

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; revising  
19          vulnerability assessment requirements; revising  
20          requirements for the development and maintenance of  
21          the comprehensive statewide flood vulnerability and  
22          sea level rise data set and assessment; requiring the  
23          department to coordinate with the Chief Resilience  
24          Officer and the Florida Flood Hub to update the data  
25          set and assessment at specified intervals; revising

26 requirements for the Statewide Flooding and Sea Level  
27 Rise Resilience Plan; revising the purposes of the  
28 funding for regional resilience entities; making  
29 technical changes; amending s. 381.0061, F.S.;  
30 revising the violations for which the department may  
31 impose a specified fine; providing legislative intent  
32 regarding a phased transfer of the Department of  
33 Health's Onsite Sewage Program to the Department of  
34 Environmental Protection; requiring the Department of  
35 Environmental Protection to coordinate with the  
36 Department of Health regarding the identification and  
37 transfer of certain equipment and vehicles under  
38 certain circumstances; prohibiting the Department of  
39 Health from implementing or collecting fees for the  
40 program when the Department of Environmental  
41 Protection begins implementing the program; providing  
42 exceptions; amending s. 381.0065, F.S.; requiring the  
43 Department of Environmental Protection to conduct  
44 enforcement activities for violations of certain  
45 onsite sewage treatment and disposal system  
46 regulations in accordance with specified provisions;  
47 specifying the department's authority with respect to  
48 specific provisions; requiring the department to adopt  
49 rules for a program for general permits for certain  
50 projects; providing requirements for such rules;

51 revising department enforcement provisions; deleting  
52 certain criminal penalties; requiring the damages,  
53 costs, or penalties collected to be deposited into the  
54 Water Quality Assurance Trust Fund rather than the  
55 relevant county health department trust fund;  
56 requiring the department to establish an enhanced  
57 nutrient-reducing onsite sewage treatment and disposal  
58 system approval program; authorizing the department to  
59 contract with or delegate certain powers and duties to  
60 a county; amending s. 381.0066, F.S.; requiring  
61 certain fees to be deposited into the Florida Permit  
62 Fee Trust Fund after a specified timeframe; amending  
63 s. 403.061, F.S.; requiring counties to make certain  
64 services and facilities available upon the direction  
65 of the department; amending s. 403.064, F.S.; revising  
66 legislative findings; revising the domestic wastewater  
67 treatment facilities required to submit a reuse  
68 feasibility study as part of a permit application;  
69 revising the contents of a required reuse feasibility  
70 study; revising the domestic wastewater facilities  
71 required to implement reuse under certain  
72 circumstances; revising applicability; revising  
73 construction; amending s. 403.067, F.S.; requiring  
74 certain facilities and systems to include a domestic  
75 wastewater treatment plan as part of a basin

76 management action plan for nutrient total maximum  
77 daily loads; amending s. 403.086, F.S.; requiring  
78 wastewater treatment facilities within a basin  
79 management action plan or reasonable assurance plan  
80 area which provide reclaimed water for specified  
81 purposes to meet advanced waste treatment or a more  
82 stringent treatment standard under certain  
83 circumstances; amending s. 403.091, F.S.; authorizing  
84 certain department representatives to enter and  
85 inspect premises on which an onsite sewage treatment  
86 and disposal system is located or being constructed or  
87 installed or where certain records are kept; revising  
88 requirements for such access; revising the  
89 circumstances under which an inspection warrant may be  
90 issued; amending s. 403.121, F.S.; revising department  
91 enforcement provisions; revising administrative  
92 penalty calculations for failure to obtain certain  
93 required permits and for certain violations; amending  
94 ss. 403.0671 and 403.0673, F.S.; conforming provisions  
95 to changes made by the act; reenacting s.  
96 327.73(1)(x), F.S., relating to noncriminal  
97 infractions, to incorporate the amendment made to s.  
98 253.04, F.S., in a reference thereto; reenacting ss.  
99 381.0072(4)(a) and (6)(a), 381.0086(4), 381.0098(7),  
100 and 513.10(2), F.S., relating to food service

101 protection, penalties, biomedical waste, and operating  
 102 without a permit, respectively, to incorporate the  
 103 amendment made to s. 381.0061, F.S., in references  
 104 thereto, providing an effective date.

