

## Committee on Environment and Natural Resources

### **CS/HB 109 — State Park Campsite Reservations**

by Agriculture and Natural Resources Appropriations Subcommittee and Rep. Canady and others (CS/SB 76 by Appropriations Committee on Agriculture, Environment, and General Government and Senators Hooper, Burgess, and Book)

The bill allows Florida residents to reserve state park cabins and campsites one month before nonresidents. Specifically, the bill requires the Division of Recreation and Parks of the Department of Environmental Protection to allow Florida residents to reserve state park cabins and campsites—including sites for RV, tent, boat, and equestrian camping—up to 11 months in advance, and up to 10 months in advance for nonresidents. Florida residents must provide proof of residency (a Florida driver license or identification card) when making reservations more than 10 months in advance.

If approved by the Governor, these provisions take effect January 1, 2024, unless otherwise provided.

*Vote: Senate 39-0; House 107-0*

## Committee on Environment and Natural Resources

### **CS/HB 111 — Flooding and Sea Level Rise Vulnerability Studies**

by Agriculture, Conservation, and Resiliency Subcommittee and Rep. Hunschofsky and others  
(CS/SB 1170 by Fiscal Policy Committee and Senators Calatayud and Garcia)

The bill substantially expands the geographical area where a sea level impact projection (SLIP) study is required and changes the types of structures that this requirement applies to. Currently, a SLIP study must be conducted before beginning construction of a new coastal structure within the coastal building zone. The bill amends this requirement by providing that, beginning July 1, 2024, a SLIP study must be conducted before beginning construction of a “potentially at risk structure or infrastructure” in an area at risk due to sea level rise, regardless of whether it is within the coastal building zone. The bill repeals the current SLIP program on July 1, 2024.

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The bill directs DEP to update its SLIP study rules to provide for the changes required under this bill. In addition to the requirements for the existing rule, the revised rules must include a requirement that state-financed constructors assess the risk of flooding, inundation, and wave action damage to potentially at-risk structures or infrastructure and provide a list of flood mitigation strategies for consideration as part of the structure or infrastructure’s design.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2023, unless otherwise provided.

*Vote: Senate 37-0; House 117-0*

## Committee on Environment and Natural Resources

### **CS/CS/CS/SB 162 — Water and Wastewater Facility Operators**

by Fiscal Policy Committee; Regulated Industries Committee; Environment and Natural Resources Committee; and Senator Collins

The bill requires the Department of Environmental Protection (DEP) to issue reciprocal licenses to water utility workers licensed in other jurisdictions and other license applicants who meet certain requirements. The bill directs DEP to award education and operational experience credits to license applicants who have performed comparable duties in the United States Armed Forces but who do not meet certain other requirements for a reciprocal license. The bill also provides that, during a declared state of emergency under s. 252.36, F.S., DEP:

- May issue a temporary license to applicants who otherwise meet the requirements for licensure reciprocity; and
- Must waive the application fee for a temporary operator license. DEP must also adopt rules for licensure by reciprocity.

If approved by the Governor, these provisions take effect July 1, 2023, unless otherwise provided.

*Vote: Senate 39-0; House 114-0*

THE FLORIDA SENATE  
2023 SUMMARY OF LEGISLATION PASSED

**Committee on Environment and Natural Resources**

**HB 407 — Apalachicola Bay Area of Critical State Concern**

by Rep. Shoaf and others (SB 702 by Senators Simon and Trumbull)

The bill permits the Department of Environmental Protection (DEP) to expend up to \$5 million each fiscal year, beginning in Fiscal Year 2023-2024 and continuing through Fiscal Year 2027-2028, for the purpose of entering into financial assistance agreements with the City of Apalachicola to implement projects that improve surface water and groundwater quality within the Apalachicola Bay Area of Critical State Concern.

