

Committee on Environment and Natural Resources

CS/HB 87 — Taking of Bears

by Infrastructure Strategies Committee and Rep. Shoaf and others (CS/CS/SB 632 by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senators Simon and Collins)

The bill may be cited as the “Self Defense Act.” It provides that a person is not subject to any administrative, civil, or criminal penalty for taking a bear with lethal force if the person:

- Reasonably believed that his or her action was necessary to avoid an imminent threat of death or serious bodily injury to himself or herself or to another, an imminent threat of death or serious bodily injury to a pet, or substantial damage to a dwelling;
- Did not lure the bear with food or attractants for an illegal purpose, including, but not limited to, training dogs to hunt bears;
- Did not intentionally or recklessly place himself or herself or a pet in a situation in which he or she would be likely to need to use lethal force; and
- Notified the Florida Fish and Wildlife Conservation Commission (FWC) within 24 hours after using lethal force to take the bear.

The bill requires a bear taken under this section to be disposed of by FWC. In addition, a person who takes a bear under this section may not possess, sell, or dispose of the bear or its parts. The bill directs FWC to adopt rules to implement this section.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 24-12; House 83-28

Committee on Environment and Natural Resources

CS/HB 321 — Release of Balloons

by Agriculture, Conservation & Resiliency Subcommittee and Reps. Chaney, Mooney, and others (CS/CS/SB 602 by Fiscal Policy Committee; Environment and Natural Resources Committee; and Senator DiCeglie)

The bill prohibits the intentional release of balloons inflated with a gas that is lighter than air. To effect this change, the bill removes language allowing the intentional release of fewer than 10 balloons within a 24-hour period. The bill also removes an exemption for the intentional release of biodegradable or photodegradable balloons.

The bill provides that the intentional release of balloons is punishable under the Florida Litter Law by revising the Florida Litter Law’s definition of “dump” to include, with respect to balloons, to intentionally release, organize the release of, or intentionally cause to be released. It also revises the Florida Litter Law’s definition of “litter” to include balloons.

The bill provides that laws regulating the intentional release of balloons do not apply to a child six years of age or younger.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 38-2; House 102-9

Committee on Environment and Natural Resources

CS/CS/HB 437 — Anchoring Limitation Areas

by Infrastructure Strategies Committee; Agriculture, Conservation & Resiliency Subcommittee; and Rep. Porras and others (CS/CS/SB 192 by Rules Committee; Environment and Natural Resources Committee; and Senator Garcia)

The bill expands the sections of Biscayne Bay that are designated as anchoring limitation areas. It adds anchoring limitation areas in the sections of Biscayne Bay within Miami-Dade County lying between Palm Island and State Road A1A and between San Marino Island and Di Lido Island.

The bill specifies that documentation used to prove that a vessel has not exceeded the limits of county-established anchoring limitation areas must show the vessel at least one nautical mile away within a certain period. The bill allows navigational or tracking devices to be used for electronic evidence of a vessel's location if the devices are permanently affixed to the vessel.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 105-2

Committee on Environment and Natural Resources

CS/HB 487 — Lost and Abandoned Property

by Judiciary Committee and Rep. Chaney and others (SB 682 by Senator Martin)

The bill revises the timeframe during which a law enforcement officer must mail a copy of the notice posted on an article of lost or abandoned property, a derelict vessel, or a public nuisance vessel, so that the notice may be mailed to the owner on the date of posting or as soon thereafter as is practical.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 36-0; House 115-0

Committee on Environment and Natural Resources

CS/CS/SB 1136 — Regulation of Water Resources

by Rules Committee; Community Affairs Committee; and Senator Trumbull

The bill revises the qualification requirements a person must meet to take the water well contractor licensure examination. It requires an applicant to have at least two years of experience in constructing, repairing, or abandoning water wells specifically permitted in Florida.

The bill authorizes an authority to whom a water management district has delegated enforcement powers to consistently apply disciplinary guideline rules relating to wells.

The bill includes business entities as possible violators of certain unlawful acts relating to wells. It adds that it is an unlawful act to advertise water well drilling or construction services if the business entity is not owned by a licensed water well contractor or does not employ a full-time water well contractor.

The bill provides that the onsite sewage treatment and disposal system (OSTDS) variance review and advisory committee is not responsible for water well permitting. However, the committee shall consider all requirements of law related to OSTDSs when making recommendations on variance requests for OSTDS permits.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 38-0; House 114-0

Committee on Environment and Natural Resources

CS/CS/CS/SB 1532 — Mitigation

by Rules Committee; Community Affairs Committee; Environment and Natural Resources Committee; and Senator Brodeur

The bill expands the water quality enhancement credit program to allow private entities to purchase credits. Currently, only governmental entities may purchase water quality enhancement credits under the program. Specifically, the bill provides that water quality enhancement credits may be sold to governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan or to private or governmental applicants for the purpose of achieving net improvement or meeting environmental resource permit performance standards.