105

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

107

108 Section 1. Paragraph (a) of subsection (3) of section  
 109 253.04, Florida Statutes, is amended to read:

110 253.04 Duty of board to protect, etc., state lands; state  
 111 may join in any action brought.-

112 (3)(a) The duty to conserve and improve state-owned lands  
 113 and the products thereof includes ~~shall include~~ the preservation  
 114 and regeneration of seagrass, which is deemed essential to the  
 115 oceans, gulfs, estuaries, and shorelines of the state. A person  
 116 operating a vessel outside a lawfully marked channel in a  
 117 careless manner that causes seagrass scarring within an aquatic  
 118 preserve established in ss. 258.39-258.3991 ~~ss. 258.39-258.399~~,  
 119 with the exception of the Lake Jackson, Oklawaha River, Wekiva  
 120 River, and Rainbow Springs aquatic preserves, commits a  
 121 noncriminal infraction, punishable as provided in s. 327.73.  
 122 Each violation is a separate offense. As used in this  
 123 subsection, the term:

124 1. "Seagrass" means Cuban shoal grass (*Halodule wrightii*),  
 125 turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium*

126 *filiforme*), star grass (*Halophila engelmannii*), paddle grass  
 127 (*Halophila decipiens*), Johnson's seagrass (*Halophila johnsonii*),  
 128 or widgeon grass (*Ruppia maritima*).

129 2. "Seagrass scarring" means destruction of seagrass  
 130 roots, shoots, or stems that results in tracks on the substrate  
 131 commonly referred to as prop scars or propeller scars caused by  
 132 the operation of a motorized vessel in waters supporting  
 133 seagrasses.

134 Section 2. Subsection (33) is added to section 258.39,  
 135 Florida Statutes, to read:

136 258.39 Boundaries of preserves.—The submerged lands  
 137 included within the boundaries of Nassau, Duval, St. Johns,  
 138 Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte,  
 139 Pinellas, Martin, Palm Beach, Miami-Dade, Monroe, Collier, Lee,  
 140 Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa,  
 141 Hernando, and Escambia Counties, as hereinafter described, with  
 142 the exception of privately held submerged lands lying landward  
 143 of established bulkheads and of privately held submerged lands  
 144 within Monroe County where the establishment of bulkhead lines  
 145 is not required, are hereby declared to be aquatic preserves.  
 146 Such aquatic preserve areas include:

147 (33) Kristin Jacobs Coral Reef Ecosystem Conservation  
 148 Area, as designated by chapter 2021-107, Laws of Florida, the  
 149 boundaries of which consist of the sovereignty submerged lands  
 150 and waters of the state offshore of Broward, Martin, Miami-Dade,

151 and Palm Beach Counties from the St. Lucie Inlet to the northern  
152 boundary of the Biscayne National Park.

153

154 Any and all submerged lands theretofore conveyed by the Trustees  
155 of the Internal Improvement Trust Fund and any and all uplands  
156 now in private ownership are specifically exempted from this  
157 dedication.

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

160 373.250 Reuse of reclaimed water.—

161 (9) To promote the use of reclaimed water and encourage  
162 potable water offsets that produce significant water savings  
163 beyond those required in a consumptive use permit, each water  
164 management district, in coordination with the department, shall  
165 develop rules by December 31, 2025, which provide all of the  
166 following:

167 (a) If an applicant proposes a water supply development or  
168 water resource development project using reclaimed water as part  
169 of an application for consumptive use, the applicant is eligible  
170 for a permit duration of up to 30 years if there is sufficient  
171 data to provide reasonable assurance that the conditions for  
172 permit issuance will be met for the duration of the permit.

173 Rules developed pursuant to this paragraph must include, at a  
174 minimum:

175 1. A requirement that the permittee demonstrate how

176 quantifiable groundwater or surface water savings associated  
177 with the new water supply development or water resource  
178 development project helps meets water demands beyond a 20-year  
179 permit duration or is completed to benefit a waterbody with a  
180 minimum flow or minimum water level with a recovery or  
181 prevention strategy; and

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

184  
185 This paragraph does not limit the existing authority of a water  
186 management district to issue a shorter duration permit to  
187 protect from harm the water resources or ecology of the area, or  
188 to otherwise ensure compliance with the conditions for permit  
189 issuance.

