

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; amending s. 253.04, F.S.; revising the
4 aquatic preserves within which a person may not
5 operate a vessel outside a lawfully marked channel
6 under certain circumstances; amending s. 258.39, F.S.;
7 declaring the Kristin Jacobs Coral Reef Ecosystem
8 Conservation Area an aquatic preserve area; amending
9 s. 373.250, F.S.; requiring each water management
10 district, in coordination with the department, to
11 develop rules that promote the use of reclaimed water
12 and encourage potable water offsets; providing
13 requirements for such rules; providing construction;
14 amending s. 380.093, F.S.; defining the term "Florida
15 Flood Hub"; revising the definition of the term
16 "preconstruction activities"; revising the purposes
17 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

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

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

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; amending s. 403.121, F.S.; revising
95 department enforcement provisions; revising
96 administrative penalty calculations for failure to
97 obtain certain required permits and for certain
98 violations; amending ss. 403.0671 and 403.0673, F.S.;
99 conforming provisions to changes made by the act;
100 amending ss. 403.9301 and 403.9302, F.S.; requiring

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

113

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

115

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

118 253.04 Duty of board to protect, etc., state lands; state
 119 may join in any action brought.—

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

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

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

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

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

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

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

154 Such aquatic preserve areas include:

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

161
 162 Any and all submerged lands theretofore conveyed by the Trustees
 163 of the Internal Improvement Trust Fund and any and all uplands
 164 now in private ownership are specifically exempted from this
 165 dedication.

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

168 373.250 Reuse of reclaimed water.—

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

175 (a) If an applicant proposes a water supply development or

176 water resource development project using reclaimed water as part
177 of an application for consumptive use, the applicant is eligible
178 for a permit duration of up to 30 years if there is sufficient
179 data to provide reasonable assurance that the conditions for
180 permit issuance will be met for the duration of the permit.
181 Rules developed pursuant to this paragraph must include, at a
182 minimum:

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

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

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

198 (b) Authorization for a consumptive use permittee to seek
199 a permit extension of up to 10 years if the permittee proposes a
200 water supply development or water resource development project

201 using reclaimed water during the term of its permit which
202 results in the reduction of groundwater or surface water
203 withdrawals or is completed to benefit a waterbody with a
204 minimum flow or minimum water level with a recovery or
205 prevention strategy. Rules associated with this paragraph must
206 include, at a minimum:

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

209 2. A requirement that the permittee demonstrate how the
210 quantifiable groundwater or surface water savings associated
211 with the new water supply development or water resource
212 development project helps meet water demands beyond the issued
213 permit duration or benefits a waterbody with a minimum flow or
214 minimum water level with a recovery or prevention strategy;

215 3. A requirement that the permittee demonstrate a water
216 demand for the permit's allocation through the term of the
217 extension; and

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

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

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

233 380.093 Resilient Florida Grant Program; comprehensive
 234 statewide flood vulnerability and sea level rise data set and
 235 assessment; Statewide Flooding and Sea Level Rise Resilience
 236 Plan; regional resilience entities.—

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

238 (c) "Florida Flood Hub" means the Florida Flood Hub for
 239 Applied Research and Innovation established pursuant to s.
 240 380.0933.

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

249 (3) RESILIENT FLORIDA GRANT PROGRAM.—

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

251 grants to each of the following entities:

252 1. A county or municipality to fund:

253 a. The costs of community resilience planning and

254 necessary data collection for such planning, including

255 comprehensive plan amendments and necessary corresponding

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

257 b. Vulnerability assessments that identify or address

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

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

260 critical assets, including regionally significant assets that

261 are currently or reasonably expected to be impacted by flooding

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

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

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

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

266 rise.

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

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

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

270 including adaptation plans that help local governments

271 prioritize project development and implementation across one or

272 more jurisdictions in a manner consistent with departmental

273 guidance.

274 ~~e.d.~~ Preconstruction activities for projects to be

275 submitted for inclusion in the Statewide Flooding and Sea Level

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

283 f.e. Feasibility studies and ~~the cost of permitting~~ for
284 nature-based solutions that reduce the impact of flooding and
285 sea level rise.

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

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

300 (c) A vulnerability assessment conducted pursuant to

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

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

315 2. Upon completion of a vulnerability assessment, the
 316 county or municipality shall submit to the department all of the
 317 following:

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

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

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

324 (II) Geographic information system (GIS) data that has
 325 been projected into the appropriate Florida State Plane

326 Coordinate System and that is suitable for the department's
327 mapping tool. The county or municipality must also submit
328 metadata using standards prescribed by the department.

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

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

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

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

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

349 b. Current and future storm surge flooding ~~using publicly~~
350 ~~available National Oceanic and Atmospheric Administration or~~

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

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

370 d. To the extent practicable, compound flooding or the
371 combination of tidal, storm surge, and rainfall-induced
372 flooding.

373 3. Apply the following scenarios and standards:

374 a. All analyses in the North American Vertical Datum of
375 1988.

376 b. For a vulnerability assessment initiated after July 1,
 377 2024, at a minimum least two local sea level rise scenarios,
 378 ~~which must include the 2022 NOAA 2017 National Oceanic and~~
 379 ~~Atmospheric Administration intermediate-low and intermediate~~
 380 ~~intermediate-high sea level rise scenarios or the statewide sea~~
 381 level rise projections developed pursuant to paragraph (4) (a)
 382 projections.

383 c. At least two planning horizons identified in the
 384 following table which correspond with the appropriate
 385 comprehensive statewide flood vulnerability and sea level rise
 386 assessment for which the department, at the time of award,
 387 determines such local vulnerability assessment will be
 388 incorporated:

<u>Year of assessment</u>	<u>20-year planning horizon</u>	<u>50-year planning horizon</u>
<u>2024</u>	<u>2040</u>	<u>2070</u>
<u>2029</u>	<u>2050</u>	<u>2080</u>
<u>2034</u>	<u>2055</u>	<u>2085</u>
<u>2039</u>	<u>2060</u>	<u>2090</u>

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

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

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

412 (a) ~~By July 1, 2023,~~ The department shall develop and
413 maintain ~~complete the development of~~ a comprehensive statewide
414 flood vulnerability and sea level rise data set sufficient to
415 conduct a comprehensive statewide flood vulnerability and sea
416 level rise assessment. In developing and maintaining the data
417 set, the department shall, in coordination with the Chief

418 Resilience Officer and the Florida Flood Hub ~~for Applied~~
 419 ~~Research and Innovation~~, compile, analyze, and incorporate, as
 420 appropriate, information related to vulnerability assessments
 421 and critical asset inventories submitted to the department
 422 pursuant to subsection (3) or any previously completed
 423 assessments that meet the requirements of subsection (3).

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

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

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

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

443 assessment.

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

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

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

463 (c) The department, in coordination with the Chief
 464 Resilience Officer and the Florida Flood Hub, shall update the
 465 comprehensive statewide flood vulnerability and sea level rise
 466 data set with the best available information each year and shall
 467 update the assessment at least every 5 years. ~~The department may~~

CS/HB 1557

2024

468 ~~update the data set and assessment more frequently if it~~
469 ~~determines that updates are necessary to maintain the validity~~
470 ~~of the data set and assessment.~~

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

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

492 (b) ~~The plan submitted by December 1, 2021, before the~~

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

504 1. Shall primarily address risks of flooding and sea level
505 rise identified in the comprehensive statewide flood
506 vulnerability and sea level rise assessment; and

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

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

- 516 1. A description of the project.
517 2. The location of the project.

