

By Senator Torres

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1 A bill to be entitled
2 An act relating to climate resilience; creating s.
3 380.0939, F.S.; defining terms; requiring the
4 Department of Environmental Protection to establish
5 the Blue Communities Program for a specified purpose;
6 providing duties of the program; authorizing the
7 department to delegate and integrate certain
8 initiatives; providing blue community eligibility
9 requirements; requiring the department to establish a
10 Blue Communities Fund for specified purposes;
11 requiring the department to administer and oversee the
12 Blue Communities Program, adopt rules, adopt a funding
13 structure, and submit reports containing specified
14 information to the Legislature by a specified date;
15 creating s. 380.245, F.S.; providing a short title;
16 defining terms; establishing an advisory board within
17 the department; providing for membership; establishing
18 the Ocean State Climate Adaptation and Resilience
19 Grant Fund within the department; specifying sources
20 and uses of funding; specifying factors to be
21 considered in determining the eligibility and
22 prioritization of projects; specifying eligibility
23 requirements for projects; prohibiting grant funds
24 from being used for certain purposes; providing for a
25 grant disbursement process and the submittal of
26 reports to the Legislature at specified intervals by
27 the department and the Florida Oceans and Coastal
28 Council; requiring the department and the council to
29 adopt rules; creating s. 377.8061, F.S.; providing a

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30 short title; providing legislative findings regarding
31 the purpose of the Florida Carbon Sequestration Act;
32 creating the Carbon Sequestration Advisory Council
33 within the Department of Agriculture and Consumer
34 Services; providing for membership and expenses of the
35 council; requiring the department to provide meeting
36 space and certain assistance; specifying duties of the
37 council; requiring the department, in consultation
38 with the council, to submit a report to the
39 Legislature by a specified date; specifying report
40 contents; requiring a second report by a specified
41 date which includes a certain assessment conducted in
42 consultation with the council; providing requirements
43 for the assessment; authorizing the department to
44 contract with the Natural Resources Conservation
45 Service for certain purposes; authorizing the
46 department to apply for and accept certain sources of
47 public and private funds; creating the Carbon
48 Sequestration Assessment Cash Account within the Land
49 Acquisition Trust Fund for specified purposes;
50 requiring the Chief Financial Officer to credit
51 certain moneys received to the account; creating s.
52 379.27, F.S.; providing legislative findings;
53 providing a purpose; establishing the Ocean
54 Stewardship Special Account within the Land
55 Acquisition Trust Fund to be administered by the Fish
56 and Wildlife Conservation Commission for specified
57 purposes; specifying sources and uses of funding;
58 providing for administrative procedures; requiring

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59 owners of certain commercial vessels and operators of
60 rental watercraft or water sports equipment to collect
61 an ocean stewardship user fee from passengers or
62 customers, respectively; specifying the fee amount;
63 requiring such fees to be deposited into the Ocean
64 Stewardship Special Account; requiring the department
65 to adopt rules; providing an effective date.
66

67 Be It Enacted by the Legislature of the State of Florida:
68

69 Section 1. Section 380.0939, Florida Statutes, is created
70 to read:

71 380.0939 The Blue Communities Program.—

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

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

74 (b) "Department" means the Department of Environmental
75 Protection.

76 (c) "Eutrophication" means a condition of coastal or fresh
77 waters that have elevated nutrient concentrations which cause a
78 dense growth of plant life and death of animal life from lack of
79 oxygen.

80 (d) "Nutrient pollution" means excess amounts of nutrients
81 from point and nonpoint sources which can lead to
82 eutrophication.

83 (e) "Program" means the Blue Communities Program created
84 under this section.

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

86 (2) (a) The Blue Communities Program is established within
87 the department to incentivize local action to reduce nutrient

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88 pollution and ocean acidification in the ocean, coastal waters,
89 fresh waters, and watersheds. The program shall provide
90 technical and financial assistance, in the form of grants and
91 loans, to local governments that qualify as blue communities
92 under this section.