190 (b) Authorization for a consumptive use permittee to seek  
191 a permit extension of up to 10 years if the permittee proposes a  
192 water supply development or water resource development project  
193 using reclaimed water during the term of its permit which  
194 results in the reduction of groundwater or surface water  
195 withdrawals or is completed to benefit a waterbody with a  
196 minimum flow or minimum water level with a recovery or  
197 prevention strategy. Rules associated with this paragraph must  
198 include, at a minimum:

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



201           2. A requirement that the permittee demonstrate how the  
 202 quantifiable groundwater or surface water savings associated  
 203 with the new water supply development or water resource  
 204 development project helps meet water demands beyond the issued  
 205 permit duration or benefits a waterbody with a minimum flow or  
 206 minimum water level with a recovery or prevention strategy;

207           3. A requirement that the permittee demonstrate a water  
 208 demand for the permit's allocation through the term of the  
 209 extension; and

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

213  
 214 This paragraph does not limit the existing authority of a water  
 215 management district to protect from harm the water resources or  
 216 ecology of the area, or to otherwise ensure compliance with the  
 217 conditions for permit issuance.

218           Section 4. Present paragraphs (c) and (d) of subsection  
 219 (2) of section 380.093, Florida Statutes, are redesignated as  
 220 paragraphs (d) and (e), respectively, a new paragraph (c) is  
 221 added to that subsection, and present paragraph (c) of  
 222 subsection (2), paragraphs (b), (c), and (d) of subsection (3),  
 223 and subsections (4), (5), and (6) of that section are amended,  
 224 to read:

225           380.093 Resilient Florida Grant Program; comprehensive

226 statewide flood vulnerability and sea level rise data set and  
 227 assessment; Statewide Flooding and Sea Level Rise Resilience  
 228 Plan; regional resilience entities.—

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

230 (c) "Florida Flood Hub" means the Florida Flood Hub for  
 231 Applied Research and Innovation established pursuant to s.  
 232 380.0933.

233 (d)(e) "Preconstruction activities" means activities  
 234 associated with a project that addresses the risks of flooding  
 235 and sea level rise that occur before construction begins,  
 236 including, but not limited to, design of the project, permitting  
 237 for the project, surveys and data collection, site development,  
 238 solicitation, public hearings, local code or comprehensive plan  
 239 amendments, establishing local funding sources, and easement  
 240 acquisition.

241 (3) RESILIENT FLORIDA GRANT PROGRAM.—

242 (b) Subject to appropriation, the department may provide  
 243 grants to each of the following entities:

244 1. A county or municipality to fund:

245 a. The costs of community resilience planning and  
 246 necessary data collection for such planning, including  
 247 comprehensive plan amendments and necessary corresponding  
 248 analyses that address the requirements of s. 163.3178(2)(f).

249 b. Vulnerability assessments that identify or address  
 250 risks of inland or coastal flooding and sea level rise.

251       c. Updates to the county's or municipality's inventory of  
252 critical assets, including regionally significant assets that  
253 are currently or reasonably expected to be impacted by flooding  
254 and sea level rise. The updated inventory must be submitted to  
255 the department and, at the time of submission, must reflect all  
256 such assets that are currently, or within 50 years may  
257 reasonably be expected to be, impacted by flooding and sea level  
258 rise.

259       d. The development of projects, plans, strategies, and  
260 policies that enhance community preparations ~~allow communities~~  
261 ~~to prepare~~ for threats from flooding and sea level rise,  
262 including adaptation plans that help local governments  
263 prioritize project development and implementation across one or  
264 more jurisdictions in a manner consistent with departmental  
265 guidance.

266       ~~e.d.~~ Preconstruction activities for projects to be  
267 submitted for inclusion in the Statewide Flooding and Sea Level  
268 Rise Resilience Plan which ~~that~~ are located in a municipality  
269 that has a population of 10,000 or fewer or a county that has a  
270 population of 50,000 or fewer, according to the most recent  
271 April 1 population estimates posted on the Office of Economic  
272 and Demographic Research's website.

273       ~~f.e.~~ Feasibility studies ~~and the cost of permitting~~ for  
274 nature-based solutions that reduce the impact of flooding and  
275 sea level rise.

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

279        2. A water management district identified in s. 373.069 to  
280 support local government adaptation planning, which may be  
281 conducted by the water management district or by a third party  
282 on behalf of the water management district. Such grants must be  
283 used for the express purpose of supporting the Florida Flood Hub  
284 ~~for Applied Research and Innovation~~ and the department in  
285 implementing this section through data creation and collection,  
286 modeling, and the implementation of statewide standards.  
287 Priority must be given to filling critical data gaps identified  
288 by the Florida Flood Hub ~~for Applied Research and Innovation~~  
289 under s. 380.0933(2) (a).