518 3. An estimate of how long the project will take to
 519 complete.

520 4. An estimate of the cost of the project.

521 5. The cost-share percentage available for the project.

522 6. A summary of the priority score assigned to the
 523 project.

524 7. The project sponsor.

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

532 a. Counties.

533 b. Municipalities.

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

539 d. Regional resilience entities acting on behalf of one or
 540 more member counties or municipalities.

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542 For the plans submitted by December 1, 2024, such entities may

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

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

568 | a corresponding evaluation of each project:

569 | a. Water management districts.

570 | b. Drainage districts.

571 | c. Erosion control districts.

572 | d. Flood control districts.

573 | e. Regional water supply authorities.

574 | 3. Each project submitted to the department pursuant to

575 | this paragraph for consideration by the department for inclusion

576 | in the plan must include all of the following information:

577 | a. A description of the project.

578 | b. The location of the project.

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

580 | complete.

581 | d. An estimate of the cost of the project.

582 | e. The cost-share percentage available for the project.

583 | f. The project sponsor.

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

585 | 50 percent cost share unless the project assists or is within a

586 | ~~financially disadvantaged small~~ community eligible for a reduced

587 | cost share. For purposes of this section, the term "~~financially~~

588 | ~~disadvantaged small~~ community eligible for a reduced cost share"

589 | means:

590 | 1. A municipality that has a population of 10,000 or

591 | fewer, according to the most recent April 1 population estimates

592 | posted on the Office of Economic and Demographic Research's

593 | website, and a per capita annual income that is less than the
 594 | state's per capita annual income as shown in the most recent
 595 | release from the Bureau of the Census of the United States
 596 | Department of Commerce that includes both measurements; ~~or~~

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

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

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

613 | ~~(g)~~ Expenses ineligible for inclusion in the plan include,
 614 | but are not limited to, expenses associated with any of the
 615 | following:

- 616 | 1. Aesthetic vegetation.
- 617 | 2. Recreational structures such as piers, docks, and

618 boardwalks.

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

624 4. Maintenance and repair of over-walks.

625 5. Park activities and facilities, except expenses to
626 control flooding or erosion.

627 6. Navigation construction, operation, and maintenance
628 activities.

629 7. Projects that provide only recreational benefits.

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

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

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

641 b. The degree to which the project addresses risks to
642 regionally significant assets.

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

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

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

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

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

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

662 d. The cost-effectiveness of the project.

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

665 a. The availability of local, state, and federal matching
666 funds, considering the status of the funding award, and federal
667 authorization, if applicable.

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

672 c. The exceedance of the flood-resistant construction
 673 requirements of the Florida Building Code and applicable flood
 674 plain management regulations.

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

677 a. The proposed innovative technologies designed to reduce
 678 project costs and provide regional collaboration.

679 b. The extent to which the project assists financially
 680 disadvantaged communities.

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

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

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

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

699 | (a) Providing technical assistance to counties and
 700 | municipalities.

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

705 | (c) Developing project proposals to be submitted for
 706 | inclusion in the Statewide Flooding and Sea Level Rise
 707 | Resilience Plan.

708 | Section 5. Subsection (1) of section 381.0061, Florida
 709 | Statutes, is amended to read:

710 | 381.0061 Administrative fines.—

711 | (1) In addition to any administrative action authorized by
 712 | chapter 120 or by other law, the department may impose a fine,
 713 | which may not exceed \$500 for each violation, for a violation of
 714 | s. 381.006(15) or, ~~s. 381.0065, s. 381.0066,~~ s. 381.0072, ~~or~~
 715 | ~~part III of chapter 489,~~ for a violation of any rule adopted by
 716 | the department under this chapter, or for a violation of chapter
 717 | 386 not involving onsite sewage treatment and disposal systems.

718 The department shall give an alleged violator a notice of intent
 719 to impose such fine shall be given by the department to the
 720 alleged violator. Each day that a violation continues may
 721 constitute a separate violation.

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

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

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

741 Section 7. Paragraph (h) of subsection (3) and subsections
 742 (5) and (7) of section 381.0065, Florida Statutes, are amended,

743 paragraph (o) is added to subsection (3) of that section, and
 744 subsection (9) is added to that section, to read:

745 381.0065 Onsite sewage treatment and disposal systems;
 746 regulation.—

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

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

767 (o) Adopt rules establishing and implementing a program of

768 general permits for this section for projects, or categories of
 769 projects, which have, individually or cumulatively, a minimal
 770 adverse impact on public health or the environment. Such rules
 771 must:

772 1. Specify design or performance criteria which, if
 773 applied, would result in compliance with appropriate standards;
 774 and

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

783 (5) ENFORCEMENT; RIGHT OF ENTRY; ~~CITATIONS.~~-

784 (a) Department personnel who have reason to believe
 785 noncompliance exists, may at any reasonable time, enter the
 786 premises permitted under ss. 381.0065-381.0066, or the business
 787 premises of any septic tank contractor or master septic tank
 788 contractor registered under part III of chapter 489, or any
 789 premises that the department has reason to believe is being
 790 operated or maintained not in compliance, to determine
 791 compliance with the provisions of this section, part I of
 792 chapter 386, or part III of chapter 489 or rules or standards

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

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

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

815 ~~3. The fines imposed by a citation issued by the~~
816 ~~department may not exceed \$500 for each violation. Each day the~~
817 ~~violation exists constitutes a separate violation for which a~~

818 ~~citation may be issued.~~

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

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

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

840 ~~7. The department, pursuant to ss. 381.0065-381.0067, part~~
841 ~~I of chapter 386, or part III of chapter 489, shall deposit any~~
842 ~~damages, costs, or penalties it collects pursuant to this~~

843 section and part I of chapter 403 in the Water Quality Assurance
 844 Trust Fund county health department trust fund for use in
 845 providing services specified in those sections.

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

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

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

867 Section 8. Subsection (2) of section 381.0066, Florida

868 Statutes, is amended to read:

869 381.0066 Onsite sewage treatment and disposal systems;
870 fees.—

871 (2) The minimum fees in the following fee schedule apply
872 until changed by rule by the department within the following
873 limits:

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

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

882 (c) Biennial operating permit for aerobic treatment units
883 or performance-based treatment systems: a fee of not more than
884 \$100.

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

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

891 (f) Septage disposal service, septage stabilization
892 facility, portable or temporary toilet service, tank

893 manufacturer inspection: a fee of not less than \$25, or more
 894 than \$200, per year.

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

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

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

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

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

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

917

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

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

930 | 403.061 Department; powers and duties.—The department
 931 | shall have the power and the duty to control and prohibit
 932 | pollution of air and water in accordance with the law and rules
 933 | adopted and promulgated by it and, for this purpose, to:

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

939 |
 940 | The department shall implement such programs in conjunction with
 941 | its other powers and duties and shall place special emphasis on
 942 | reducing and eliminating contamination that presents a threat to

943 humans, animals or plants, or to the environment.

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

946 403.064 Reuse of reclaimed water.—

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

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

968 (a) Evaluation of monetary costs and benefits for several
 969 levels and types of reuse.

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

972 (c) Evaluation of rates and fees necessary to implement
 973 reuse.