Projects for which the City of Apalachicola may receive funds include the construction of stormwater management facilities and central sewage collection facilities, installation of onsite sewage treatment and disposal systems, direct and indirect potable reuse, and other water quality and water supply projects. The subsection created by the bill will expire on June 30, 2028.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

*Vote: Senate 37-0; House 110-0*

THE FLORIDA SENATE  
2023 SUMMARY OF LEGISLATION PASSED

**Committee on Environment and Natural Resources**

**HB 641 — Restoration of Osborne Reef**

by Rep. LaMarca and others (SB 546 by Senators Avila, Pizzo, and Book)

The bill requires the Department of Environmental Protection (DEP) to submit a report to the Legislature on the status of the Osborne Reef cleanup and tire removal project. The report must include:

- A description of the condition of the remaining Osborne Reef structure;
- Any restoration efforts undertaken to restore the reef structure;
- The number of tires that have been retrieved and the number that still need to be retrieved; and
- The estimated timeline for the completion of the project.

The bill directs DEP to develop a comprehensive restoration plan for Osborne Reef by July 1, 2024, upon completion of the cleanup and tire removal project. The restoration plan must include:

- A preliminary plan for the restoration of the existing reef;
- The restoration of any nearby natural reefs that were destroyed by the tire installation;
- The shifting of resources from tire retrieval to reef restoration; and
- Coordination with other coral reef restoration projects and resources.

Upon completion of the plan, DEP must provide a report to the Legislature. The report must include an update on the status of the restoration plan and any recommendations for statutory changes necessary to achieve the identified restoration goals.

The bill also contains legislative findings regarding the enactment and purposes of the Act.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, unless otherwise provided.

*Vote: Senate 38-0; House 115-0*

## Committee on Environment and Natural Resources

### **CS/CS/SB 724 — Seagrass Restoration Technology Development Initiative**

by Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; and Senators Boyd, Stewart, Garcia, and Avila

The bill establishes the Seagrass Restoration Technical Development Initiative within the Department of Environmental Protection (DEP), in partnership with Mote Marine Laboratory, the University of Florida, and DEP's Aquatic Preserve Program, to develop innovative, cost-efficient, and environmentally sustainable technologies needed to restore coastal seagrass ecosystems.

The bill directs DEP to award funds specifically appropriated by the Legislature to Mote Marine Laboratory, which will function as the initiative's lead administrative component. Mote Marine Laboratory may use a portion of the funds to facilitate additional engagement with other pertinent marine science and technology development organizations to pursue applied research and technology for the successful restoration of seagrass ecosystems. Mote Marine Laboratory may not use more than five percent of the funds for direct annual initiative administration and coordination costs. The initiative must leverage state-appropriated funds with additional funds from private and federal sources.

Mote Marine Laboratory and the University of Florida are required to create a 10-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative.

The bill requires the initiative to submit an annual report with an overview of its accomplishments to date and priorities for subsequent years to the Governor, the Legislature, the Secretary of Environmental Protection, and the executive director of the Fish and Wildlife Conservation Commission.

The bill also establishes the Initiative Technology Advisory Council (TAC) as part of the initiative and specifies the membership of the council. The TAC must meet at least twice a year. The bill appropriates \$2 million from the General Revenue Fund to DEP beginning in the 2023-2024 fiscal year and for each fiscal year through 2027-2028 to implement the seagrass initiative and the technology advisory council. In addition, the bill requires DEP to implement seagrass restoration projects that are procured on a payment-for-performance basis.

The section of law created in the bill expires on June 30, 2028.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

*Vote: Senate 40-0; House 119-0*

THE FLORIDA SENATE  
2023 SUMMARY OF LEGISLATION PASSED

## Committee on Environment and Natural Resources

### **CS/CS/HB 847 — Vessel Regulations**

by Infrastructure Strategies Committee; Water Quality, Supply, and Treatment Subcommittee; and Rep. Stark and others (CS/SB 1082 by Rules Committee and Senator DiCeglie)

The bill removes the authority for a local government to require a permit for certain floating vessel platforms (i.e., those not attached to a bulkhead).