290        (c) A vulnerability assessment conducted pursuant to  
291 paragraph (b) must encompass the entire county or municipality;  
292 include all critical assets owned or maintained by the grant  
293 applicant; and use the most recent publicly available Digital  
294 Elevation Model and generally accepted analysis and modeling  
295 techniques. An assessment may encompass a smaller geographic  
296 area or include only a portion of the critical assets owned or  
297 maintained by the grant applicant with appropriate rationale and  
298 upon approval by the department. Locally collected elevation  
299 data may also be included as part of the assessment as long as  
300 it is submitted to the department pursuant to this paragraph.

301           1. The assessment must include an analysis of the  
 302 vulnerability of and risks to critical assets, including  
 303 regionally significant assets, owned or managed by the county or  
 304 municipality.

305           2. Upon completion of a vulnerability assessment, the  
 306 county or municipality shall submit to the department all of the  
 307 following:

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

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

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

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

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

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

325           1. Include peril of flood comprehensive plan amendments

326 that address the requirements of s. 163.3178(2) (f), if the  
327 county or municipality is subject to such requirements and has  
328 not complied with such requirements as determined by the  
329 Department of Commerce ~~Economic Opportunity~~.

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

334 a. Tidal flooding, including future high tide flooding,  
335 which must use thresholds published and provided by the  
336 department. To the extent practicable, the analysis should also  
337 geographically display the number of tidal flood days expected  
338 for each scenario and planning horizon.

339 b. Current and future storm surge flooding ~~using publicly~~  
340 ~~available National Oceanic and Atmospheric Administration or~~  
341 ~~Federal Emergency Management Agency storm surge data~~. The  
342 initial storm surge event used must equal or exceed the current  
343 100-year flood event. Higher frequency storm events may be  
344 analyzed to understand the exposure of a critical asset or  
345 regionally significant asset. Publicly available National  
346 Oceanic and Atmospheric Administration (NOAA) or Federal  
347 Emergency Management Agency storm surge data may be used in the  
348 absence of applicable data from the Florida Flood Hub.

349 c. To the extent practicable, rainfall-induced flooding  
350 using a GIS-based spatiotemporal analysis or existing hydrologic

351 and hydraulic modeling results. Future boundary conditions  
352 should be modified to consider sea level rise and high tide  
353 conditions. Vulnerability assessments for rainfall-induced  
354 flooding must include the depth of rainfall-induced flooding for  
355 a 100-year storm and a 500-year storm, as defined by the  
356 applicable water management district or, if necessary, the  
357 appropriate federal agency. Future rainfall conditions should be  
358 used, if available. Noncoastal communities must perform a  
359 rainfall-induced flooding assessment.

360 d. To the extent practicable, compound flooding or the  
361 combination of tidal, storm surge, and rainfall-induced  
362 flooding.

363 3. Apply the following scenarios and standards:

364 a. All analyses in the North American Vertical Datum of  
365 1988.

366 b. For a vulnerability assessment initiated after July 1,  
367 2024, at a minimum least two local sea level rise scenarios,  
368 which must include the 2022 NOAA 2017 National Oceanic and  
369 Atmospheric Administration intermediate-low and intermediate  
370 intermediate-high sea level rise scenarios or the statewide sea  
371 level rise projections developed pursuant to paragraph (4) (a)  
372 projections.

373 c. At least two planning horizons identified in the  
374 following table which correspond with the appropriate  
375 comprehensive statewide flood vulnerability and sea level rise

376 assessment for which the department, at the time of award,  
 377 determines such local vulnerability assessment will be  
 378 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>
<u>2044</u>	<u>2065</u>	<u>2095</u>
<u>2049</u>	<u>2070</u>	<u>2100</u>

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

388 d. Local sea level data maintained by the Florida Flood  
 389 Hub which reflect the best available scientific information as  
 390 certified by the Chief Science Officer, in consultation with the  
 391 Chief Resilience Officer. If such data is not available, local  
 392 sea level data may be ~~that has been~~ interpolated between the two



HB 1557

2024

393 closest NOAA ~~National Oceanic and Atmospheric Administration~~  
394 tide gauges; ~~however, such.~~ Local sea level data may be taken  
395 from only one of the two closest NOAA tide gauges ~~such gauge~~ if  
396 the gauge has a higher mean sea level or may be. ~~Data~~ taken from  
397 an alternate tide gauge ~~may be used~~ with appropriate rationale  
398 and department approval, as long as it is publicly available or  
399 submitted to the department pursuant to paragraph (b).