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

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

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

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

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

998 (b) ~~This subsection applies only to domestic wastewater~~
 999 ~~treatment facilities located within, serving a population~~
 1000 ~~located within, or discharging within a water resource caution~~
 1001 ~~area.~~

1002 ~~(15) After conducting a feasibility study under subsection~~
 1003 ~~(2), domestic wastewater treatment facilities that dispose of~~
 1004 ~~effluent by surface water discharges or by land application~~
 1005 ~~methods must implement reuse to the degree that reuse is~~
 1006 ~~feasible, based upon the applicant's reuse feasibility study.~~
 1007 This subsection does not apply to surface water discharges or
 1008 land application systems which are currently categorized as
 1009 reuse under department rules. ~~Applicable permits issued by the~~
 1010 ~~department shall be consistent with the requirements of this~~
 1011 ~~subsection.~~

1012 ~~(a) This subsection does not limit the use of a surface~~
 1013 ~~water discharge or land application facility as backup for a~~
 1014 ~~reclaimed water reuse system.~~

1015 ~~(b) This subsection applies only to domestic wastewater~~
 1016 ~~treatment facilities located within, serving a population~~
 1017 ~~located within, or discharging within a water resource caution~~

1018 ~~area.~~

1019 Section 11. Paragraph (a) of subsection (7) of section
 1020 403.067, Florida Statutes, is amended to read:

1021 403.067 Establishment and implementation of total maximum
 1022 daily loads.—

1023 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 1024 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1025 (a) *Basin management action plans.*—

1026 1. In developing and implementing the total maximum daily
 1027 load for a waterbody, the department, or the department in
 1028 conjunction with a water management district, may develop a
 1029 basin management action plan that addresses some or all of the
 1030 watersheds and basins tributary to the waterbody. Such plan must
 1031 integrate the appropriate management strategies available to the
 1032 state through existing water quality protection programs to
 1033 achieve the total maximum daily loads and may provide for phased
 1034 implementation of these management strategies to promote timely,
 1035 cost-effective actions as provided for in s. 403.151. The plan
 1036 must establish a schedule implementing the management
 1037 strategies, establish a basis for evaluating the plan's
 1038 effectiveness, and identify feasible funding strategies for
 1039 implementing the plan's management strategies. The management
 1040 strategies may include regional treatment systems or other
 1041 public works, when appropriate, and voluntary trading of water
 1042 quality credits to achieve the needed pollutant load reductions.

1043 2. A basin management action plan must equitably allocate,
 1044 pursuant to paragraph (6) (b), pollutant reductions to individual
 1045 basins, as a whole to all basins, or to each identified point
 1046 source or category of nonpoint sources, as appropriate. For
 1047 nonpoint sources for which best management practices have been
 1048 adopted, the initial requirement specified by the plan must be
 1049 those practices developed pursuant to paragraph (c). When
 1050 appropriate, the plan may take into account the benefits of
 1051 pollutant load reduction achieved by point or nonpoint sources
 1052 that have implemented management strategies to reduce pollutant
 1053 loads, including best management practices, before the
 1054 development of the basin management action plan. The plan must
 1055 also identify the mechanisms that will address potential future
 1056 increases in pollutant loading.

1057 3. The basin management action planning process is
 1058 intended to involve the broadest possible range of interested
 1059 parties, with the objective of encouraging the greatest amount
 1060 of cooperation and consensus possible. In developing a basin
 1061 management action plan, the department shall assure that key
 1062 stakeholders, including, but not limited to, applicable local
 1063 governments, water management districts, the Department of
 1064 Agriculture and Consumer Services, other appropriate state
 1065 agencies, local soil and water conservation districts,
 1066 environmental groups, regulated interests, and affected
 1067 pollution sources, are invited to participate in the process.

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

1079 4. Each new or revised basin management action plan must
1080 include all of the following:

1081 a. The appropriate management strategies available through
1082 existing water quality protection programs to achieve total
1083 maximum daily loads, which may provide for phased implementation
1084 to promote timely, cost-effective actions as provided for in s.
1085 403.151.

1086 b. A description of best management practices adopted by
1087 rule.

1088 c. For the applicable 5-year implementation milestone, a
1089 list of projects that will achieve the pollutant load reductions
1090 needed to meet the total maximum daily load or the load
1091 allocations established pursuant to subsection (6). Each project
1092 must include a planning-level cost estimate and an estimated

1093 | date of completion.

1094 | d. A list of projects developed pursuant to paragraph (e),
1095 | if applicable.

1096 | e. The source and amount of financial assistance to be
1097 | made available by the department, a water management district,
1098 | or other entity for each listed project, if applicable.

1099 | f. A planning-level estimate of each listed project's
1100 | expected load reduction, if applicable.

1101 | 5. The department shall adopt all or any part of a basin
1102 | management action plan and any amendment to such plan by
1103 | secretarial order pursuant to chapter 120 to implement this
1104 | section.

1105 | 6. The basin management action plan must include 5-year
1106 | milestones for implementation and water quality improvement, and
1107 | an associated water quality monitoring component sufficient to
1108 | evaluate whether reasonable progress in pollutant load
1109 | reductions is being achieved over time. An assessment of
1110 | progress toward these milestones shall be conducted every 5
1111 | years, and revisions to the plan shall be made as appropriate.
1112 | Any entity with a specific pollutant load reduction requirement
1113 | established in a basin management action plan shall identify the
1114 | projects or strategies that such entity will undertake to meet
1115 | current 5-year pollution reduction milestones, beginning with
1116 | the first 5-year milestone for new basin management action
1117 | plans, and submit such projects to the department for inclusion

1118 | in the appropriate basin management action plan. Each project
 1119 | identified must include an estimated amount of nutrient
 1120 | reduction that is reasonably expected to be achieved based on
 1121 | the best scientific information available. Revisions to the
 1122 | basin management action plan shall be made by the department in
 1123 | cooperation with basin stakeholders. Revisions to the management
 1124 | strategies required for nonpoint sources must follow the
 1125 | procedures in subparagraph (c)4. Revised basin management action
 1126 | plans must be adopted pursuant to subparagraph 5.

1127 | 7. In accordance with procedures adopted by rule under
 1128 | paragraph (9)(c), basin management action plans, and other
 1129 | pollution control programs under local, state, or federal
 1130 | authority as provided in subsection (4), may allow point or
 1131 | nonpoint sources that will achieve greater pollutant reductions
 1132 | than required by an adopted total maximum daily load or
 1133 | wasteload allocation to generate, register, and trade water
 1134 | quality credits for the excess reductions to enable other
 1135 | sources to achieve their allocation; however, the generation of
 1136 | water quality credits does not remove the obligation of a source
 1137 | or activity to meet applicable technology requirements or
 1138 | adopted best management practices. Such plans must allow trading
 1139 | between NPDES permittees, and trading that may or may not
 1140 | involve NPDES permittees, where the generation or use of the
 1141 | credits involve an entity or activity not subject to department
 1142 | water discharge permits whose owner voluntarily elects to obtain

1143 department authorization for the generation and sale of credits.

1144 8. The department's rule relating to the equitable
 1145 abatement of pollutants into surface waters do not apply to
 1146 water bodies or waterbody segments for which a basin management
 1147 plan that takes into account future new or expanded activities
 1148 or discharges has been adopted under this section.