The bill provides that a local government may only require a one-time registration of such platforms where the platform owner self-certifies compliance with the exemption criteria. Local governments may require this self-certification to ensure, among other things, compliance with ordinances, codes, state-delegated or state mandated plans or programs, or regulations relating to building or zoning, which may not be applied more stringently than, or inconsistent with, the exemption criteria and address subjects other than subjects addressed by the exemption criteria.

The bill also allows local governments to establish by ordinance minimum wake boating-restricted areas within 500 feet of certain sewage pumpout stations at a public or private nonresidential marina.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

*Vote: Senate 39-0; House 113-2*

THE FLORIDA SENATE  
2023 SUMMARY OF LEGISLATION PASSED

## Committee on Environment and Natural Resources

### **CS/HJR 1157 — Fishing and Hunting**

by Agriculture, Conservation, and Resiliency Subcommittee and Rep. Melo and others

The joint resolution proposes an amendment to the Florida Constitution to preserve hunting, fishing, and the taking of fish and wildlife, including by the use of traditional methods, in perpetuity as a public right. The amendment would make hunting, fishing, and the taking of fish and wildlife the preferred means of responsibly managing and controlling fish and wildlife. The amendment would not limit the authority of the Florida Fish and Wildlife Conservation Commission.

The joint resolution provides that the following statement will be placed on the ballot:

RIGHT TO FISH AND HUNT.—Proposing an amendment to the State Constitution to preserve forever fishing and hunting, including by the use of traditional methods, as a public right and preferred means of responsibly managing and controlling fish and wildlife. Specifies that the amendment does not limit the authority granted to the Fish and Wildlife Conservation Commission under Section 9 of Article IV of the State Constitution.

The proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024 or at an earlier special election if specifically scheduled by law.

If approved by the voters, this amendment will take effect January 7, 2025.

*Vote: Senate 38-1; House 116-0*



## Committee on Environment and Natural Resources

### **CS/HB 1161 — Venomous Reptiles**

by Infrastructure Strategies Committee and Rep. Abbott and others (CS/SB 1266 by Criminal Justice Committee and Senators Rodriguez and Stewart)

The bill revises violations and penalties for the improper sale, release, and escape of certain reptiles. The bill provides that a person commits a Level Four violation if they:

- Knowingly release a nonnative venomous reptile or allow a nonnative venomous reptile to escape through gross negligence.
- Knowingly purchase, sell, attempt to sell, offer to sell, conspire to sell, barter, exchange, trade, or import for sale or use any species of venomous reptile without having first obtained a special permit or license from the Florida Fish and Wildlife Conservation Commission (FWC).

The bill provides that a violation of any FWC rule or order requiring housing wildlife in a safe manner that results in the escape of a venomous reptile is a Level Three violation. The bill also makes multiple corresponding changes related to the enhanced penalties for certain Level Two, Three, and Four violations involving reptiles.

Level Four violations are third degree felony offenses and are punishable by up to five years imprisonment and up to a \$5,000 fine. Level Three violations are first degree misdemeanor offenses and are punishable by up to one year in the county jail and up to a \$1,000 fine. Level Two violations are either second or first degree misdemeanor offenses, depending on the offender's history.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

*Vote: Senate 39-0; House 113-0*

## Committee on Environment and Natural Resources

### **CS/CS/HB 1367 — Unlawful Dumping**

by Water Quality, Supply, and Treatment Subcommittee; Local Administration, Federal Affairs, and Special Districts Subcommittee; and Reps. Altman, Bartleman, and others (CS/SB 1368 by Community Affairs Committee and Senator Wright)

The bill amends the Florida Litter Law. It amends the definition of “dump” to include the acts of draining and discharging. The bill also adds personal property, pharmaceuticals of any kind, household items, sheds, trucks, trailers, and motorhomes to the definition of “litter.” The bill defines “water control district” as a water control district that exists pursuant to ch. 298, F.S., concerning drainage and water control, or was created by special act of the Legislature.