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

402 (a) ~~By July 1, 2023,~~ The department shall develop and  
403 maintain ~~complete the development of~~ a comprehensive statewide  
404 flood vulnerability and sea level rise data set sufficient to  
405 conduct a comprehensive statewide flood vulnerability and sea  
406 level rise assessment. In developing and maintaining the data  
407 set, the department shall, in coordination with the Chief  
408 Resilience Officer and the Florida Flood Hub ~~for Applied~~  
409 ~~Research and Innovation~~, compile, analyze, and incorporate, as  
410 appropriate, information related to vulnerability assessments  
411 and critical asset inventories submitted to the department  
412 pursuant to subsection (3) or any previously completed  
413 assessments that meet the requirements of subsection (3).

414 1. The Chief Science Officer shall, in coordination with  
415 the Chief Resilience Officer and the Florida Flood Hub ~~necessary~~  
416 ~~experts and resources~~, develop statewide sea level rise  
417 projections that incorporate temporal and spatial variability,

418 to the extent practicable, for inclusion in the data set. This  
419 subparagraph does not supersede regionally adopted projections.

420 2. The data set must include information necessary to  
421 determine the risks to inland and coastal communities,  
422 including, but not limited to, elevation, tidal levels, and  
423 precipitation.

424 (b) ~~By July 1, 2024,~~ The department, in coordination with  
425 the Chief Resilience Officer and the Florida Flood Hub, shall  
426 complete a comprehensive statewide flood vulnerability and sea  
427 level rise assessment that identifies inland and coastal  
428 infrastructure, geographic areas, and communities in this ~~the~~  
429 state which ~~that~~ are vulnerable to flooding and sea level rise  
430 and the associated risks.

431 1. The department shall use the comprehensive statewide  
432 flood vulnerability and sea level rise data set to conduct the  
433 assessment.

434 2. The assessment must incorporate local and regional  
435 analyses of vulnerabilities and risks, including, as  
436 appropriate, local mitigation strategies and postdisaster  
437 redevelopment plans.

438 3. The assessment must include an inventory of critical  
439 assets, including regionally significant assets, that are  
440 essential for critical government and business functions,  
441 national security, public health and safety, the economy, flood  
442 and storm protection, water quality management, and wildlife

443 habitat management, and must identify and analyze the  
444 vulnerability of and risks to such critical assets. When  
445 identifying critical assets for inclusion in the assessment, the  
446 department shall also take into consideration the critical  
447 assets identified by local governments and submitted to the  
448 department pursuant to subsection (3).

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

453 (c) The department, in coordination with the Chief  
454 Resilience Officer and the Florida Flood Hub, shall update the  
455 comprehensive statewide flood vulnerability and sea level rise  
456 data set with the best available information each year and shall  
457 update the assessment at least every 5 years. ~~The department may~~  
458 ~~update the data set and assessment more frequently if it~~  
459 ~~determines that updates are necessary to maintain the validity~~  
460 ~~of the data set and assessment.~~

461 (5) STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE  
462 PLAN.—

463 (a) ~~By December 1, 2021, and~~ Each December 1 thereafter,  
464 the department shall develop a Statewide Flooding and Sea Level  
465 Rise Resilience Plan on a 3-year planning horizon and submit it  
466 to the Governor, the President of the Senate, and the Speaker of  
467 the House of Representatives. The plan must consist of ranked

468 projects that address risks of flooding and sea level rise to  
469 coastal and inland communities in the state. All eligible  
470 projects submitted to the department pursuant to this section  
471 must be ranked and included in the plan. Each plan must include  
472 a detailed narrative overview describing how the plan was  
473 developed, including a description of the methodology used by  
474 the department to determine project eligibility, a description  
475 of the methodology used to rank projects, the specific scoring  
476 system used, the project proposal application form, a copy of  
477 each submitted project proposal application form separated by  
478 eligible projects and ineligible projects, the total number of  
479 project proposals received and deemed eligible, the total  
480 funding requested, and the total funding requested for eligible  
481 projects.