1149 9. In order to promote resilient wastewater utilities, if
 1150 the department identifies domestic wastewater treatment
 1151 facilities or onsite sewage treatment and disposal systems as
 1152 contributors of at least 20 percent of point source or nonpoint
 1153 source nutrient pollution or if the department determines
 1154 remediation is necessary to achieve the total maximum daily
 1155 load, a basin management action plan for a nutrient total
 1156 maximum daily load must include the following:

1157 a. A domestic wastewater treatment plan developed by each
 1158 local government, in cooperation with the department, the water
 1159 management district, and the public and private domestic
 1160 wastewater treatment facilities providing services or located
 1161 within the jurisdiction of the local government, ~~which that~~
 1162 addresses domestic wastewater. Private domestic wastewater
 1163 facilities and special districts providing domestic wastewater
 1164 services must provide the required wastewater facility
 1165 information to the applicable local governments. The domestic
 1166 wastewater treatment plan must:

1167 (I) Provide for construction, expansion, or upgrades

1168 necessary to achieve the total maximum daily load requirements
1169 applicable to the domestic wastewater treatment facility.

1170 (II) Include the permitted capacity in average annual
1171 gallons per day for the domestic wastewater treatment facility;
1172 the average nutrient concentration and the estimated average
1173 nutrient load of the domestic wastewater; a projected timeline
1174 of the dates by which the construction of any facility
1175 improvements will begin and be completed and the date by which
1176 operations of the improved facility will begin; the estimated
1177 cost of the improvements; and the identity of responsible
1178 parties.

1179

1180 The domestic wastewater treatment plan must be adopted as part
1181 of the basin management action plan no later than July 1, 2025.
1182 A local government that does not have a domestic wastewater
1183 treatment facility in its jurisdiction is not required to
1184 develop a domestic wastewater treatment plan unless there is a
1185 demonstrated need to establish a domestic wastewater treatment
1186 facility within its jurisdiction to improve water quality
1187 necessary to achieve a total maximum daily load. A local
1188 government is not responsible for a private domestic wastewater
1189 facility's compliance with a basin management action plan unless
1190 such facility is operated through a public-private partnership
1191 to which the local government is a party.

1192 b. An onsite sewage treatment and disposal system

1193 remediation plan developed by each local government in
 1194 cooperation with the department, the Department of Health, water
 1195 management districts, and public and private domestic wastewater
 1196 treatment facilities.

1197 (I) The onsite sewage treatment and disposal system
 1198 remediation plan must identify cost-effective and financially
 1199 feasible projects necessary to achieve the nutrient load
 1200 reductions required for onsite sewage treatment and disposal
 1201 systems. To identify cost-effective and financially feasible
 1202 projects for remediation of onsite sewage treatment and disposal
 1203 systems, the local government shall:

1204 (A) Include an inventory of onsite sewage treatment and
 1205 disposal systems based on the best information available;

1206 (B) Identify onsite sewage treatment and disposal systems
 1207 that would be eliminated through connection to existing or
 1208 future central domestic wastewater infrastructure in the
 1209 jurisdiction or domestic wastewater service area of the local
 1210 government, that would be replaced with or upgraded to enhanced
 1211 nutrient-reducing onsite sewage treatment and disposal systems,
 1212 or that would remain on conventional onsite sewage treatment and
 1213 disposal systems;

1214 (C) Estimate the costs of potential onsite sewage
 1215 treatment and disposal system connections, upgrades, or
 1216 replacements; and

1217 (D) Identify deadlines and interim milestones for the

1218 | planning, design, and construction of projects.

1219 | (II) The department shall adopt the onsite sewage
1220 | treatment and disposal system remediation plan as part of the
1221 | basin management action plan no later than July 1, 2025, or as
1222 | required for Outstanding Florida Springs under s. 373.807.

1223 | 10. The installation of new onsite sewage treatment and
1224 | disposal systems constructed within a basin management action
1225 | plan area adopted under this section, a reasonable assurance
1226 | plan, or a pollution reduction plan is prohibited where
1227 | connection to a publicly owned or investor-owned sewerage system
1228 | is available as defined in s. 381.0065(2)(a). On lots of 1 acre
1229 | or less within a basin management action plan adopted under this
1230 | section, a reasonable assurance plan, or a pollution reduction
1231 | plan where a publicly owned or investor-owned sewerage system is
1232 | not available, the installation of enhanced nutrient-reducing
1233 | onsite sewage treatment and disposal systems or other wastewater
1234 | treatment systems that achieve at least 65 percent nitrogen
1235 | reduction is required.

1236 | 11. When identifying wastewater projects in a basin
1237 | management action plan, the department may not require the
1238 | higher cost option if it achieves the same nutrient load
1239 | reduction as a lower cost option. A regulated entity may choose
1240 | a different cost option if it complies with the pollutant
1241 | reduction requirements of an adopted total maximum daily load
1242 | and meets or exceeds the pollution reduction requirement of the

1243 original project.

1244 12. Annually, local governments subject to a basin
1245 management action plan or located within the basin of a
1246 waterbody not attaining nutrient or nutrient-related standards
1247 must provide to the department an update on the status of
1248 construction of sanitary sewers to serve such areas, in a manner
1249 prescribed by the department.

1250 Section 12. Subsection (7) of section 403.0673, Florida
1251 Statutes, is amended, and subsection (8) is added to that
1252 section, to read:

1253 403.0673 Water quality improvement grant program.—A grant
1254 program is established within the Department of Environmental
1255 Protection to address wastewater, stormwater, and agricultural
1256 sources of nutrient loading to surface water or groundwater.

1257 (7) Beginning January 15, 2024, and each January 15
1258 thereafter, the department shall submit a report regarding the
1259 projects funded pursuant to this section to the Governor, the
1260 President of the Senate, and the Speaker of the House of
1261 Representatives.

1262 (a) The report must include a list of those projects
1263 receiving funding and the following information for each
1264 project:

1265 1.~~(a)~~ A description of the project;

1266 2.~~(b)~~ The cost of the project;

1267 3.~~(e)~~ The estimated nutrient load reduction of the
 1268 project;

1269 4.~~(d)~~ The location of the project;

1270 5.~~(e)~~ The waterbody or waterbodies where the project will
 1271 reduce nutrients; and

1272 6.~~(f)~~ The total cost share being provided for the project.

1273 (b) The report must also include a status report on each
 1274 project funded since 2021. The status report must, at a minimum,
 1275 identify which projects have been completed and, if such
 1276 information is available, provide nutrient load improvements or
 1277 water quality testing data for the waterbody.

1278 (8) By July 1, 2025, the department must include the
 1279 projects funded pursuant to this section on a user-friendly
 1280 website or dashboard. The website or dashboard must allow the
 1281 user to see the information provided in subsection (7) and must
 1282 be updated at least annually.

1283 Section 13. Paragraph (c) of subsection (1) of section
 1284 403.086, Florida Statutes, is amended to read:

1285 403.086 Sewage disposal facilities; advanced and secondary
 1286 waste treatment.—

1287 (1)

1288 (c)1. Notwithstanding this chapter or chapter 373, sewage
 1289 disposal facilities may not dispose any wastes into the
 1290 following waters without providing advanced waste treatment, as
 1291 defined in subsection (4), as approved by the department or a

1292 more stringent treatment standard if the department determines
 1293 the more stringent standard is necessary to achieve the total
 1294 maximum daily load or applicable water quality criteria:

1295 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega
 1296 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little
 1297 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;
 1298 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,
 1299 sound, or other water tributary thereto.

1300 b. Beginning July 1, 2025, Indian River Lagoon, or any
 1301 river, stream, channel, canal, bay, bayou, sound, or other water
 1302 tributary thereto.

1303 c. By January 1, 2033, waterbodies that are currently not
 1304 attaining nutrient or nutrient-related standards or that are
 1305 subject to a nutrient or nutrient-related basin management
 1306 action plan adopted pursuant to s. 403.067 or adopted reasonable
 1307 assurance plan.