93 (b) The department may delegate certain initiatives within
94 the program to departments, divisions, or offices. The
95 department may also integrate certain initiatives within the
96 program with existing programs, including the total maximum
97 daily load program as set forth in s. 403.067.

98 (3) To qualify as a blue community, a local government
99 must:

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

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

103 1. A liquid hazardous waste program which advertises
104 detergents, cleaning products, and other hazardous or nutrient-
105 dense liquids that cannot safely be thrown away, flushed, or
106 poured down drains, and annually collects and properly disposes
107 of such liquids.

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

112 3. A water conservation ordinance as set forth in s.
113 166.048.

114 4. An ordinance contained within the "Florida-Friendly
115 Landscape Guidance Models for Ordinances, Covenants, and
116 Restrictions" manual developed by the department.

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117 5. A shell collection system for local businesses to return
118 carbonate-containing shells to the ocean.

119 6. A shellfish or seagrass regenerative ocean farming
120 operation or shellfish or seagrass restoration project which is
121 consistent with work conducted by the Seagrass Restoration
122 Technology Development Initiative.

123 7. A water quality monitoring system for waterbodies for
124 which total maximum daily loads have not been established that
125 includes monitoring levels of pH, phosphorus, and nitrogen.

126 8. A plan to eliminate municipal-owned sanitary sewer or
127 combined sewer overflows.

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

130 (c) Develop a blue community plan that prioritizes
131 implementation in environmental justice communities and outlines
132 specific metrics for each implemented initiative.

133 (d) Report the expenditures and results of the blue
134 community plan to the Executive Office of the Governor and the
135 applicable committees of the Legislature every 2 years after the
136 date the application is approved by the department.

137 (4) The department shall establish the Blue Communities
138 Fund, which shall be used to finance the program and all or a
139 portion of the costs of studying, designing, constructing, and
140 implementing ocean acidification mitigation programs. The
141 department may integrate this fund with other similar funds.
142 Funds shall be appropriated annually by the state and include,
143 among other sources, moneys obtained from:

144 (a) The Land Acquisition Trust Fund.

145 (b) The sales tax on fertilizers.

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

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

150 (a) Adopting rules and guidelines for the administration
151 and enforcement of this section, including establishing
152 applicant criteria, detailing operations and requirements of the
153 structure in paragraph (b), funding priority, and application
154 forms and procedures.

155 (b) Adopting a structure for communities to receive funding
156 that provides greater amounts of funding to communities that
157 adopt a greater number of initiatives.

158 (c) Submitting an annual report by September 1 to the
159 President of the Senate, the Speaker of the House of
160 Representatives, and the chairs of the appropriations committees
161 of the Legislature detailing expenditures and results relative
162 to the program.

163 Section 2. Section 380.245, Florida Statutes, is created,
164 to read:

165 380.245 Ocean state climate adaptation and resilience.—

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

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

169 (a) "Adaptation and resilience projects" or "projects"
170 means those projects on public land that protect or enhance
171 coastal or riverine habitats to address climate change impacts.
172 Adaptation and resilience projects include projects that reduce
173 the vulnerability of low-lying infrastructure on public land
174 through measures that include removal and relocation of

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175 infrastructure, restoration of river and stream floodplains,
176 including the regrading of banks, revegetation, acquisition of
177 that area of land necessary to maintain and preserve public
178 access, and redesigning, resizing, and replacing culverts and
179 bridge spans at existing wetland crossings.

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

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

184 (d) "Department" means the Department of Environmental
185 Protection.

186 (e) "Director" means the director of the Division of Water
187 Resource Management.

188 (f) "Infrastructure" means roads, parking lots, and other
189 paved surfaces, shoreline protection structures, buildings,
190 water control structures, culverts, other structures, and
191 remnants of development.

192 (g) "Public lands" has the same meaning as in s. 317.0003.