482 (b) ~~The plan submitted by December 1, 2021, before the~~  
483 ~~comprehensive statewide flood vulnerability and sea level rise~~  
484 ~~assessment is completed, will be a preliminary plan that~~  
485 ~~includes projects that address risks of flooding and sea level~~  
486 ~~rise identified in available local government vulnerability~~  
487 ~~assessments and projects submitted by water management districts~~  
488 ~~that mitigate the risks of flooding or sea level rise on water~~  
489 ~~supplies or water resources of the state. The plan submitted by~~  
490 ~~December 1, 2022, and the plan submitted by December 1, 2023,~~  
491 ~~will be updates to the preliminary plan. The plan submitted by~~  
492 December 1, 2024, and each plan submitted by December 1

493 thereafter:<sup>7</sup>

494 1. Shall primarily address risks of flooding and sea level  
 495 rise identified in the comprehensive statewide flood  
 496 vulnerability and sea level rise assessment; and

497 2. May include, at the discretion of the department in  
 498 consultation with the Chief Resilience Officer, other projects  
 499 submitted pursuant to paragraph (d) which address risks of  
 500 flooding and sea level rise to critical assets not yet  
 501 identified in the comprehensive statewide flood vulnerability  
 502 and sea level rise assessment.

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

- 506 1. A description of the project.
- 507 2. The location of the project.
- 508 3. An estimate of how long the project will take to  
 509 complete.
- 510 4. An estimate of the cost of the project.
- 511 5. The cost-share percentage available for the project.
- 512 6. A summary of the priority score assigned to the  
 513 project.
- 514 7. The project sponsor.

515 (d)1. ~~By September 1, 2021, and~~ Each September 1  
 516 ~~thereafter,~~ all of the following entities may submit to the  
 517 department a list of proposed projects that address risks of

518 flooding or sea level rise identified in the comprehensive  
 519 statewide flood vulnerability and sea level rise assessment or  
 520 vulnerability assessments that meet the requirements of  
 521 subsection (3):

522 a. Counties.

523 b. Municipalities.

524 c. Special districts as defined in s. 189.012 which ~~that~~  
 525 are responsible for the management and maintenance of inlets and  
 526 intracoastal waterways or for the operation and maintenance of a  
 527 potable water facility, a wastewater facility, an airport, or a  
 528 seaport facility.

529 d. Regional resilience entities acting on behalf of one or  
 530 more member counties or municipalities.

531  
 532 For the plans submitted by December 1, 2024, such entities may  
 533 submit projects identified in existing vulnerability assessments  
 534 that do not comply with subsection (3) only if the entity is  
 535 actively developing a vulnerability assessment that is either  
 536 under a signed grant agreement with the department pursuant to  
 537 subsection (3) or funded by another state or federal agency, or  
 538 is self-funded and intended to meet the requirements of  
 539 paragraph (3)(d) 2021; December 1, 2022; and December 1, 2023,  
 540 ~~such entities may submit projects identified in existing~~  
 541 ~~vulnerability assessments that do not comply with subsection~~  
 542 ~~(3). A regional resilience entity may also submit proposed~~

HB 1557

2024

543 ~~projects to the department pursuant to this subparagraph on~~  
544 ~~behalf of one or more member counties or municipalities.~~

545 2. ~~By September 1, 2021, and~~ Each September 1 thereafter,  
546 all of the following entities may submit to the department a  
547 list of any proposed projects that address risks of flooding or  
548 sea level rise identified in the comprehensive statewide flood  
549 vulnerability and sea level rise assessment or vulnerability  
550 assessments that meet the requirements of subsection (3), or  
551 that mitigate the risks of flooding or sea level rise on water  
552 supplies or water resources of the state and a corresponding  
553 evaluation of each project:

- 554 a. Water management districts.
- 555 b. Drainage districts.
- 556 c. Erosion control districts.
- 557 d. Flood control districts.
- 558 e. Regional water supply authorities.

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

- 562 a. A description of the project.
- 563 b. The location of the project.
- 564 c. An estimate of how long the project will take to  
565 complete.
- 566 d. An estimate of the cost of the project.
- 567 e. The cost-share percentage available for the project.

568 f. The project sponsor.