1308 2. For any waterbody determined not to be attaining
 1309 nutrient or nutrient-related standards after July 1, 2023, or
 1310 subject to a nutrient or nutrient-related basin management
 1311 action plan adopted pursuant to s. 403.067 or adopted reasonable
 1312 assurance plan after July 1, 2023, sewage disposal facilities
 1313 are prohibited from disposing any wastes into such waters
 1314 without providing advanced waste treatment, as defined in
 1315 subsection (4), as approved by the department within 10 years
 1316 after such determination or adoption.

1317 3. By July 1, 2034, within a nutrient basin management
 1318 action plan or a reasonable assurance plan area, any wastewater
 1319 treatment facility providing reclaimed water that will be used
 1320 for commercial or residential irrigation or be otherwise land
 1321 applied must meet the advanced waste treatment standards for
 1322 total nitrogen and total phosphorous as defined in paragraph
 1323 (4)(a) or a more stringent treatment standard if the department
 1324 determines the more stringent standard is necessary to achieve
 1325 the total maximum daily load or applicable water quality
 1326 criteria.

1327 Section 14. Section 403.121, Florida Statutes, is amended
 1328 to read:

1329 403.121 Enforcement; procedure; remedies.—The department
 1330 shall have the following judicial and administrative remedies
 1331 available to it for violations of this chapter, as specified in
 1332 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for
 1333 purposes of onsite sewage treatment and disposal systems, part
 1334 III of chapter 489, or any rule promulgated thereunder.

1335 (1) Judicial Remedies:

1336 (a) The department may institute a civil action in a court
 1337 of competent jurisdiction to establish liability and to recover
 1338 damages for any injury to the air, waters, or property,
 1339 including animal, plant, and aquatic life, of the state caused
 1340 by any violation.

1341 (b) The department may institute a civil action in a court

1342 of competent jurisdiction to impose and to recover a civil
 1343 penalty for each violation in an amount of not more than \$15,000
 1344 per offense. However, the court may receive evidence in
 1345 mitigation. Each day during any portion of which such violation
 1346 occurs constitutes a separate offense.

1347 (c) Except as provided in paragraph (2) (c), it is not a
 1348 defense to, or ground for dismissal of, these judicial remedies
 1349 for damages and civil penalties that the department has failed
 1350 to exhaust its administrative remedies, has failed to serve a
 1351 notice of violation, or has failed to hold an administrative
 1352 hearing before the institution of a civil action.

1353 (2) Administrative Remedies:

1354 (a) The department may institute an administrative
 1355 proceeding to establish liability and to recover damages for any
 1356 injury to the air, waters, or property, including animal, plant,
 1357 or aquatic life, of the state caused by any violation. The
 1358 department may order that the violator pay a specified sum as
 1359 damages to the state. Judgment for the amount of damages
 1360 determined by the department may be entered in any court having
 1361 jurisdiction thereof and may be enforced as any other judgment.

1362 (b) If the department has reason to believe a violation
 1363 has occurred, it may institute an administrative proceeding to
 1364 order the prevention, abatement, or control of the conditions
 1365 creating the violation or other appropriate corrective action.
 1366 Except for violations involving hazardous wastes, asbestos, or

1367 underground injection, the department shall proceed
1368 administratively in all cases in which the department seeks
1369 administrative penalties that do not exceed \$50,000 per
1370 assessment as calculated in accordance with subsections (3),
1371 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the
1372 administrative penalty assessed pursuant to subsection (3),
1373 subsection (4), or subsection (5) against a public water system
1374 serving a population of more than 10,000 may not be less than
1375 \$1,000 per day per violation. The department may not impose
1376 administrative penalties in excess of \$50,000 in a notice of
1377 violation. The department may not have more than one notice of
1378 violation seeking administrative penalties pending against the
1379 same party at the same time unless the violations occurred at a
1380 different site or the violations were discovered by the
1381 department subsequent to the filing of a previous notice of
1382 violation.

1383 (c) An administrative proceeding shall be instituted by
1384 the department's serving of a written notice of violation upon
1385 the alleged violator by certified mail. If the department is
1386 unable to effect service by certified mail, the notice of
1387 violation may be hand delivered or personally served in
1388 accordance with chapter 48. The notice shall specify the law,
1389 rule, regulation, permit, certification, or order of the
1390 department alleged to be violated and the facts alleged to
1391 constitute a violation thereof. An order for corrective action,

1392 penalty assessment, or damages may be included with the notice.
1393 When the department is seeking to impose an administrative
1394 penalty for any violation by issuing a notice of violation, any
1395 corrective action needed to correct the violation or damages
1396 caused by the violation must be pursued in the notice of
1397 violation or they are waived. However, an order is not effective
1398 until after service and an administrative hearing, if requested
1399 within 20 days after service. Failure to request an
1400 administrative hearing within this time period constitutes a
1401 waiver thereof, unless the respondent files a written notice
1402 with the department within this time period opting out of the
1403 administrative process initiated by the department to impose
1404 administrative penalties. Any respondent choosing to opt out of
1405 the administrative process initiated by the department in an
1406 action that seeks the imposition of administrative penalties
1407 must file a written notice with the department within 20 days
1408 after service of the notice of violation opting out of the
1409 administrative process. A respondent's decision to opt out of
1410 the administrative process does not preclude the department from
1411 initiating a state court action seeking injunctive relief,
1412 damages, and the judicial imposition of civil penalties.

1413 (d) If a person timely files a petition challenging a
1414 notice of violation, that person will thereafter be referred to
1415 as the respondent. The hearing requested by the respondent shall
1416 be held within 180 days after the department has referred the

1417 initial petition to the Division of Administrative Hearings
1418 unless the parties agree to a later date. The department has the
1419 burden of proving with the preponderance of the evidence that
1420 the respondent is responsible for the violation. Administrative
1421 penalties should not be imposed unless the department satisfies
1422 that burden. Following the close of the hearing, the
1423 administrative law judge shall issue a final order on all
1424 matters, including the imposition of an administrative penalty.
1425 When the department seeks to enforce that portion of a final
1426 order imposing administrative penalties pursuant to s. 120.69,
1427 the respondent may not assert as a defense the inappropriateness
1428 of the administrative remedy. The department retains its final-
1429 order authority in all administrative actions that do not
1430 request the imposition of administrative penalties.

1431 (e) After filing a petition requesting a formal hearing in
1432 response to a notice of violation in which the department
1433 imposes an administrative penalty, a respondent may request that
1434 a private mediator be appointed to mediate the dispute by
1435 contacting the Florida Conflict Resolution Consortium within 10
1436 days after receipt of the initial order from the administrative
1437 law judge. The Florida Conflict Resolution Consortium shall pay
1438 all of the costs of the mediator and for up to 8 hours of the
1439 mediator's time per case at \$150 per hour. Upon notice from the
1440 respondent, the Florida Conflict Resolution Consortium shall
1441 provide to the respondent a panel of possible mediators from the

1442 area in which the hearing on the petition would be heard. The
1443 respondent shall select the mediator and notify the Florida
1444 Conflict Resolution Consortium of the selection within 15 days
1445 of receipt of the proposed panel of mediators. The Florida
1446 Conflict Resolution Consortium shall provide all of the
1447 administrative support for the mediation process. The mediation
1448 must be completed at least 15 days before the final hearing date
1449 set by the administrative law judge.