The bill makes it unlawful for any person to dump litter in or on any water control district property or canal right-of-way without prior consent. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, are in violation of the Florida Litter Law.

The bill requires a member of a water control district board of directors or a district manager who discovers that a person has committed unlawful dumping in or on water control district property or canal right-of-way to report the incident to the appropriate law enforcement agency. The bill allows a law enforcement officer to enter any district canal right-of-way, property, or facility to respond to such an incident.

The bill provides that land owned by a water control district or that was created by special act of the Legislature is “posted land” if signs are placed at or near the intersection of any district canal right-of-way and a road right-of-way.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2023.

*Vote: Senate 37-0; House 116-0*

## Committee on Environment and Natural Resources

### **CS/CS/HB 1379 — Environmental Protection**

by Infrastructure Strategies Committee; Water Quality, Supply, and Treatment Subcommittee; and Reps. Steele, Overdorf, and others (CS/CS/SB 1632 by Fiscal Policy Committee; Environment and Natural Resources Committee; and Senators Brodeur and Avila)

The bill is related to environmental protection. The major topics in the bill include wastewater treatment, onsite sewage treatment and disposal systems (OSTDSs), sanitary sewer services, basin management action plans (BMAPs), the wastewater grant program, the Indian River Lagoon (IRL), and the acquisition of state lands. The bill provides the following:

#### *Acquisition of state lands*

- Appropriates \$100 million annually to the Department of Environmental Protection (DEP) for the acquisition of land under the Florida Forever Act.
- Raises the property value threshold for when two appraisals of a parcel are required from \$1 million to \$5 million. Reduces the types of land purchases that must be approved by the Board of Trustees of the Internal Improvement Trust Fund.
- Allows DEP to acquire parcels for the full value of that parcel as determined pursuant to the highest approved appraisal.
- Requires DEP and the Department of Agriculture and Consumer Services (DACCS) to disclose otherwise confidential appraisal reports to private landowners or their representatives during negotiations for the acquisition of state lands or conservation easements.

#### *Advanced waste treatment*

- Requires sewage disposal facilities to provide advanced waste treatment before discharging into certain impaired waters by January 1, 2033.
- Requires that, for waters that become impaired after July 1, 2023, sewage disposal facilities must provide advanced waste treatment within 10 years of the designation.

#### *OSTDSs*

- Prohibits new OSTDSs within a BMAP, reasonable assurance plan, or pollution reduction plan where sewer is available. On lots one acre or less where sewer is not available, new OSTDSs must be an enhanced system or other treatment system that achieves at least 65 percent nitrogen reduction.
- Encourages local government agencies that receive grants or loans from DEP for connecting OSTDSs to sewer systems to notify owners of OSTDSs that such funding is available and provide this information online.
- For BMAPs that include an Outstanding Florida Spring, the bill expands the area for which an OSTDS remediation plan is required from a “priority focus area” to the entire BMAP.

#### *Sanitary sewer services*

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

- Requires local governments to consider the feasibility of providing sanitary sewer services for developments of more than 50 residential lots that have more than one OSTDS per acre within a 10-year planning horizon (not required for rural areas of opportunity).
- Requires local governments to update their comprehensive plans to include the sanitary sewer planning element by July 1, 2024.
- Requires local governments that are subject to a BMAP (or located within the basin of waters not meeting applicable nutrient-related water quality standards) to provide DEP with an annual update on the status of the construction of sanitary sewers to serve such areas.