Regarding mitigation banking, the bill allows limited use of local government land for private mitigation banks, provided that the private mitigation banks are located in credit-deficient basins and would produce certain habitat type credits that are unavailable or insufficient in such basins.

Current law directs the Department of Environmental Protection (DEP) and water management districts (WMDs) to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation. The bill amends this provision by directing DEP and WMDs to encourage the establishment of private mitigation banks and offsite regional mitigation on lands owned by a local government, when such lands are located in a credit-deficient basin and the proposed mitigation bank or offsite regional mitigation would provide one or more of the deficient habitat type credits described in this bill.

A local government with land in a credit-deficient basin may, through the public procurement process identified in chapter 287 or other established competitive procurement processes, consider a proposal from a private entity for the right to establish a mitigation bank on the local government land, including such lands purchased for conservation purposes, provided acquisition encumbrances do not exist to the contrary. The bill outlines the meaning of “credit-deficient basin.” The bill provides that if such a mitigation bank is to be established and operated on local government land, the local government and private applicant must enter into a use agreement that meets certain requirements. This provision does not apply to lands owned by the state or a water management district.

The bill provides that, in determining the number of mitigation bank credits to be awarded to a mitigation bank established pursuant to this section, the proposed mitigation bank’s location in or adjacent to the local government conservation lands may not increase the uniform mitigation assessment method location factor assessment and scoring value, even if the conservation status of the mitigation bank land is improved due to such location.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect July 1, 2024.

Vote: Senate 39-0; House 114-0

Committee on Environment and Natural Resources

CS/CS/HB 1557 — Department of Environmental Protection

by Infrastructure Strategies Committee; Water Quality, Supply & Treatment Subcommittee; and Rep. Chaney and others (CS/CS/SB 1386 by Fiscal Policy Committee; Appropriations Committee on Agriculture, Environment, and General Government; and Senator Calatayud)

The bill amends provisions relating to aquatic preserves, resilience, onsite sewage treatment and disposal systems (OSTDSs, otherwise known as septic systems), and wastewater treatment facilities.

The bill requires all applicants for permits to construct and operate a domestic wastewater treatment facility to prepare a reuse feasibility study. Domestic treatment facilities that dispose of effluent by certain means must implement reuse to the extent feasible and must consider the ecological or public water supply benefits afforded by any disposal.

The bill makes revisions to facilitate the ongoing transfer of the OSTDS program from the Department of Health to the Department of Environmental Protection (DEP) including:

- Creating new procedures for DEP regarding the processing and enforcement of septic tank requirements.
- Directing DEP to adopt rules for a general permit for projects which have, individually or cumulatively, a minimal adverse impact on public health or the environment.
- Directing DEP to establish an enhanced nutrient-reducing OSTDS approval program.

Regarding domestic wastewater treatment facilities and wastewater treatment plans, the bill:

- Requires certain public and private facilities to participate in developing the domestic wastewater treatment plan including providing certain information to the applicable local government.
- Requires certain wastewater treatment facilities that provide reclaimed water within a basin management action plan or reasonable assurance plan area to meet advanced waste treatment standards.

Regarding reclaimed water, the bill:

- Directs the water management districts and DEP to develop rules to promote reclaimed water and encourage potable water offsets that produce significant water savings.
- Authorizes extended permits for those applicants or permittees that propose a development or water resource development project using reclaimed water.

Regarding the Resilient Florida Grant Program, the bill:

- Authorizes DEP to provide grants to counties or municipalities to fund:
 - o An update of their inventory of critical assets, including those that are currently or reasonably expected to be impacted by flooding and sea level rise;
 - o Development of strategies to enhance community preparations for threats from flooding and sea level rise, including adaptation plans; and

- o Permitting for projects designed to achieve reductions in the risks or impacts of flooding and sea level rise using nature-based solutions.
- Requires vulnerability assessments to use data from the Florida Flood Hub that is certified by the Chief Resilience Officer.
- Requires certain data and planning horizons to be used in the assessment.

The bill requires the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment to include the 20- and 50-year projected sea level rise at each active National Oceanic and Atmospheric Administration tidal gauge off the Florida coast as derived from statewide sea level rise projections.

Regarding the Statewide Flooding and Sea Level Rise Resilience Plan, the bill:

- Authorizes the plan to include projects not yet identified in the comprehensive statewide flood vulnerability and sea level rise assessment at the discretion of DEP and the Chief Resilience Officer.
- Expands the types of projects that can be submitted by local or regional entities.

