph (9)(c), basin management action plans, and other
1132 pollution control programs under local, state, or federal
1133 authority as provided in subsection (4), may allow point or
1134 nonpoint sources that will achieve greater pollutant reductions
1135 than required by an adopted total maximum daily load or
1136 wasteload allocation to generate, register, and trade water
1137 quality credits for the excess reductions to enable other
1138 sources to achieve their allocation; however, the generation of
1139 water quality credits does not remove the obligation of a source
1140 or activity to meet applicable technology requirements or
1141 adopted best management practices. Such plans must allow trading
1142 between NPDES permittees, and trading that may or may not

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1143 involve NPDES permittees, where the generation or use of the
 1144 credits involve an entity or activity not subject to department
 1145 water discharge permits whose owner voluntarily elects to obtain
 1146 department authorization for the generation and sale of credits.

1147 8. The department's rule relating to the equitable
 1148 abatement of pollutants into surface waters do not apply to
 1149 water bodies or waterbody segments for which a basin management
 1150 plan that takes into account future new or expanded activities
 1151 or discharges has been adopted under this section.

1152 9. In order to promote resilient wastewater utilities, if
 1153 the department identifies domestic wastewater treatment
 1154 facilities or onsite sewage treatment and disposal systems as
 1155 contributors of at least 20 percent of point source or nonpoint
 1156 source nutrient pollution or if the department determines
 1157 remediation is necessary to achieve the total maximum daily
 1158 load, a basin management action plan for a nutrient total
 1159 maximum daily load must include the following:

1160 a. A domestic wastewater treatment plan developed by each
 1161 local government, in cooperation with the department, the water
 1162 management district, and the public and private domestic
 1163 wastewater treatment facilities providing services or located
 1164 within the jurisdiction of the local government, which ~~that~~
 1165 addresses domestic wastewater. Private domestic wastewater
 1166 facilities and special districts providing domestic wastewater
 1167 services must provide the required wastewater facility

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1168 information to the applicable local governments. The domestic
 1169 wastewater treatment plan must:

1170 (I) Provide for construction, expansion, or upgrades
 1171 necessary to achieve the total maximum daily load requirements
 1172 applicable to the domestic wastewater treatment facility.

1173 (II) Include the permitted capacity in average annual
 1174 gallons per day for the domestic wastewater treatment facility;
 1175 the average nutrient concentration and the estimated average
 1176 nutrient load of the domestic wastewater; a projected timeline
 1177 of the dates by which the construction of any facility
 1178 improvements will begin and be completed and the date by which
 1179 operations of the improved facility will begin; the estimated
 1180 cost of the improvements; and the identity of responsible
 1181 parties.

1182
 1183 The domestic wastewater treatment plan must be adopted as part
 1184 of the basin management action plan no later than July 1, 2025.
 1185 A local government that does not have a domestic wastewater
 1186 treatment facility in its jurisdiction is not required to
 1187 develop a domestic wastewater treatment plan unless there is a
 1188 demonstrated need to establish a domestic wastewater treatment
 1189 facility within its jurisdiction to improve water quality
 1190 necessary to achieve a total maximum daily load. A local
 1191 government is not responsible for a private domestic wastewater
 1192 facility's compliance with a basin management action plan unless

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1193 such facility is operated through a public-private partnership
 1194 to which the local government is a party.

1195 b. An onsite sewage treatment and disposal system
 1196 remediation plan developed by each local government in
 1197 cooperation with the department, the Department of Health, water
 1198 management districts, and public and private domestic wastewater
 1199 treatment facilities.

1200 (I) The onsite sewage treatment and disposal system
 1201 remediation plan must identify cost-effective and financially
 1202 feasible projects necessary to achieve the nutrient load
 1203 reductions required for onsite sewage treatment and disposal
 1204 systems. To identify cost-effective and financially feasible
 1205 projects for remediation of onsite sewage treatment and disposal
 1206 systems, the local government shall:

1207 (A) Include an inventory of onsite sewage treatment and
 1208 disposal systems based on the best information available;

1209 (B) Identify onsite sewage treatment and disposal systems
 1210 that would be eliminated through connection to existing or
 1211 future central domestic wastewater infrastructure in the
 1212 jurisdiction or domestic wastewater service area of the local
 1213 government, that would be replaced with or upgraded to enhanced
 1214 nutrient-reducing onsite sewage treatment and disposal systems,
 1215 or that would remain on conventional onsite sewage treatment and
 1216 disposal systems;

1217 (C) Estimate the costs of potential onsite sewage

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1218 treatment and disposal system connections, upgrades, or
 1219 replacements; and

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

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

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

1239 11. When identifying wastewater projects in a basin
 1240 management action plan, the department may not require the
 1241 higher cost option if it achieves the same nutrient load
 1242 reduction as a lower cost option. A regulated entity may choose

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1243 a different cost option if it complies with the pollutant
1244 reduction requirements of an adopted total maximum daily load
1245 and meets or exceeds the pollution reduction requirement of the
1246 original project.