1450 (f) In any administrative proceeding brought by the
1451 department, the prevailing party shall recover all costs as
1452 provided in ss. 57.041 and 57.071. The costs must be included in
1453 the final order. The respondent is the prevailing party when an
1454 order is entered awarding no penalties to the department and
1455 such order has not been reversed on appeal or the time for
1456 seeking judicial review has expired. The respondent is entitled
1457 to an award of attorney fees if the administrative law judge
1458 determines that the notice of violation issued by the department
1459 seeking the imposition of administrative penalties was not
1460 substantially justified as defined in s. 57.111(3)(e). An award
1461 of attorney fees as provided by this subsection may not exceed
1462 \$15,000.

1463 (g) This section does not prevent any other legal or
1464 administrative action in accordance with law and does not limit
1465 the department's authority provided in ss. 403.131, 403.141, and
1466 this section to judicially pursue injunctive relief. When the

1467 department exercises its authority to judicially pursue
1468 injunctive relief, penalties in any amount up to the statutory
1469 maximum sought by the department must be pursued as part of the
1470 state court action and not by initiating a separate
1471 administrative proceeding. The department retains the authority
1472 to judicially pursue penalties in excess of \$50,000 for
1473 violations not specifically included in the administrative
1474 penalty schedule, or for multiple or multiday violations alleged
1475 to exceed a total of \$50,000. The department also retains the
1476 authority provided in ss. 403.131, 403.141, and this section to
1477 judicially pursue injunctive relief and damages, if a notice of
1478 violation seeking the imposition of administrative penalties has
1479 not been issued. The department has the authority to enter into
1480 a settlement, before or after initiating a notice of violation,
1481 and the settlement may include a penalty amount different from
1482 the administrative penalty schedule. Any case filed in state
1483 court because it is alleged to exceed a total of \$50,000 in
1484 penalties may be settled in the court action for less than
1485 \$50,000.

1486 (h) Chapter 120 applies to any administrative action taken
1487 by the department or any delegated program pursuing
1488 administrative penalties in accordance with this section.

1489 (3) Except for violations involving hazardous wastes,
1490 asbestos, or underground injection, administrative penalties
1491 must be calculated according to the following schedule:

1492 (a) For a drinking water contamination violation, the
 1493 department shall assess a penalty of \$3,000 for a Maximum
 1494 Containment Level (MCL) violation; plus \$1,500 if the violation
 1495 is for a primary inorganic, organic, or radiological Maximum
 1496 Contaminant Level or it is a fecal coliform bacteria violation;
 1497 plus \$1,500 if the violation occurs at a community water system;
 1498 and plus \$1,500 if any Maximum Contaminant Level is exceeded by
 1499 more than 100 percent. For failure to obtain a clearance letter
 1500 before placing a drinking water system into service when the
 1501 system would not have been eligible for clearance, the
 1502 department shall assess a penalty of \$4,500.

1503 (b) For failure to obtain a required wastewater permit,
 1504 other than a permit required for surface water discharge, or
 1505 obtain an onsite sewage treatment and disposal system permit, or
 1506 for a violation of s. 381.0065, or the creation of or
 1507 maintenance of a nuisance related to an onsite sewage treatment
 1508 and disposal system under part I of chapter 386, or for a
 1509 violation of part III of chapter 489, or any rule properly
 1510 promulgated thereunder, the department shall assess a penalty of
 1511 \$2,000. For a domestic or industrial wastewater violation, not
 1512 involving a surface water or groundwater quality violation, the
 1513 department shall assess a penalty of \$4,000 for an unpermitted
 1514 or unauthorized discharge or effluent-limitation exceedance or
 1515 for failure to comply with s. 403.061(14) or s. 403.086(7) or
 1516 rules adopted thereunder. For an unpermitted or unauthorized

1517 discharge or effluent-limitation exceedance that resulted in a
 1518 surface water or groundwater quality violation, the department
 1519 shall assess a penalty of \$10,000. Each day the cause of an
 1520 unauthorized discharge of domestic wastewater or sanitary
 1521 nuisance is not addressed constitutes a separate offense.

1522 (c) For a dredge and fill or stormwater violation, the
 1523 department shall assess a penalty of \$1,500 for unpermitted or
 1524 unauthorized dredging or filling or unauthorized construction of
 1525 a stormwater management system against the person or persons
 1526 responsible for the illegal dredging or filling, or unauthorized
 1527 construction of a stormwater management system plus \$3,000 if
 1528 the dredging or filling occurs in an aquatic preserve, an
 1529 Outstanding Florida Water, a conservation easement, or a Class I
 1530 or Class II surface water, plus \$1,500 if the area dredged or
 1531 filled is greater than one-quarter acre but less than or equal
 1532 to one-half acre, and plus \$1,500 if the area dredged or filled
 1533 is greater than one-half acre but less than or equal to one
 1534 acre. The administrative penalty schedule does not apply to a
 1535 dredge and fill violation if the area dredged or filled exceeds
 1536 one acre. The department retains the authority to seek the
 1537 judicial imposition of civil penalties for all dredge and fill
 1538 violations involving more than one acre. The department shall
 1539 assess a penalty of \$4,500 for the failure to complete required
 1540 mitigation, failure to record a required conservation easement,
 1541 or for a water quality violation resulting from dredging or

1542 filling activities, stormwater construction activities or
1543 failure of a stormwater treatment facility. For stormwater
1544 management systems serving less than 5 acres, the department
1545 shall assess a penalty of \$3,000 for the failure to properly or
1546 timely construct a stormwater management system. In addition to
1547 the penalties authorized in this subsection, the department
1548 shall assess a penalty of \$7,500 per violation against the
1549 contractor or agent of the owner or tenant that conducts
1550 unpermitted or unauthorized dredging or filling. For purposes of
1551 this paragraph, the preparation or signing of a permit
1552 application by a person currently licensed under chapter 471 to
1553 practice as a professional engineer does not make that person an
1554 agent of the owner or tenant.

1555 (d) For mangrove trimming or alteration violations, the
1556 department shall assess a penalty of \$7,500 per violation
1557 against the contractor or agent of the owner or tenant that
1558 conducts mangrove trimming or alteration without a permit as
1559 required by s. 403.9328. For purposes of this paragraph, the
1560 preparation or signing of a permit application by a person
1561 currently licensed under chapter 471 to practice as a
1562 professional engineer does not make that person an agent of the
1563 owner or tenant.

1564 (e) For solid waste violations, the department shall
1565 assess a penalty of \$3,000 for the unpermitted or unauthorized
1566 disposal or storage of solid waste; plus \$1,000 if the solid

1567 waste is Class I or Class III (excluding yard trash) or if the
1568 solid waste is construction and demolition debris in excess of
1569 20 cubic yards, plus \$1,500 if the waste is disposed of or
1570 stored in any natural or artificial body of water or within 500
1571 feet of a potable water well, plus \$1,500 if the waste contains
1572 PCB at a concentration of 50 parts per million or greater;
1573 untreated biomedical waste; friable asbestos greater than 1
1574 cubic meter which is not wetted, bagged, and covered; used oil
1575 greater than 25 gallons; or 10 or more lead acid batteries. The
1576 department shall assess a penalty of \$4,500 for failure to
1577 properly maintain leachate control; unauthorized burning;
1578 failure to have a trained spotter on duty at the working face
1579 when accepting waste; or failure to provide access control for
1580 three consecutive inspections. The department shall assess a
1581 penalty of \$3,000 for failure to construct or maintain a
1582 required stormwater management system.