The bill requires DEP to include the projects funded under the water quality grant program on a user-friendly website or dashboard.

The bill requires the Office of Economic and Demographic Research to provide a publicly-accessible data visualization tool on its website related to its statewide wastewater and stormwater needs analysis.

Regarding aquatic preserves, the bill:

- Provides that it is a noncriminal infraction to operate a vessel outside a lawfully marked channel in a careless manner that causes seagrass scarring within the Nature Coast Aquatic Preserve.
- Declares the Kristin Jacobs Coral Reef Ecosystem Conservation Area to be an aquatic preserve.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 36-0; House 119-0

Committee on Environment and Natural Resources

CS/CS/HB 1565 — Florida Red Tide Mitigation and Technology Development Initiative

by Infrastructure Strategies Committee; Agriculture & Natural Resources Appropriations Subcommittee; and Rep. Grant and others (CS/SB 1360 by Appropriations Committee on Agriculture, Environment, and General Government and Senator Gruters)

The bill amends s. 379.2273, F.S., to:

- Remove the expiration date for the Florida Red Tide Mitigation and Technology Development Initiative of June 30, 2025.
- Direct the initiative to develop field trials for red tide mitigation approaches and technologies.

Specifically, the bill provides that upon successful completion of science-based laboratory testing of prevention, control, and mitigation technologies and approaches, the initiative must develop recommendations for field trial deployment technologies of the technologies and approaches in state waters. The initiative must submit a report with its findings and recommendations to the Department of Environmental Protection (DEP), the Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, and other state agencies with regulatory oversight of field trial deployment of the technologies and approaches in state waters. DEP must evaluate the technologies and approaches and identify all existing state permits the Mote Marine Laboratory (Mote) may use to deploy and test the technologies and approaches in state waters. DEP must submit its evaluation to Mote within 60 days after receipt of the report. If DEP determines existing state permits may not be used, DEP must amend its regulatory or permitting processes to ensure the timely deployment if any red tide or similar harmful algal bloom mitigation and control technologies and approaches recommended by the initiative. Upon successful testing of the technologies and approaches, DEP must expedite regulatory reviews for the recurring use of the technologies and approaches in state waters to control and mitigate the impacts of red tide or similar harmful algal blooms.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2024.

Vote: Senate 40-0; House 114-0

Committee on Environment and Natural Resources

CS/SB 7040 — Ratification of the Department of Environmental Protection's Rules Relating to Stormwater

by Appropriations Committee on Agriculture, Environment, and General Government; Environment and Natural Resources Committee; and Senators Harrell and Mayfield

As required by the Clean Waterways Act, the Department of Environmental Protection (DEP) initiated rulemaking to update the stormwater design and operation regulations for environmental resource permitting, including updates to the Environmental Resource Permit Applicant's Handbook. The proposed rules were developed to increase the removal of nutrients from stormwater to protect the state's waterways. The Statement of Estimated Regulatory Costs developed by DEP concluded that the revised rules will likely increase stormwater treatment costs by \$1.21 billion (or \$2,600 per acre developed) in the aggregate within five years after the rules' implementation. This amount triggered the statutory requirement for the rule to be ratified by the Legislature before becoming effective.

This bill ratifies DEP's revisions to the stormwater rules within Chapter 62-330 of the Florida Administrative Code with several changes, including:

- Extending the timeframe for a permit application to be deemed complete to qualify for an exemption from revised rules from 12 months to 18 months after the effective date of the revised rules;
- Providing that entities implementing stormwater best management practices also regulated under different provisions of law are not subject to duplicate inspections for the same practices;
- Allowing alternative treatment standards for redevelopment projects in areas with impaired waters;
- Providing that a stormwater management system is presumed to not violate state water quality standards if an applicant demonstrates its designs and plans meet performance standards and has met other requirements under the revised rules; and
- Allowing an applicant to demonstrate compliance with the rule's performance standards by providing reasonable assurance through modeling, calculations, and supporting documentation that satisfy the provisions of the revised rules.

In addition, the bill clarifies that nothing in the revised rules eliminate any grandfather provisions in existence prior to the effective date of the ratified rules and exempts additional projects, including:

- Regional stormwater systems and projects submitted as a part of a local building permit or as part of an application for a site plan or subdivision plat approval where stormwater management and design plans were submitted to a government agency before January 1, 2024;
- Stormwater management systems constructed in accordance with a binding ecosystem management agreement executed by DEP before January 1, 2024;
- Until October 1, 2044, stormwater management and design plans for a valid development of regional impact with a development order issued before January 1, 2024, except where

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the development of regional impact is essentially built out after the effective date of the revised rules; and

- Until October 1, 2034, stormwater management and design plans for a planned unit development approved before January 1, 2024.

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

Vote: Senate 37-0; House 114-0