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

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

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

1260 (7) Beginning January 15, 2024, and each January 15
1261 thereafter, the department shall submit a report regarding the
1262 projects funded pursuant to this section to the Governor, the
1263 President of the Senate, and the Speaker of the House of
1264 Representatives.

1265 (a) The report must include a list of those projects
1266 receiving funding and the following information for each
1267 project:

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1268 ~~1.(a)~~ A description of the project;

1269 ~~2.(b)~~ The cost of the project;

1270 ~~3.(c)~~ The estimated nutrient load reduction of the

1271 project;

1272 ~~4.(d)~~ The location of the project;

1273 ~~5.(e)~~ The waterbody or waterbodies where the project will

1274 reduce nutrients; and

1275 ~~6.(f)~~ The total cost share being provided for the project.

1276 (b) The report must also include a status report on each

1277 project funded since 2021. The status report must, at a minimum,

1278 identify which projects have been completed and, if such

1279 information is available, provide nutrient load improvements or

1280 water quality testing data for the waterbody.

1281 (8) By July 1, 2025, the department must include the

1282 projects funded pursuant to this section on a user-friendly

1283 website or dashboard. The website or dashboard must allow the

1284 user to see the information provided in subsection (7) and must

1285 be updated at least annually.

1286 Section 13. Paragraph (c) of subsection (1) of section

1287 403.086, Florida Statutes, is amended to read:

1288 403.086 Sewage disposal facilities; advanced and secondary

1289 waste treatment.—

1290 (1)

1291 (c)1. Notwithstanding this chapter or chapter 373, sewage

1292 disposal facilities may not dispose any wastes into the

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1293 following waters without providing advanced waste treatment, as
 1294 defined in subsection (4), as approved by the department or a
 1295 more stringent treatment standard if the department determines
 1296 the more stringent standard is necessary to achieve the total
 1297 maximum daily load or applicable water quality criteria:

1298 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega
 1299 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little
 1300 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
 1301 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
 1302 sound, or other water tributary thereto.

1303 b. Beginning July 1, 2025, Indian River Lagoon, or any
 1304 river, stream, channel, canal, bay, bayou, sound, or other water
 1305 tributary thereto.

1306 c. By January 1, 2033, waterbodies that are currently not
 1307 attaining nutrient or nutrient-related standards or that are
 1308 subject to a nutrient or nutrient-related basin management
 1309 action plan adopted pursuant to s. 403.067 or adopted reasonable
 1310 assurance plan.

1311 2. For any waterbody determined not to be attaining
 1312 nutrient or nutrient-related standards after July 1, 2023, or
 1313 subject to a nutrient or nutrient-related basin management
 1314 action plan adopted pursuant to s. 403.067 or adopted reasonable
 1315 assurance plan after July 1, 2023, sewage disposal facilities
 1316 are prohibited from disposing any wastes into such waters
 1317 without providing advanced waste treatment, as defined in

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1318 subsection (4), as approved by the department within 10 years
1319 after such determination or adoption.

1320 3. By July 1, 2034, any wastewater treatment facility
1321 providing reclaimed water that will be used for commercial or
1322 residential irrigation or be otherwise land applied within a
1323 nutrient basin management action plan or a reasonable assurance
1324 plan area must meet the advanced waste treatment standards for
1325 total nitrogen and total phosphorous as defined in paragraph
1326 (4)(a) if the department has determined in an applicable basin
1327 management action plan or reasonable assurance plan that the use
1328 of reclaimed water as described in this subparagraph is causing
1329 or contributing to the nutrient impairment being addressed in
1330 such plan. For such department determinations made in a nutrient
1331 basin management action plan or reasonable assurance plan after
1332 July 1, 2024, an applicable wastewater treatment facility must
1333 meet the requisite advanced waste treatment standards described
1334 in this subparagraph within 10 years after such determination.
1335 This subparagraph does not prevent the department from requiring
1336 an alternative treatment standard, including a more stringent
1337 treatment standard, if the department determines the alternative
1338 standard is necessary to achieve the total maximum daily load or
1339 applicable water quality criteria. This subparagraph does not
1340 apply to reclaimed water that is otherwise land applied as part
1341 of a water quality restoration project or water resource
1342 development project approved by the department or water

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1343 management district to meet a total maximum daily load or
 1344 minimum flow or level and where such reclaimed water will be at
 1345 or below the advanced waste treatment standards described above
 1346 prior to entering groundwater or surface water.

1347 Section 14. Section 403.121, Florida Statutes, is amended
 1348 to read:

1349 403.121 Enforcement; procedure; remedies.—The department
 1350 shall have the following judicial and administrative remedies
 1351 available to it for violations of this chapter, as specified in
 1352 s. 403.161(1), ss. 381.0065–381.0067, part I of chapter 386 for
 1353 purposes of onsite sewage treatment and disposal systems, part
 1354 III of chapter 489, or any rule promulgated thereunder.