1583 (f) For an air emission violation, the department shall
1584 assess a penalty of \$1,500 for an unpermitted or unauthorized
1585 air emission or an air-emission-permit exceedance, plus \$4,500
1586 if the emission was from a major source and the source was major
1587 for the pollutant in violation; plus \$1,500 if the emission was
1588 more than 150 percent of the allowable level.

1589 (g) For storage tank system and petroleum contamination
1590 violations, the department shall assess a penalty of \$7,500 for
1591 failure to empty a damaged storage system as necessary to ensure

1592 that a release does not occur until repairs to the storage
1593 system are completed; when a release has occurred from that
1594 storage tank system; for failure to timely recover free product;
1595 or for failure to conduct remediation or monitoring activities
1596 until a no-further-action or site-rehabilitation completion
1597 order has been issued. The department shall assess a penalty of
1598 \$4,500 for failure to timely upgrade a storage tank system. The
1599 department shall assess a penalty of \$3,000 for failure to
1600 conduct or maintain required release detection; failure to
1601 timely investigate a suspected release from a storage system;
1602 depositing motor fuel into an unregistered storage tank system;
1603 failure to timely assess or remediate petroleum contamination;
1604 or failure to properly install a storage tank system. The
1605 department shall assess a penalty of \$1,500 for failure to
1606 properly operate, maintain, or close a storage tank system.

1607 (4) In an administrative proceeding, in addition to the
1608 penalties that may be assessed under subsection (3), the
1609 department shall assess administrative penalties according to
1610 the following schedule:

1611 (a) For failure to satisfy financial responsibility
1612 requirements or for violation of s. 377.371(1), \$7,500.

1613 (b) For failure to install, maintain, or use a required
1614 pollution control system or device, \$6,000.

1615 (c) For failure to obtain a required permit before
1616 construction or modification, \$4,500.

1617 (d) For failure to conduct required monitoring or testing;
1618 failure to conduct required release detection; or failure to
1619 construct in compliance with a permit, \$3,000.

1620 (e) For failure to maintain required staff to respond to
1621 emergencies; failure to conduct required training; failure to
1622 prepare, maintain, or update required contingency plans; failure
1623 to adequately respond to emergencies to bring an emergency
1624 situation under control; or failure to submit required
1625 notification to the department, \$1,500.

1626 (f) Except as provided in subsection (2) with respect to
1627 public water systems serving a population of more than 10,000,
1628 for failure to prepare, submit, maintain, or use required
1629 reports or other required documentation, \$750.

1630 (5) Except as provided in subsection (2) with respect to
1631 public water systems serving a population of more than 10,000,
1632 for failure to comply with any other departmental regulatory
1633 statute or rule requirement not otherwise identified in this
1634 section, the department may assess a penalty of \$1,000.

1635 (6) For each additional day during which a violation
1636 occurs, the administrative penalties in subsections (3)-(5) may
1637 be assessed per day per violation.

1638 (7) The history of noncompliance of the violator for any
1639 previous violation resulting in an executed consent order, but
1640 not including a consent order entered into without a finding of
1641 violation, or resulting in a final order or judgment after the

1642 effective date of this law involving the imposition of \$3,000 or
 1643 more in penalties shall be taken into consideration in the
 1644 following manner:

1645 (a) One previous such violation within 5 years before the
 1646 filing of the notice of violation will result in a 25-percent
 1647 per day increase in the scheduled administrative penalty.

1648 (b) Two previous such violations within 5 years before the
 1649 filing of the notice of violation will result in a 50-percent
 1650 per day increase in the scheduled administrative penalty.

1651 (c) Three or more previous such violations within 5 years
 1652 before the filing of the notice of violation will result in a
 1653 100-percent per day increase in the scheduled administrative
 1654 penalty.

1655 (8) The direct economic benefit gained by the violator
 1656 from the violation, where consideration of economic benefit is
 1657 provided by Florida law or required by federal law as part of a
 1658 federally delegated or approved program, must be added to the
 1659 scheduled administrative penalty. The total administrative
 1660 penalty, including any economic benefit added to the scheduled
 1661 administrative penalty, may not exceed \$15,000.

1662 (9) The administrative penalties assessed for any
 1663 particular violation may not exceed \$10,000 against any one
 1664 violator, unless the violator has a history of noncompliance,
 1665 the economic benefit of the violation as described in subsection
 1666 (8) exceeds \$10,000, or there are multiday violations. The total

1667 administrative penalties may not exceed \$50,000 per assessment
 1668 for all violations attributable to a specific person in the
 1669 notice of violation.

1670 (10) The administrative law judge may receive evidence in
 1671 mitigation. The penalties identified in subsections (3)-(5) may
 1672 be reduced up to 50 percent by the administrative law judge for
 1673 mitigating circumstances, including good faith efforts to comply
 1674 before or after discovery of the violations by the department.
 1675 Upon an affirmative finding that the violation was caused by
 1676 circumstances beyond the reasonable control of the respondent
 1677 and could not have been prevented by respondent's due diligence,
 1678 the administrative law judge may further reduce the penalty.

1679 (11) Penalties collected pursuant to this section must
 1680 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund
 1681 or other trust fund designated by statute and shall be used to
 1682 fund the restoration of ecosystems, or polluted areas of the
 1683 state, as defined by the department, to their condition before
 1684 pollution occurred. The Florida Conflict Resolution Consortium
 1685 may use a portion of the fund to administer the mediation
 1686 process provided in paragraph (2) (e) and to contract with
 1687 private mediators for administrative penalty cases.

1688 (12) The purpose of the administrative penalty schedule
 1689 and process is to provide a more predictable and efficient
 1690 manner for individuals and businesses to resolve relatively
 1691 minor environmental disputes. Subsections (3)-(7) may not be

1692 construed as limiting a state court in the assessment of
 1693 damages. The administrative penalty schedule does not apply to
 1694 the judicial imposition of civil penalties in state court as
 1695 provided in this section.

1696 Section 15. Subsection (1) of section 403.0671, Florida
 1697 Statutes, is amended to read:

1698 403.0671 Basin management action plan wastewater reports.—

1699 (1) By July 1, 2021, the department, in coordination with
 1700 the county health departments, wastewater treatment facilities,
 1701 and other governmental entities, shall submit a report to the
 1702 Governor, the President of the Senate, and the Speaker of the
 1703 House of Representatives evaluating the costs of wastewater
 1704 projects identified in the basin management action plans
 1705 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
 1706 sewage treatment and disposal system remediation plans and other
 1707 restoration plans developed to meet the total maximum daily
 1708 loads required under s. 403.067. The report must include all of
 1709 the following:

1710 (a) Projects to:

1711 1. Replace onsite sewage treatment and disposal systems
 1712 with enhanced nutrient-reducing onsite sewage treatment and
 1713 disposal systems.

1714 2. Install or retrofit onsite sewage treatment and
 1715 disposal systems with enhanced nutrient-reducing technologies.

1716 3. Construct, upgrade, or expand domestic wastewater

1717 treatment facilities to meet the domestic wastewater treatment
 1718 plan required under s. 403.067(7)(a)9.

1719 4. Connect onsite sewage treatment and disposal systems to
 1720 domestic wastewater treatment facilities.†

1721 (b) The estimated costs, nutrient load reduction
 1722 estimates, and other benefits of each project.†

1723 (c) The estimated implementation timeline for each
 1724 project.†

1725 (d) A proposed 5-year funding plan for each project and
 1726 the source and amount of financial assistance the department, a
 1727 water management district, or other project partner will make
 1728 available to fund the project.†~~and~~

1729 (e) The projected costs of installing enhanced nutrient-
 1730 reducing onsite sewage treatment and disposal systems on
 1731 buildable lots in priority focus areas to comply with s.
 1732 373.811.