193 (h) "Shoreline protection structures" means revetments,
194 bulkheads, seawalls and floodwalls, breakwaters, jetties, and
195 other structures, the purpose or effect of which is to control
196 the erosion of coastal or river features, and includes any sheet
197 pile, concrete, or stone walls.

198 (3) An advisory board is established to consist of four
199 members, as follows:

200 (a) One member shall be the Secretary of Environmental
201 Protection or his or her designee.

202 (b) One member shall be the director or his or her
203 designee.

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204 (c) One member shall be the director of the relevant state
205 planning unit within the Department of Commerce or his or her
206 designee.

207 (d) One member shall be the director of the Division of
208 Emergency Management or his or her designee.

209 (4) (a) There is established the Ocean State Climate
210 Adaptation and Resilience Grant Fund ("OSCAR Grant Fund") within
211 the department.

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

213 1. Appropriations from the Legislature.

214 2. Funding received from federal, state, or other sources,
215 including bond funds, for the purposes of the grant fund.

216 3. Funding received from any private donor for the OSCAR
217 Grant Fund.

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

219 (c) The OSCAR Grant Fund shall be used to carry out the
220 purposes of this section, as follows:

221 1. The administrative expenses required to carry out the
222 activities of the program as described in this section may not
223 exceed \$50,000 each for the council and the department annually,
224 which sum may not include the cost of issuing bonds or notes, if
225 any. The department and the council must submit annual budget
226 requests for their administrative and implementation costs of
227 the program to the Legislature.

228 2. The planning, design, engineering, construction, and
229 monitoring of projects which must be approved by the department
230 and the council upon recommendation of the advisory board. Only
231 grants approved through the process established by the
232 department and the council are eligible for funding under this

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233 section. Subject to the availability of funds in the grant fund,
234 the Legislative Budget Commission shall award funding upon
235 receipt of written approval of the department and the council.

236 (d) Factors to be taken into consideration by the advisory
237 board in determining the eligibility of projects for financial
238 assistance and in prioritizing the selection of projects must
239 include:

240 1. Consistency with the following, if applicable:

241 a. The council's most recent projections for sea-level
242 rise.

243 b. A coastal habitat restoration strategy.

244 c. Consistency with the applicable best management
245 practices plan.

246 d. Other applicable state and federal laws.

247 2. The ability and authority of the applicant to carry out
248 and properly maintain the project.

249 3. Whether the project will enhance public access to public
250 land.

251 4. The severity to, or the risk or extent of,
252 infrastructure degradation on public land.

253 5. The extent of the use by the public of the public land.

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

256 7. Whether the adaptation and resilience project can also
257 be shown to create or replace habitat losses that benefit fish
258 and wildlife resources.

259 8. Potential water quality improvements.

260 9. Potential improvements to fish and wildlife habitats for
261 rare or endangered species under the federal Endangered Species

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262 Act, 16 U.S.C. s. 1531 et seq.

263 10. The level and extent of collaboration with partners
264 such as other municipalities, counties, nongovernmental
265 organizations, watershed councils, and federal agencies.

266 11. Overall potential benefits to the public and estimated
267 timeframe for the public to realize such benefits.

268 (5) (a) The OSCAR Grant Fund shall be used solely for
269 adaptation and resilience projects as set forth in this section.

270 (b) The grant fund may not be used for:

271 1. Mitigating any current, planned, or future projects that
272 degrade, fill, or otherwise destroy coastal, estuarine, or
273 riverine habitats.

274 2. Fulfilling any liability for restoration required by any
275 local, state, or federal agency pursuant to an environmental or
276 a public health enforcement action.

277 3. With the exception of culverts, elevating, repairing, or
278 replacing infrastructure, or constructing new infrastructure, in
279 its existing location that is experiencing climate change
280 impacts.

281 4. Constructing new, or repairing existing, shoreline
282 protection structures; provided, however, that existing
283 shoreline protection structures on public parks may be repaired.