1355 (1) Judicial Remedies:

1356 (a) The department may institute a civil action in a court
 1357 of competent jurisdiction to establish liability and to recover
 1358 damages for any injury to the air, waters, or property,
 1359 including animal, plant, and aquatic life, of the state caused
 1360 by any violation.

1361 (b) The department may institute a civil action in a court
 1362 of competent jurisdiction to impose and to recover a civil
 1363 penalty for each violation in an amount of not more than \$15,000
 1364 per offense. However, the court may receive evidence in
 1365 mitigation. Each day during any portion of which such violation
 1366 occurs constitutes a separate offense.

1367 (c) Except as provided in paragraph (2) (c), it is not a

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1368 | defense to, or ground for dismissal of, these judicial remedies
 1369 | for damages and civil penalties that the department has failed
 1370 | to exhaust its administrative remedies, has failed to serve a
 1371 | notice of violation, or has failed to hold an administrative
 1372 | hearing before the institution of a civil action.

1373 | (2) Administrative Remedies:

1374 | (a) The department may institute an administrative
 1375 | proceeding to establish liability and to recover damages for any
 1376 | injury to the air, waters, or property, including animal, plant,
 1377 | or aquatic life, of the state caused by any violation. The
 1378 | department may order that the violator pay a specified sum as
 1379 | damages to the state. Judgment for the amount of damages
 1380 | determined by the department may be entered in any court having
 1381 | jurisdiction thereof and may be enforced as any other judgment.

1382 | (b) If the department has reason to believe a violation
 1383 | has occurred, it may institute an administrative proceeding to
 1384 | order the prevention, abatement, or control of the conditions
 1385 | creating the violation or other appropriate corrective action.
 1386 | Except for violations involving hazardous wastes, asbestos, or
 1387 | underground injection, the department shall proceed
 1388 | administratively in all cases in which the department seeks
 1389 | administrative penalties that do not exceed \$50,000 per
 1390 | assessment as calculated in accordance with subsections (3),
 1391 | (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the
 1392 | administrative penalty assessed pursuant to subsection (3),

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1393 subsection (4), or subsection (5) against a public water system
1394 serving a population of more than 10,000 may not be less than
1395 \$1,000 per day per violation. The department may not impose
1396 administrative penalties in excess of \$50,000 in a notice of
1397 violation. The department may not have more than one notice of
1398 violation seeking administrative penalties pending against the
1399 same party at the same time unless the violations occurred at a
1400 different site or the violations were discovered by the
1401 department subsequent to the filing of a previous notice of
1402 violation.

1403 (c) An administrative proceeding shall be instituted by
1404 the department's serving of a written notice of violation upon
1405 the alleged violator by certified mail. If the department is
1406 unable to effect service by certified mail, the notice of
1407 violation may be hand delivered or personally served in
1408 accordance with chapter 48. The notice shall specify the law,
1409 rule, regulation, permit, certification, or order of the
1410 department alleged to be violated and the facts alleged to
1411 constitute a violation thereof. An order for corrective action,
1412 penalty assessment, or damages may be included with the notice.
1413 When the department is seeking to impose an administrative
1414 penalty for any violation by issuing a notice of violation, any
1415 corrective action needed to correct the violation or damages
1416 caused by the violation must be pursued in the notice of
1417 violation or they are waived. However, an order is not effective

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1418 | until after service and an administrative hearing, if requested
 1419 | within 20 days after service. Failure to request an
 1420 | administrative hearing within this time period constitutes a
 1421 | waiver thereof, unless the respondent files a written notice
 1422 | with the department within this time period opting out of the
 1423 | administrative process initiated by the department to impose
 1424 | administrative penalties. Any respondent choosing to opt out of
 1425 | the administrative process initiated by the department in an
 1426 | action that seeks the imposition of administrative penalties
 1427 | must file a written notice with the department within 20 days
 1428 | after service of the notice of violation opting out of the
 1429 | administrative process. A respondent's decision to opt out of
 1430 | the administrative process does not preclude the department from
 1431 | initiating a state court action seeking injunctive relief,
 1432 | damages, and the judicial imposition of civil penalties.

1433 | (d) If a person timely files a petition challenging a
 1434 | notice of violation, that person will thereafter be referred to
 1435 | as the respondent. The hearing requested by the respondent shall
 1436 | be held within 180 days after the department has referred the
 1437 | initial petition to the Division of Administrative Hearings
 1438 | unless the parties agree to a later date. The department has the
 1439 | burden of proving with the preponderance of the evidence that
 1440 | the respondent is responsible for the violation. Administrative
 1441 | penalties should not be imposed unless the department satisfies
 1442 | that burden. Following the close of the hearing, the

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1443 administrative law judge shall issue a final order on all
1444 matters, including the imposition of an administrative penalty.
1445 When the department seeks to enforce that portion of a final
1446 order imposing administrative penalties pursuant to s. 120.69,
1447 the respondent may not assert as a defense the inappropriateness
1448 of the administrative remedy. The department retains its final-
1449 order authority in all administrative actions that do not
1450 request the imposition of administrative penalties.