### ***Wastewater grant program***

- Expands the areas/types of waterbodies that are eligible to receive funding.
- Expands the types of projects that are eligible for grants to include additional wastewater projects, stormwater projects, and regional agricultural projects (retitling the grant program to the “water quality improvement grant program”).
- Removes the requirement that each grant have a minimum 50 percent local match of funds, but allows DEP to consider percent cost-share identified by an applicant (except for rural areas of opportunity) when prioritizing projects.
- Requires DEP to coordinate with local governments, stakeholders, and DACS to identify and prioritize the most effective and beneficial water quality improvement projects.

### ***IRL***

- Establishes the IRL Protection Program, consisting of the Banana River Lagoon BMAP, the Central Indian River Lagoon BMAP, the North Indian River Lagoon BMAP, and the Mosquito Lagoon Reasonable Assurance Plan.
- Sets forth requirements for the program, including evaluation of the BMAP, identification and prioritization of projects, and water quality monitoring.
- Prohibits new OSTDSs (unless previously permitted) within the IRL Protection Program area beginning January 1, 2024, where a central sewerage system is available. For new developments where sewer is not available, only enhanced nutrient-reducing OSTDSs will be authorized.
- Requires any commercial or residential property with an existing OSTDS located within the IRL Protection Program area to connect to central sewer or upgrade to an enhanced nutrient-reducing OSTDS or other wastewater treatment system that achieves at least 65 percent nitrogen reduction by July 1, 2030.

### ***BMAPs***

- Requires BMAPs to include five-year milestones for implementation and water quality improvement.
- Requires entities that have a specific pollutant load reduction requirement to submit to DEP a list of projects that will be undertaken to meet the five-year milestones.

- Requires DEP to coordinate with DACS and owners of agricultural operations in a BMAP to identify a list projects that will reduce pollutant loads for agricultural nonpoint sources.
- Requires local governments to include in their comprehensive plans a list of projects necessary to achieve pollutant load reductions attributable to the local government as part of a BMAP.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023, unless otherwise provided.

*Vote: Senate 40-0; House 116-0*

## Committee on Environment and Natural Resources

### **CS/CS/HB 1405 — Biosolids**

by Infrastructure Strategies Committee; Water Quality, Supply, and Treatment Subcommittee; and Rep. Tuck and others

The bill establishes a biosolids grant program within the Department of Environmental Protection (DEP) and provides that, subject to the appropriation of funds by the Legislature, DEP may provide grants to counties, special districts, and municipalities to support projects that:

- Evaluate and implement innovative technologies and solutions for the disposal of biosolids; or
- Construct, upgrade, expand, or retrofit domestic facilities that convert wastewater residuals to Class AA biosolids, nonfertilizer uses or disposal methods, or alternatives to synthetic fertilizers.

The bill encourages applicants to form public-private partnerships with private utilities and firms.

The bill provides that projects eligible for funding by the biosolids grant program may include, but are not limited to, projects that:

- Reduce the amount of nutrients in biosolids,
- Reduce the amount of emerging contaminants in biosolids, or
- Provide alternatives to the land application or landfilling of biosolids as a method of disposal.

The bill requires DEP, in allocating grant funds, to prioritize projects by considering the environmental benefit that a project may provide.

The bill requires DEP to administer the biosolids grant program so that 10 percent of the funds made available each year are reserved for projects within a rural area of opportunity. If DEP does not receive sufficient applications for projects within a rural area of opportunity, it may reallocate the reserved funds. DEP must require that each biosolids grant has a minimum of a 50 percent funding match from local, state, federal, or private funds. However, DEP may waive the funding match requirement for biosolids grants for projects within a rural area of opportunity.