569 (e) Each project included in the plan must have a minimum  
570 50 percent cost share unless the project assists or is within a  
571 financially disadvantaged small community. For purposes of this  
572 section, the term "financially disadvantaged small community"  
573 means:

574 1. A municipality that has a population of 10,000 or  
575 fewer, according to the most recent April 1 population estimates  
576 posted on the Office of Economic and Demographic Research's  
577 website, and a per capita annual income that is less than the  
578 state's per capita annual income as shown in the most recent  
579 release from the Bureau of the Census of the United States  
580 Department of Commerce that includes both measurements; or

581 2. A county that has a population of 50,000 or fewer,  
582 according to the most recent April 1 population estimates posted  
583 on the Office of Economic and Demographic Research's website,  
584 and a per capita annual income that is less than the state's per  
585 capita annual income as shown in the most recent release from  
586 the Bureau of the Census of the United States Department of  
587 Commerce that includes both measurements.

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

592 ~~(g)~~ Expenses ineligible for inclusion in the plan include,



593 but are not limited to, expenses associated with any of the  
 594 following:

- 595 1. Aesthetic vegetation.
- 596 2. Recreational structures such as piers, docks, and  
 597 boardwalks.
- 598 3. Water quality components of stormwater and wastewater  
 599 management systems, except for expenses to mitigate water  
 600 quality impacts caused by the project or expenses related to  
 601 water quality which are necessary to obtain a permit for the  
 602 project.
- 603 4. Maintenance and repair of over-walks.
- 604 5. Park activities and facilities, except expenses to  
 605 control flooding or erosion.
- 606 6. Navigation construction, operation, and maintenance  
 607 activities.
- 608 7. Projects that provide only recreational benefits.

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

- 613 1. Tier 1 must account for 40 percent of the total score  
 614 and consist of all of the following criteria:
  - 615 a. The degree to which the project addresses the risks  
 616 posed by flooding and sea level rise identified in the local  
 617 government vulnerability assessments or the comprehensive

618 statewide flood vulnerability and sea level rise assessment, as  
619 applicable.

620 b. The degree to which the project addresses risks to  
621 regionally significant assets.

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

624 d. The degree to which the project contributes to existing  
625 flooding mitigation projects that reduce upland damage costs by  
626 incorporating new or enhanced structures or restoration and  
627 revegetation projects.

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

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

632 b. The overall readiness of the project to proceed in a  
633 timely manner, considering the project's readiness for the  
634 construction phase of development, the status of required  
635 permits, the status of any needed easement acquisition, and the  
636 availability of local funding sources.

637 c. The environmental habitat enhancement or inclusion of  
638 nature-based options for resilience, with priority given to  
639 state or federal critical habitat areas for threatened or  
640 endangered species.

641 d. The cost-effectiveness of the project.

642 3. Tier 3 must account for 20 percent of the total score

643 and consist of all of the following criteria:

644 a. The availability of local, state, and federal matching  
645 funds, considering the status of the funding award, and federal  
646 authorization, if applicable.

647 b. Previous state commitment and involvement in the  
648 project, considering previously funded phases, the total amount  
649 of previous state funding, and previous partial appropriations  
650 for the proposed project.

651 c. The exceedance of the flood-resistant construction  
652 requirements of the Florida Building Code and applicable flood  
653 plain management regulations.

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

656 a. The proposed innovative technologies designed to reduce  
657 project costs and provide regional collaboration.

658 b. The extent to which the project assists financially  
659 disadvantaged communities.

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

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

670        (6) REGIONAL RESILIENCE ENTITIES.—Subject to specific  
 671 legislative appropriation, the department may provide funding  
 672 for all of the following purposes to regional entities,  
 673 including regional planning councils and estuary partnerships,  
 674 that are established by general purpose local governments and  
 675 whose responsibilities include planning for the resilience needs  
 676 of communities and coordinating intergovernmental solutions to  
 677 mitigate adverse impacts of flooding and sea level rise:

678        (a) Providing technical assistance to counties and  
 679 municipalities.

680        (b) Coordinating and conducting activities authorized by  
 681 subsection (3) with broad regional benefit or on behalf of  
 682 multiple member counties and municipalities ~~multijurisdictional~~  
 683 ~~vulnerability assessments.~~

684        (c) Developing project proposals to be submitted for  
 685 inclusion in the Statewide Flooding and Sea Level Rise  
 686 Resilience Plan.