1451 (e) After filing a petition requesting a formal hearing in
1452 response to a notice of violation in which the department
1453 imposes an administrative penalty, a respondent may request that
1454 a private mediator be appointed to mediate the dispute by
1455 contacting the Florida Conflict Resolution Consortium within 10
1456 days after receipt of the initial order from the administrative
1457 law judge. The Florida Conflict Resolution Consortium shall pay
1458 all of the costs of the mediator and for up to 8 hours of the
1459 mediator's time per case at \$150 per hour. Upon notice from the
1460 respondent, the Florida Conflict Resolution Consortium shall
1461 provide to the respondent a panel of possible mediators from the
1462 area in which the hearing on the petition would be heard. The
1463 respondent shall select the mediator and notify the Florida
1464 Conflict Resolution Consortium of the selection within 15 days
1465 of receipt of the proposed panel of mediators. The Florida
1466 Conflict Resolution Consortium shall provide all of the
1467 administrative support for the mediation process. The mediation

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1468 must be completed at least 15 days before the final hearing date
1469 set by the administrative law judge.

1470 (f) In any administrative proceeding brought by the
1471 department, the prevailing party shall recover all costs as
1472 provided in ss. 57.041 and 57.071. The costs must be included in
1473 the final order. The respondent is the prevailing party when an
1474 order is entered awarding no penalties to the department and
1475 such order has not been reversed on appeal or the time for
1476 seeking judicial review has expired. The respondent is entitled
1477 to an award of attorney fees if the administrative law judge
1478 determines that the notice of violation issued by the department
1479 seeking the imposition of administrative penalties was not
1480 substantially justified as defined in s. 57.111(3)(e). An award
1481 of attorney fees as provided by this subsection may not exceed
1482 \$15,000.

1483 (g) This section does not prevent any other legal or
1484 administrative action in accordance with law and does not limit
1485 the department's authority provided in ss. 403.131, 403.141, and
1486 this section to judicially pursue injunctive relief. When the
1487 department exercises its authority to judicially pursue
1488 injunctive relief, penalties in any amount up to the statutory
1489 maximum sought by the department must be pursued as part of the
1490 state court action and not by initiating a separate
1491 administrative proceeding. The department retains the authority
1492 to judicially pursue penalties in excess of \$50,000 for

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1493 | violations not specifically included in the administrative
 1494 | penalty schedule, or for multiple or multiday violations alleged
 1495 | to exceed a total of \$50,000. The department also retains the
 1496 | authority provided in ss. 403.131, 403.141, and this section to
 1497 | judicially pursue injunctive relief and damages, if a notice of
 1498 | violation seeking the imposition of administrative penalties has
 1499 | not been issued. The department has the authority to enter into
 1500 | a settlement, before or after initiating a notice of violation,
 1501 | and the settlement may include a penalty amount different from
 1502 | the administrative penalty schedule. Any case filed in state
 1503 | court because it is alleged to exceed a total of \$50,000 in
 1504 | penalties may be settled in the court action for less than
 1505 | \$50,000.

1506 | (h) Chapter 120 applies to any administrative action taken
 1507 | by the department or any delegated program pursuing
 1508 | administrative penalties in accordance with this section.

1509 | (3) Except for violations involving hazardous wastes,
 1510 | asbestos, or underground injection, administrative penalties
 1511 | must be calculated according to the following schedule:

1512 | (a) For a drinking water contamination violation, the
 1513 | department shall assess a penalty of \$3,000 for a Maximum
 1514 | Containment Level (MCL) violation; plus \$1,500 if the violation
 1515 | is for a primary inorganic, organic, or radiological Maximum
 1516 | Contaminant Level or it is a fecal coliform bacteria violation;
 1517 | plus \$1,500 if the violation occurs at a community water system;

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1518 and plus \$1,500 if any Maximum Contaminant Level is exceeded by
 1519 more than 100 percent. For failure to obtain a clearance letter
 1520 before placing a drinking water system into service when the
 1521 system would not have been eligible for clearance, the
 1522 department shall assess a penalty of \$4,500.