The bill requires DEP to develop annual reporting requirements for grant recipients that must include the phosphorous and nitrogen content, the type, and the amount of each grant-funded product derived from wastewater residuals and the buyers and users of such products.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

*Vote: Senate 40-0; House 106-0*

## Committee on Environment and Natural Resources

### **CS/CS/HB 1489 — Designation of Brevard Barrier Island Area as Area of Critical State Concern**

by Infrastructure Strategies Committee; Agriculture, Conservation, and Resiliency Subcommittee; and Rep. Altman and others (CS/CS/SB 1686 by Rules Committee; Environment and Natural Resources Committee; and Senator Wright)

This bill designates the Brevard Barrier Island Area as an area of critical state concern. The bill provides Legislative findings regarding the necessity of designating the Brevard Barrier Island Area as an area of critical state concern. These findings include environmental, economic, and safety considerations. The bill provides that the Legislature intends to:

- Establish a land use management system that protects the natural environment of the southern Brevard Barrier Island Area;
- Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services;
- Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the Brevard Barrier Island Area by funding water quality improvement projects; and
- Ensure that the population of the Brevard Barrier Island can be safely evacuated.

The bill provides guiding principles for development within the Brevard Barrier Island Area that focus on protecting sea turtle habitat, restoring water quality, safeguarding against the adverse impacts of flooding and storm surge, and limiting the adverse impacts of development.

The bill also allows for the removal of the Brevard Barrier Island Area's designation as an area of critical state concern if the state land planning agency determines that all local land development regulations and comprehensive plans are adequate to protect the Brevard Barrier Island Area and are in compliance with the principles for guiding development. The bill provides criteria that must be met before the state land planning agency may recommend removing the area of critical state concern designation.

Beginning November 30, 2030, the state land planning agency must submit an annual written report to the Administration Commission, which consists of the Governor and members of the Cabinet, on the progress of the Brevard Barrier Island Area toward achieving the legislative intent and implementing the guiding principles for development.

The bill provides that the designation of the Brevard Barrier Island Area as an area of critical state concern does not affect any existing zoning or use of land in effect within the Brevard Barrier Island Area before July 1, 2023.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

*Vote: Senate 38-0; House 115-0*

## Committee on Environment and Natural Resources

### **HB 7003 — OGSR/Water Management District Surplus Lands**

by Ethics, Elections and Open Government Subcommittee and Rep. Griffiths (SB 7004 by Environment and Natural Resources Committee)

The bill amends s. 373.089(1), F.S., to save from repeal the public records exemption for written valuations of land determined by a governing board of a water management district to be surplus; related documents used to form, or which pertain to, such valuations; and written offers to purchase such surplus land. The exemption expires two weeks before the contract or agreement regarding the purchase, exchange, or disposal of the surplus land is first considered for approval by the district.

The Open Government Sunset Review Act requires the Legislature to review each public record and each public meeting exemption five years after enactment. The exemption in s. 373.089, F.S., is scheduled to repeal on October 2, 2023. This bill removes the scheduled repeal to continue the confidential and exempt status of the information.

If approved by the Governor, these provisions take effect October 1, 2023, unless otherwise provided.

*Vote: Senate 38-0; House 113-0*



## Committee on Environment and Natural Resources

### **HB 7027 — Ratification of Rules of the Department of Environmental Protection**

by Water Quality, Supply, and Treatment Subcommittee and Rep. Overdorf and others (CS/SB 7002 by Community Affairs Committee and Environment and Natural Resources Committee)

The bill ratifies Florida Administrative Code Rule 62-6.001, which incorporates more stringent permitting requirements for onsite sewage treatment and disposal systems, commonly referred to as septic systems, in areas where the Department of Environmental Protection (DEP) has adopted an onsite sewage treatment and disposal system remediation plan as part of a basin management action plan.

The bill also ratifies Florida Administrative Code Rules 62-600.405, 62-600.705, and 62-600.720, relating to domestic wastewater facilities, which are amended to:

- Require a pipe assessment, repair, and replacement plan and an annual report on the plan;
- Include statutory requirements for a power outage contingency plan;
- Include statutory requirements for an annual report on utilities' expenditures on pollution mitigation efforts; and
- Require certain domestic wastewater facilities' emergency response plans to address cybersecurity.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 111-0*