284 5. Constructing roads or bridges.

285 (6) (a) The department and the council shall establish and
286 execute a process, at least annually, for the solicitation,
287 evaluation, and award of grant funds for projects that meet the
288 requirements in this section. The department and the council
289 shall forward their respective written notification of approval
290 of a project application to the Legislative Budget Commission.

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291 (b) The department and the council shall jointly submit a
292 report to the President of the Senate and the Speaker of the
293 House of Representatives no later than the 10th day following
294 the convening of each regular session. The report shall include
295 the following:

296 1. The amount of grant funds awarded during the preceding
297 fiscal year.

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

300 3. Any other information requested by the Legislature.

301 (7) The council and the department shall adopt rules
302 necessary to administer and enforce this section.

303 Section 3. Section 377.8061, Florida Statutes, is created,
304 to read:

305 377.8061 Carbon sequestration; council creation; duties;
306 report.—

307 (1) This section may be cited as the "Florida Carbon
308 Sequestration Act."

309 (2) The Legislature finds that:

310 (a) Increasing levels of carbon dioxide and other
311 greenhouse gases in the atmosphere have led to a growing
312 interest in national and international forums for implementing
313 measures to slow and reverse the buildup of such atmospheric
314 constituents. These measures may include the establishment of
315 systems of trading in credits for the adoption of practices,
316 technologies, or other measures which decrease net emissions of
317 carbon dioxide and other greenhouse gases.

318 (b) Improved agricultural production methods, soil
319 conservation practices, and other methods of stewardship of soil

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320 resources have great potential to increase carbon sequestration
321 on agricultural lands and help offset carbon dioxide emissions
322 from other sectors of the economy.

323 (c) It is in the interest of agricultural producers and the
324 public in general that the Department of Agriculture and
325 Consumer Services document and quantify carbon sequestration and
326 greenhouse emissions reductions associated with agricultural
327 practices, management systems, and land uses occurring on
328 agricultural lands in this state.

329 (d) Efforts to quantify and verify carbon sequestration on
330 agricultural land will enhance the ability of the state's
331 agricultural landowners to participate in any system of carbon
332 or greenhouse emissions marketing or trading.

333 (3) (a) There is created the Carbon Sequestration Advisory
334 Council, an advisory council as defined in s. 20.03, is
335 established within the department. The council shall consist of
336 the following members appointed by the Governor:

337 1. The Commissioner of Agriculture or his or her designee.

338 2. The Secretary of Environmental Protection or his or her
339 designee.

340 3. The executive director of the Fish and Wildlife
341 Conservation Commission or his or her designee.

342 4. One member representing the Natural Resources
343 Conservation Service of the United States Department of
344 Agriculture.

345 5. One member representing Florida State University.

346 6. One member representing the Florida Energy Systems
347 Consortium.

348 7. One member representing an entity which generates

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349 electrical energy.

350 8. Two members who are producers of field crops, at least
351 one of whom actively employs a minimum tillage management system
352 in his or her farming operation.

353 9. Two members who are producers of livestock, at least one
354 of whom is actively involved in range management.

355 10. One member with expertise in greenhouse emissions
356 marketing or trading.

357 11. One member representing natural resources districts.

358 12. One member representing the ethanol industry.

359 (b) Members of the council shall serve without compensation
360 but shall be reimbursed for their actual and necessary expenses
361 as provided by law.

362 (c) The department shall provide meeting space, staffing,
363 and other assistance to the council.

364 (4) The council shall:

365 (a) Advise and assist the department in conducting the
366 assessment and preparing any reports required by this section.

367 (b) Recommend policies or programs to enhance the ability
368 of agricultural landowners to participate in systems of carbon
369 trading. Such recommendations shall include potential policies
370 or programs designed to optimize economic benefits to
371 agricultural producers participating in carbon trading
372 transactions. Such policies or programs may include identifying
373 existing, or the potential of creating, nonprofit organizations
374 or other public or private entities capable of serving as
375 assemblers of carbon credits or as intermediaries on behalf of
376 producers in carbon trading systems.