1523 (b) For failure to obtain a required wastewater permit,
 1524 other than a permit required for surface water discharge, or
 1525 obtain an onsite sewage treatment and disposal system permit, or
 1526 for a violation of s. 381.0065, or the creation of or
 1527 maintenance of a nuisance related to an onsite sewage treatment
 1528 and disposal system under part I of chapter 386, or for a
 1529 violation of part III of chapter 489, or any rule properly
 1530 promulgated thereunder, the department shall assess a penalty of
 1531 \$2,000. For a domestic or industrial wastewater violation, not
 1532 involving a surface water or groundwater quality violation, the
 1533 department shall assess a penalty of \$4,000 for an unpermitted
 1534 or unauthorized discharge or effluent-limitation exceedance or
 1535 for failure to comply with s. 403.061(14) or s. 403.086(7) or
 1536 rules adopted thereunder. For an unpermitted or unauthorized
 1537 discharge or effluent-limitation exceedance that resulted in a
 1538 surface water or groundwater quality violation, the department
 1539 shall assess a penalty of \$10,000. Each day the cause of an
 1540 unauthorized discharge of domestic wastewater or sanitary
 1541 nuisance is not addressed constitutes a separate offense.

1542 (c) For a dredge and fill or stormwater violation, the

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1543 department shall assess a penalty of \$1,500 for unpermitted or
1544 unauthorized dredging or filling or unauthorized construction of
1545 a stormwater management system against the person or persons
1546 responsible for the illegal dredging or filling, or unauthorized
1547 construction of a stormwater management system plus \$3,000 if
1548 the dredging or filling occurs in an aquatic preserve, an
1549 Outstanding Florida Water, a conservation easement, or a Class I
1550 or Class II surface water, plus \$1,500 if the area dredged or
1551 filled is greater than one-quarter acre but less than or equal
1552 to one-half acre, and plus \$1,500 if the area dredged or filled
1553 is greater than one-half acre but less than or equal to one
1554 acre. The administrative penalty schedule does not apply to a
1555 dredge and fill violation if the area dredged or filled exceeds
1556 one acre. The department retains the authority to seek the
1557 judicial imposition of civil penalties for all dredge and fill
1558 violations involving more than one acre. The department shall
1559 assess a penalty of \$4,500 for the failure to complete required
1560 mitigation, failure to record a required conservation easement,
1561 or for a water quality violation resulting from dredging or
1562 filling activities, stormwater construction activities or
1563 failure of a stormwater treatment facility. For stormwater
1564 management systems serving less than 5 acres, the department
1565 shall assess a penalty of \$3,000 for the failure to properly or
1566 timely construct a stormwater management system. In addition to
1567 the penalties authorized in this subsection, the department

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1568 shall assess a penalty of \$7,500 per violation against the
 1569 contractor or agent of the owner or tenant that conducts
 1570 unpermitted or unauthorized dredging or filling. For purposes of
 1571 this paragraph, the preparation or signing of a permit
 1572 application by a person currently licensed under chapter 471 to
 1573 practice as a professional engineer does not make that person an
 1574 agent of the owner or tenant.

1575 (d) For mangrove trimming or alteration violations, the
 1576 department shall assess a penalty of \$7,500 per violation
 1577 against the contractor or agent of the owner or tenant that
 1578 conducts mangrove trimming or alteration without a permit as
 1579 required by s. 403.9328. For purposes of this paragraph, the
 1580 preparation or signing of a permit application by a person
 1581 currently licensed under chapter 471 to practice as a
 1582 professional engineer does not make that person an agent of the
 1583 owner or tenant.

1584 (e) For solid waste violations, the department shall
 1585 assess a penalty of \$3,000 for the unpermitted or unauthorized
 1586 disposal or storage of solid waste; plus \$1,000 if the solid
 1587 waste is Class I or Class III (excluding yard trash) or if the
 1588 solid waste is construction and demolition debris in excess of
 1589 20 cubic yards, plus \$1,500 if the waste is disposed of or
 1590 stored in any natural or artificial body of water or within 500
 1591 feet of a potable water well, plus \$1,500 if the waste contains
 1592 PCB at a concentration of 50 parts per million or greater;

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1593 untreated biomedical waste; friable asbestos greater than 1
 1594 cubic meter which is not wetted, bagged, and covered; used oil
 1595 greater than 25 gallons; or 10 or more lead acid batteries. The
 1596 department shall assess a penalty of \$4,500 for failure to
 1597 properly maintain leachate control; unauthorized burning;
 1598 failure to have a trained spotter on duty at the working face
 1599 when accepting waste; or failure to provide access control for
 1600 three consecutive inspections. The department shall assess a
 1601 penalty of \$3,000 for failure to construct or maintain a
 1602 required stormwater management system.

1603 (f) For an air emission violation, the department shall
 1604 assess a penalty of \$1,500 for an unpermitted or unauthorized
 1605 air emission or an air-emission-permit exceedance, plus \$4,500
 1606 if the emission was from a major source and the source was major
 1607 for the pollutant in violation; plus \$1,500 if the emission was
 1608 more than 150 percent of the allowable level.