1733 Section 16. Paragraph (f) of subsection (2) of section
 1734 403.0673, Florida Statutes, is amended to read:

1735 403.0673 Water quality improvement grant program.—A grant
 1736 program is established within the Department of Environmental
 1737 Protection to address wastewater, stormwater, and agricultural
 1738 sources of nutrient loading to surface water or groundwater.

1739 (2) The department may provide grants for all of the
 1740 following types of projects that reduce the amount of nutrients
 1741 entering those waterbodies identified in subsection (1):

1742 (f) Projects identified in a domestic wastewater treatment
 1743 plan or an onsite sewage treatment and disposal system
 1744 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and
 1745 b.

1746 Section 17. Subsection (5) of section 403.9301, Florida
 1747 Statutes, is amended to read:

1748 403.9301 Wastewater services projections.—

1749 (5) The Office of Economic and Demographic Research shall
 1750 evaluate the compiled documents from the counties for the
 1751 purpose of developing a statewide analysis for inclusion in the
 1752 assessment due the following January 1, ~~2023~~, pursuant to s.
 1753 403.928. Beginning July 1, 2024, and by the July 1 following
 1754 subsequent publications of the analysis required by this
 1755 section, the Office of Economic and Demographic Research shall
 1756 provide a publicly accessible data visualization tool on its
 1757 website that allows for comparative analyses of key information.

1758 Section 18. Subsection (5) of section 403.9302, Florida
 1759 Statutes, is amended to read:

1760 403.9302 Stormwater management projections.—

1761 (5) The Office of Economic and Demographic Research shall
 1762 evaluate the compiled documents from the counties for the
 1763 purpose of developing a statewide analysis for inclusion in the
 1764 assessment due the following January 1, ~~2023~~, pursuant to s.
 1765 403.928. Beginning July 1, 2024, and by the July 1 following
 1766 subsequent publications of the analysis required by this

1767 section, the Office of Economic and Demographic Research shall
 1768 provide a publicly accessible data visualization tool on its
 1769 website that allows for comparative analyses of key information.

1770 Section 19. For the purpose of incorporating the amendment
 1771 made by this act to section 253.04, Florida Statutes, in a
 1772 reference thereto, paragraph (x) of subsection (1) of section
 1773 327.73, Florida Statutes, is reenacted to read:

1774 327.73 Noncriminal infractions.—

1775 (1) Violations of the following provisions of the vessel
 1776 laws of this state are noncriminal infractions:

1777 (x) Section 253.04(3)(a), relating to carelessly causing
 1778 seagrass scarring, for which the civil penalty upon conviction
 1779 is:

1780 1. For a first offense, \$100.

1781 2. For a second offense occurring within 12 months after a
 1782 prior conviction, \$250.

1783 3. For a third offense occurring within 36 months after a
 1784 prior conviction, \$500.

1785 4. For a fourth or subsequent offense occurring within 72
 1786 months after a prior conviction, \$1,000.

1787
 1788 Any person cited for a violation of this subsection shall be
 1789 deemed to be charged with a noncriminal infraction, shall be
 1790 cited for such an infraction, and shall be cited to appear
 1791 before the county court. The civil penalty for any such

1792 | infraction is \$100, except as otherwise provided in this
 1793 | section. Any person who fails to appear or otherwise properly
 1794 | respond to a uniform boating citation, in addition to the charge
 1795 | relating to the violation of the boating laws of this state,
 1796 | must be charged with the offense of failing to respond to such
 1797 | citation and, upon conviction, be guilty of a misdemeanor of the
 1798 | second degree, punishable as provided in s. 775.082 or s.
 1799 | 775.083. A written warning to this effect shall be provided at
 1800 | the time such uniform boating citation is issued.

1801 | Section 20. For the purpose of incorporating the amendment
 1802 | made by this act to section 381.0061, Florida Statutes, in
 1803 | references thereto, paragraph (a) of subsection (4) and
 1804 | paragraph (a) of subsection (6) of section 381.0072, Florida
 1805 | Statutes, are reenacted to read:

1806 | 381.0072 Food service protection.—

1807 | (4) LICENSES REQUIRED.—

1808 | (a) *Licenses; annual renewals.*—Each food service
 1809 | establishment regulated under this section shall obtain a
 1810 | license from the department annually. Food service establishment
 1811 | licenses shall expire annually and are not transferable from one
 1812 | place or individual to another. However, those facilities
 1813 | licensed by the department's Office of Licensure and
 1814 | Certification, the Child Care Services Program Office, or the
 1815 | Agency for Persons with Disabilities are exempt from this
 1816 | subsection. It shall be a misdemeanor of the second degree,

1817 | punishable as provided in s. 381.0061, s. 775.082, or s.
 1818 | 775.083, for such an establishment to operate without this
 1819 | license. The department may refuse a license, or a renewal
 1820 | thereof, to any establishment that is not constructed or
 1821 | maintained in accordance with law and with the rules of the
 1822 | department. Annual application for renewal is not required.

1823 | (6) FINES; SUSPENSION OR REVOCATION OF LICENSES;
 1824 | PROCEDURE.—

1825 | (a) The department may impose fines against the
 1826 | establishment or operator regulated under this section for
 1827 | violations of sanitary standards, in accordance with s.
 1828 | 381.0061. All amounts collected shall be deposited to the credit
 1829 | of the County Health Department Trust Fund administered by the
 1830 | department.

1831 | Section 21. For the purpose of incorporating the amendment
 1832 | made by this act to section 381.0061, Florida Statutes, in a
 1833 | reference thereto, subsection (4) of section 381.0086, Florida
 1834 | Statutes, is reenacted to read:

1835 | 381.0086 Rules; variances; penalties.—

1836 | (4) A person who violates any provision of ss. 381.008-
 1837 | 381.00895 or rules adopted under such sections is subject either
 1838 | to the penalties provided in ss. 381.0012 and 381.0061 or to the
 1839 | penalties provided in s. 381.0087.

1840 | Section 22. For the purpose of incorporating the amendment
 1841 | made by this act to section 381.0061, Florida Statutes, in a

1842 reference thereto, subsection (7) of section 381.0098, Florida
 1843 Statutes, is reenacted to read:

1844 381.0098 Biomedical waste.—

1845 (7) ENFORCEMENT AND PENALTIES.—Any person or public body
 1846 in violation of this section or rules adopted under this section
 1847 is subject to penalties provided in ss. 381.0012 and 381.0061.
 1848 However, an administrative fine not to exceed \$2,500 may be
 1849 imposed for each day such person or public body is in violation
 1850 of this section. The department may deny, suspend, or revoke any
 1851 biomedical waste permit or registration if the permittee
 1852 violates this section, any rule adopted under this section, or
 1853 any lawful order of the department.

1854 Section 23. For the purpose of incorporating the amendment
 1855 made by this act to section 381.0061, Florida Statutes, in a
 1856 reference thereto, subsection (2) of section 513.10, Florida
 1857 Statutes, is reenacted to read:

1858 513.10 Operating without permit; enforcement of chapter;
 1859 penalties.—

1860 (2) This chapter or rules adopted under this chapter may
 1861 be enforced in the manner provided in s. 381.0012 and as
 1862 provided in this chapter. Violations of this chapter and the
 1863 rules adopted under this chapter are subject to the penalties
 1864 provided in this chapter and in s. 381.0061.

1865 Section 24. This act shall take effect July 1, 2024.