377 (c) Encourage the production of educational and advisory

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378 materials regarding carbon sequestration on agricultural lands
379 and participation in systems of carbon or greenhouse emissions
380 trading.

381 (d) Identify and recommend areas of research needed to
382 better understand and quantify the processes of carbon
383 sequestration on agricultural lands.

384 (5) (a) On or before December 1, 2025, the department, in
385 consultation with the Carbon Sequestration Advisory Council,
386 shall submit a report to the Legislature.

387 (b) The report shall include all of the following:

388 1. The potential for, and the potential forms of,
389 greenhouse emissions regulation.

390 2. The potential for development of a system or systems of
391 carbon emissions trading or markets for carbon sequestered on
392 agricultural land.

393 3. Agricultural practices, management systems, or land uses
394 which increase stored soil carbon and minimize carbon dioxide or
395 other greenhouse emissions associated with agricultural
396 production.

397 4. Methods for measuring and modeling net carbon
398 sequestration and greenhouse emissions reduction associated with
399 various agricultural practices, management systems, or land uses
400 occurring on agricultural land.

401 5. Areas of scientific uncertainty with respect to
402 quantifying and understanding greenhouse emission reductions or
403 soil carbon sequestration associated with agricultural
404 activities.

405 6. Any recommendations of the advisory council developed
406 pursuant to this section.

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407 (6) (a) The department shall, in consultation with the
408 Carbon Sequestration Advisory Council and taking into account
409 the report submitted under subsection (5), assess agricultural
410 lands for past carbon sequestration and future carbon
411 sequestration potential. The assessment shall seek to quantify
412 carbon sequestration associated with various agricultural
413 practices, management systems, and land uses occurring on
414 agricultural lands.

415 (b) On or before July 1, 2026, the department shall publish
416 a report of its findings. The department may, from time to time,
417 update such findings as advancements in understanding of the
418 processes of carbon sequestration as new data becomes available.

419 (c) The assessment shall be conducted in a manner that
420 provides a means for owners of agricultural land to estimate
421 past and future net carbon sequestration resulting from
422 agricultural practices, conservation measures, management
423 systems, and land uses occurring on their property.

424 (d) The department may contract with the Natural Resources
425 Conservation Service of the United States Department of
426 Agriculture to conduct assessment activities required in this
427 section.

428 (e) The department may apply for and accept grants, gifts,
429 or other sources of public and private funds to carry out the
430 purposes of this section.

431 (7) The Carbon Sequestration Assessment Cash Account is
432 created within the Land Acquisition Trust Fund within the
433 department and used to carry out the purposes of this section.
434 The Chief Financial Officer shall credit to the cash account any
435 money appropriated to the fund by the Legislature and any money

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436 received as gifts, grants, or other contributions from public or
437 private sources obtained for the purposes of implementing this
438 section.

439 Section 4. Section 379.27, Florida Statutes, is created, to
440 read:

441 379.27 Ocean stewardship; purposes; funding.—

442 (1) (a) The Legislature finds that Florida's ocean waters
443 and its marine resources are some of the state's most
444 ecologically, economically, and culturally valuable
445 environmental assets.

446 (b) The Legislature further finds that the increasing
447 popularity of marine ecotourism requires greater measures to
448 ensure the continued health of marine ecosystems. The broad
449 range of recently documented anthropogenic impacts on coral reef
450 health, including coral bleaching, vessel groundings, anchoring
451 and mooring, diving activities, poaching, land- and water-based
452 pollutant discharges, and other direct and indirect uses of the
453 state's coral reefs, indicate that the state may need a more
454 consistent and reliable source of funding to manage, protect,
455 and restore its marine resources. A sustainable funding source
456 is especially critical to create a cohesive network of nearshore
457 marine managed areas that benefits fisheries and ecosystem
458 resilience.