1609 (g) For storage tank system and petroleum contamination
 1610 violations, the department shall assess a penalty of \$7,500 for
 1611 failure to empty a damaged storage system as necessary to ensure
 1612 that a release does not occur until repairs to the storage
 1613 system are completed; when a release has occurred from that
 1614 storage tank system; for failure to timely recover free product;
 1615 or for failure to conduct remediation or monitoring activities
 1616 until a no-further-action or site-rehabilitation completion
 1617 order has been issued. The department shall assess a penalty of

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1618 \$4,500 for failure to timely upgrade a storage tank system. The
 1619 department shall assess a penalty of \$3,000 for failure to
 1620 conduct or maintain required release detection; failure to
 1621 timely investigate a suspected release from a storage system;
 1622 depositing motor fuel into an unregistered storage tank system;
 1623 failure to timely assess or remediate petroleum contamination;
 1624 or failure to properly install a storage tank system. The
 1625 department shall assess a penalty of \$1,500 for failure to
 1626 properly operate, maintain, or close a storage tank system.

1627 (4) In an administrative proceeding, in addition to the
 1628 penalties that may be assessed under subsection (3), the
 1629 department shall assess administrative penalties according to
 1630 the following schedule:

1631 (a) For failure to satisfy financial responsibility
 1632 requirements or for violation of s. 377.371(1), \$7,500.

1633 (b) For failure to install, maintain, or use a required
 1634 pollution control system or device, \$6,000.

1635 (c) For failure to obtain a required permit before
 1636 construction or modification, \$4,500.

1637 (d) For failure to conduct required monitoring or testing;
 1638 failure to conduct required release detection; or failure to
 1639 construct in compliance with a permit, \$3,000.

1640 (e) For failure to maintain required staff to respond to
 1641 emergencies; failure to conduct required training; failure to
 1642 prepare, maintain, or update required contingency plans; failure

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1643 to adequately respond to emergencies to bring an emergency
 1644 situation under control; or failure to submit required
 1645 notification to the department, \$1,500.

1646 (f) Except as provided in subsection (2) with respect to
 1647 public water systems serving a population of more than 10,000,
 1648 for failure to prepare, submit, maintain, or use required
 1649 reports or other required documentation, \$750.

1650 (5) Except as provided in subsection (2) with respect to
 1651 public water systems serving a population of more than 10,000,
 1652 for failure to comply with any other departmental regulatory
 1653 statute or rule requirement not otherwise identified in this
 1654 section, the department may assess a penalty of \$1,000.

1655 (6) For each additional day during which a violation
 1656 occurs, the administrative penalties in subsections (3)-(5) may
 1657 be assessed per day per violation.

1658 (7) The history of noncompliance of the violator for any
 1659 previous violation resulting in an executed consent order, but
 1660 not including a consent order entered into without a finding of
 1661 violation, or resulting in a final order or judgment after the
 1662 effective date of this law involving the imposition of \$3,000 or
 1663 more in penalties shall be taken into consideration in the
 1664 following manner:

1665 (a) One previous such violation within 5 years before the
 1666 filing of the notice of violation will result in a 25-percent
 1667 per day increase in the scheduled administrative penalty.

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1668 (b) Two previous such violations within 5 years before the
 1669 filing of the notice of violation will result in a 50-percent
 1670 per day increase in the scheduled administrative penalty.

1671 (c) Three or more previous such violations within 5 years
 1672 before the filing of the notice of violation will result in a
 1673 100-percent per day increase in the scheduled administrative
 1674 penalty.

1675 (8) The direct economic benefit gained by the violator
 1676 from the violation, where consideration of economic benefit is
 1677 provided by Florida law or required by federal law as part of a
 1678 federally delegated or approved program, must be added to the
 1679 scheduled administrative penalty. The total administrative
 1680 penalty, including any economic benefit added to the scheduled
 1681 administrative penalty, may not exceed \$15,000.

1682 (9) The administrative penalties assessed for any
 1683 particular violation may not exceed \$10,000 against any one
 1684 violator, unless the violator has a history of noncompliance,
 1685 the economic benefit of the violation as described in subsection
 1686 (8) exceeds \$10,000, or there are multiday violations. The total
 1687 administrative penalties may not exceed \$50,000 per assessment
 1688 for all violations attributable to a specific person in the
 1689 notice of violation.

1690 (10) The administrative law judge may receive evidence in
 1691 mitigation. The penalties identified in subsections (3) - (5) may
 1692 be reduced up to 50 percent by the administrative law judge for

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1693 mitigating circumstances, including good faith efforts to comply
1694 before or after discovery of the violations by the department.
1695 Upon an affirmative finding that the violation was caused by
1696 circumstances beyond the reasonable control of the respondent
1697 and could not have been prevented by respondent's due diligence,
1698 the administrative law judge may further reduce the penalty.

1699 (11) Penalties collected pursuant to this section must
1700 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund
1701 or other trust fund designated by statute and shall be used to
1702 fund the restoration of ecosystems, or polluted areas of the
1703 state, as defined by the department, to their condition before
1704 pollution occurred. The Florida Conflict Resolution Consortium
1705 may use a portion of the fund to administer the mediation
1706 process provided in paragraph (2) (e) and to contract with
1707 private mediators for administrative penalty cases.

1708 (12) The purpose of the administrative penalty schedule
1709 and process is to provide a more predictable and efficient
1710 manner for individuals and businesses to resolve relatively
1711 minor environmental disputes. Subsections (3)-(7) may not be
1712 construed as limiting a state court in the assessment of
1713 damages. The administrative penalty schedule does not apply to
1714 the judicial imposition of civil penalties in state court as
1715 provided in this section.

1716 Section 15. Subsection (1) of section 403.0671, Florida
1717 Statutes, is amended to read:

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1718 403.0671 Basin management action plan wastewater reports.—
 1719 (1) By July 1, 2021, the department, in coordination with
 1720 the county health departments, wastewater treatment facilities,
 1721 and other governmental entities, shall submit a report to the
 1722 Governor, the President of the Senate, and the Speaker of the
 1723 House of Representatives evaluating the costs of wastewater
 1724 projects identified in the basin management action plans
 1725 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
 1726 sewage treatment and disposal system remediation plans and other
 1727 restoration plans developed to meet the total maximum daily
 1728 loads required under s. 403.067. The report must include all of
 1729 the following:
 1730 (a) Projects to:
 1731 1. Replace onsite sewage treatment and disposal systems
 1732 with enhanced nutrient-reducing onsite sewage treatment and
 1733 disposal systems.
 1734 2. Install or retrofit onsite sewage treatment and
 1735 disposal systems with enhanced nutrient-reducing technologies.
 1736 3. Construct, upgrade, or expand domestic wastewater
 1737 treatment facilities to meet the domestic wastewater treatment
 1738 plan required under s. 403.067(7)(a)9.
 1739 4. Connect onsite sewage treatment and disposal systems to
 1740 domestic wastewater treatment facilities.~~†~~
 1741 (b) The estimated costs, nutrient load reduction
 1742 estimates, and other benefits of each project.~~†~~

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1743 (c) The estimated implementation timeline for each
 1744 project.~~†~~

1745 (d) A proposed 5-year funding plan for each project and
 1746 the source and amount of financial assistance the department, a
 1747 water management district, or other project partner will make
 1748 available to fund the project.~~†~~ and

1749 (e) The projected costs of installing enhanced nutrient-
 1750 reducing onsite sewage treatment and disposal systems on
 1751 buildable lots in priority focus areas to comply with s.
 1752 373.811.

1753 Section 16. Paragraph (f) of subsection (2) of section
 1754 403.0673, Florida Statutes, is amended to read:

1755 403.0673 Water quality improvement grant program.—A grant
 1756 program is established within the Department of Environmental
 1757 Protection to address wastewater, stormwater, and agricultural
 1758 sources of nutrient loading to surface water or groundwater.

1759 (2) The department may provide grants for all of the
 1760 following types of projects that reduce the amount of nutrients
 1761 entering those waterbodies identified in subsection (1):

1762 (f) Projects identified in a domestic wastewater treatment
 1763 plan or an onsite sewage treatment and disposal system
 1764 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and
 1765 b.

1766 Section 17. Subsection (5) of section 403.9301, Florida
 1767 Statutes, is amended to read:

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1768 403.9301 Wastewater services projections.—

1769 (5) The Office of Economic and Demographic Research shall
 1770 evaluate the compiled documents from the counties for the
 1771 purpose of developing a statewide analysis for inclusion in the
 1772 assessment due the following January 1, ~~2023~~, pursuant to s.
 1773 403.928. Beginning July 1, 2024, and by the July 1 following
 1774 subsequent publications of the analysis required by this
 1775 section, the Office of Economic and Demographic Research shall
 1776 provide a publicly accessible data visualization tool on its
 1777 website that allows for comparative analyses of key information.

1778 Section 18. Subsection (5) of section 403.9302, Florida
 1779 Statutes, is amended to read:

1780 403.9302 Stormwater management projections.—

1781 (5) The Office of Economic and Demographic Research shall
 1782 evaluate the compiled documents from the counties for the
 1783 purpose of developing a statewide analysis for inclusion in the
 1784 assessment due the following January 1, ~~2023~~, pursuant to s.
 1785 403.928. Beginning July 1, 2024, and by the July 1 following
 1786 subsequent publications of the analysis required by this
 1787 section, the Office of Economic and Demographic Research shall
 1788 provide a publicly accessible data visualization tool on its
 1789 website that allows for comparative analyses of key information.