459 (2) The purpose of this section is to establish the Ocean
460 Stewardship Special Account for the collection and use of moneys
461 for the conservation, restoration, and enhancement of the
462 state's marine resources, and to authorize the Fish and Wildlife
463 Conservation Commission to collect fees for the use and
464 enjoyment of the state's ocean resources.

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465 (3) (a) There is established the Ocean Stewardship Special
466 Account within the Land Acquisition Trust Fund to be
467 administered by the Fish and Wildlife Conservation Commission.

468 (b) The following shall be deposited into the Ocean
469 Stewardship Special Account:

470 1. Moneys collected as user fees pursuant to subsection
471 (7).

472 2. Revenues due to the state from leases of any lands,
473 facilities, equipment, and other property owned by the
474 Department of Environmental Protection and used for or dedicated
475 to the management, research, restoration, or enhancement of
476 aquatic resources.

477 3. Moneys collected for the purposes of compensatory
478 mitigation from federal- or state-permitted impacts to the
479 marine environment.

480 4. Grants, awards, donations, gifts, transfers, or money
481 derived from private or public sources, except:

482 a. Monetary contributions or moneys collected from the sale
483 of nonmonetary gifts to benefit sport fish or sport fishing.

484 b. Monetary contributions or moneys collected from the sale
485 of nonmonetary gifts to benefit aquatic life used for commercial
486 purposes or fishing for commercial purposes.

487 5. Moneys derived from interest or dividends on the account
488 or other income from any source provided in this section.

489 (4) The account shall be used to:

490 (a) Develop and carry out marine resource conservation,
491 restoration, enhancement, research, regulatory measures,
492 enforcement actions, educational activities, or any other
493 management measure intended to conserve, restore, and enhance

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494 marine resources under the jurisdiction of the state.

495 (b) Develop and carry out restoration and compensatory
496 mitigation measures for impacts to the marine environment,
497 including impacts to the marine environment from federal- or
498 state-permitted actions.

499 (c) Install, maintain, and replace day use mooring buoys
500 and other infrastructure to reduce impacts to the marine
501 ecosystem.

502 (5) (a) The Ocean Stewardship Special Account shall be held
503 separate and apart from all other moneys, funds, and accounts in
504 the department, provided that any moneys received from the
505 Federal Government, through federal programs, or from private
506 contributions shall be deposited and accounted for in accordance
507 with conditions established by the agency or private entity from
508 which the moneys were received. Any balance remaining in the
509 account at the end of any fiscal year shall be carried forward
510 in the account for the next fiscal year.

511 (b) The proceeds of the Ocean Stewardship Special Account
512 may not be used as security for, or pledged to the payment of
513 principal or interest on, any bonds or instruments of
514 indebtedness.

515 (c) This section does not prohibit the use of general funds
516 or the funds of other programs and activities to implement or
517 enforce other laws to manage and conserve the state's ocean
518 waters and resources.

519 (6) (a) All owners of commercial vessels that are required
520 to be registered and all operators of watercraft or water sports
521 equipment who rent watercraft or water sports equipment shall
522 collect an ocean stewardship user fee from each passenger

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523 carried or customer who rents watercraft or water sports
524 equipment.

525 (b) The ocean stewardship user fee shall be \$1 per
526 passenger or customer and shall be adjusted every 5 years to
527 match changes in the Consumer Price Index in the Miami area as
528 reported by the United States Bureau of Labor Statistics,
529 provided that the fee may not be adjusted more than 10 percent
530 every 5 years.

531 (c) All fees collected pursuant to this subsection shall be
532 transferred to the department on a monthly basis and shall be
533 deposited into the Ocean Stewardship Special Account for use as
534 specified in this section.

535 (7) The department shall adopt rules to implement this
536 section.

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