1790 Section 19. For the purpose of incorporating the amendment
 1791 made by this act to section 253.04, Florida Statutes, in a
 1792 reference thereto, paragraph (x) of subsection (1) of section

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1793 327.73, Florida Statutes, is reenacted to read:
 1794 327.73 Noncriminal infractions.—
 1795 (1) Violations of the following provisions of the vessel
 1796 laws of this state are noncriminal infractions:
 1797 (x) Section 253.04(3) (a), relating to carelessly causing
 1798 seagrass scarring, for which the civil penalty upon conviction
 1799 is:
 1800 1. For a first offense, \$100.
 1801 2. For a second offense occurring within 12 months after a
 1802 prior conviction, \$250.
 1803 3. For a third offense occurring within 36 months after a
 1804 prior conviction, \$500.
 1805 4. For a fourth or subsequent offense occurring within 72
 1806 months after a prior conviction, \$1,000.
 1807
 1808 Any person cited for a violation of this subsection shall be
 1809 deemed to be charged with a noncriminal infraction, shall be
 1810 cited for such an infraction, and shall be cited to appear
 1811 before the county court. The civil penalty for any such
 1812 infraction is \$100, except as otherwise provided in this
 1813 section. Any person who fails to appear or otherwise properly
 1814 respond to a uniform boating citation, in addition to the charge
 1815 relating to the violation of the boating laws of this state,
 1816 must be charged with the offense of failing to respond to such
 1817 citation and, upon conviction, be guilty of a misdemeanor of the

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1818 second degree, punishable as provided in s. 775.082 or s.
 1819 775.083. A written warning to this effect shall be provided at
 1820 the time such uniform boating citation is issued.

1821 Section 20. For the purpose of incorporating the amendment
 1822 made by this act to section 381.0061, Florida Statutes, in
 1823 references thereto, paragraph (a) of subsection (4) and
 1824 paragraph (a) of subsection (6) of section 381.0072, Florida
 1825 Statutes, are reenacted to read:

1826 381.0072 Food service protection.—

1827 (4) LICENSES REQUIRED.—

1828 (a) *Licenses; annual renewals.*—Each food service
 1829 establishment regulated under this section shall obtain a
 1830 license from the department annually. Food service establishment
 1831 licenses shall expire annually and are not transferable from one
 1832 place or individual to another. However, those facilities
 1833 licensed by the department's Office of Licensure and
 1834 Certification, the Child Care Services Program Office, or the
 1835 Agency for Persons with Disabilities are exempt from this
 1836 subsection. It shall be a misdemeanor of the second degree,
 1837 punishable as provided in s. 381.0061, s. 775.082, or s.
 1838 775.083, for such an establishment to operate without this
 1839 license. The department may refuse a license, or a renewal
 1840 thereof, to any establishment that is not constructed or
 1841 maintained in accordance with law and with the rules of the
 1842 department. Annual application for renewal is not required.

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1843 (6) FINES; SUSPENSION OR REVOCATION OF LICENSES;
 1844 PROCEDURE.—

1845 (a) The department may impose fines against the
 1846 establishment or operator regulated under this section for
 1847 violations of sanitary standards, in accordance with s.
 1848 381.0061. All amounts collected shall be deposited to the credit
 1849 of the County Health Department Trust Fund administered by the
 1850 department.

1851 Section 21. For the purpose of incorporating the amendment
 1852 made by this act to section 381.0061, Florida Statutes, in a
 1853 reference thereto, subsection (4) of section 381.0086, Florida
 1854 Statutes, is reenacted to read:

1855 381.0086 Rules; variances; penalties.—

1856 (4) A person who violates any provision of ss. 381.008-
 1857 381.00895 or rules adopted under such sections is subject either
 1858 to the penalties provided in ss. 381.0012 and 381.0061 or to the
 1859 penalties provided in s. 381.0087.

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 (7) of section 381.0098, Florida
 1863 Statutes, is reenacted to read:

1864 381.0098 Biomedical waste.—

1865 (7) ENFORCEMENT AND PENALTIES.—Any person or public body
 1866 in violation of this section or rules adopted under this section
 1867 is subject to penalties provided in ss. 381.0012 and 381.0061.

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1868 | However, an administrative fine not to exceed \$2,500 may be
 1869 | imposed for each day such person or public body is in violation
 1870 | of this section. The department may deny, suspend, or revoke any
 1871 | biomedical waste permit or registration if the permittee
 1872 | violates this section, any rule adopted under this section, or
 1873 | any lawful order of the department.

1874 | Section 23. For the purpose of incorporating the amendment
 1875 | made by this act to section 381.0061, Florida Statutes, in a
 1876 | reference thereto, subsection (2) of section 513.10, Florida
 1877 | Statutes, is reenacted to read:

1878 | 513.10 Operating without permit; enforcement of chapter;
 1879 | penalties.—

1880 | (2) This chapter or rules adopted under this chapter may
 1881 | be enforced in the manner provided in s. 381.0012 and as
 1882 | provided in this chapter. Violations of this chapter and the
 1883 | rules adopted under this chapter are subject to the penalties
 1884 | provided in this chapter and in s. 381.0061.

1885 | Section 24. This act shall take effect July 1, 2024.