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

689        381.0061 Administrative fines.—

690        (1) In addition to any administrative action authorized by  
 691 chapter 120 or by other law, the department may impose a fine,  
 692 which may not exceed \$500 for each violation, for a violation of

693 s. 381.006(15) ~~or, s. 381.0065, s. 381.0066,~~ s. 381.0072, ~~or~~  
 694 ~~part III of chapter 489,~~ for a violation of any rule adopted by  
 695 the department under this chapter, or for a violation of chapter  
 696 386 not involving onsite sewage treatment and disposal systems.  
 697 The department shall give an alleged violator a notice of intent  
 698 to impose such fine shall be given by the department to the  
 699 alleged violator. Each day that a violation continues may  
 700 constitute a separate violation.

701 Section 6. The Legislature intends that the transfer of  
 702 the regulation of the Onsite Sewage Program from the Department  
 703 of Health to the Department of Environmental Protection, as  
 704 required by the Clean Waterways Act, chapter 2020-150, Laws of  
 705 Florida, be completed in a phased approach.

706 (1) Before the phased transfer, the Department of  
 707 Environmental Protection shall coordinate with the Department of  
 708 Health to identify equipment and vehicles that were previously  
 709 used to carry out the program in each county and that are no  
 710 longer needed for such purpose. The Department of Health shall  
 711 transfer the agreed-upon equipment and vehicles to the  
 712 Department of Environmental Protection, to the extent that each  
 713 county agrees to relinquish ownership of such equipment and  
 714 vehicles to the Department of Health.

715 (2) When the Department of Environmental Protection begins  
 716 implementing the program within a county, the Department of  
 717 Health may no longer implement or collect fees for the program

HB 1557

2024

718 unless specified by separate delegation or contract with the  
719 Department of Environmental Protection.

720 Section 7. Paragraph (h) of subsection (3) and subsections  
721 (5) and (7) of section 381.0065, Florida Statutes, are amended,  
722 paragraph (o) is added to subsection (3) of that section, and  
723 subsection (9) is added to that section, to read:

724 381.0065 Onsite sewage treatment and disposal systems;  
725 regulation.—

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

728 (h) Conduct enforcement activities in accordance with part  
729 I of chapter 403, including imposing fines, issuing citations,  
730 suspensions, revocations, injunctions, and emergency orders for  
731 violations of this section, part I of chapter 386, or part III  
732 of chapter 489 or for a violation of any rule adopted by the  
733 department under this section, part I of chapter 386, or part  
734 III of chapter 489. All references to part I of chapter 386 in  
735 this section relate solely to nuisances involving improperly  
736 built or maintained septic tanks or other onsite sewage  
737 treatment and disposal systems, and untreated or improperly  
738 treated or transported waste from onsite sewage treatment and  
739 disposal systems. The department shall have all the duties and  
740 authorities of the Department of Health in part I of chapter 386  
741 for nuisances involving onsite sewage treatment and disposal  
742 systems. The department's authority under part I of chapter 386

743 is in addition to and may be pursued independently of or  
744 simultaneously with the enforcement remedies provided under this  
745 section and chapter 403.

746 (o) Adopt rules establishing and implementing a program of  
747 general permits for this section for projects, or categories of  
748 projects, which have, individually or cumulatively, a minimal  
749 adverse impact on public health or the environment. Such rules  
750 must:

751 1. Specify design or performance criteria which, if  
752 applied, would result in compliance with appropriate standards;  
753 and

754 2. Authorize a person who complies with the general permit  
755 eligibility requirements to use the permit 30 days after giving  
756 notice to the department without any agency action by the  
757 department. Within the 30-day notice period, the department  
758 shall determine whether the activity qualifies for a general  
759 permit. If the activity does not qualify or the notice does not  
760 contain all the required information, the department must notify  
761 the person.

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

763 (a) Department personnel who have reason to believe  
764 noncompliance exists, may at any reasonable time, enter the  
765 premises permitted under ss. 381.0065-381.0066, or the business  
766 premises of any septic tank contractor or master septic tank  
767 contractor registered under part III of chapter 489, or any

768 premises that the department has reason to believe is being  
769 operated or maintained not in compliance, to determine  
770 compliance with the provisions of this section, part I of  
771 chapter 386, or part III of chapter 489 or rules or standards  
772 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
773 part III of chapter 489. As used in this paragraph, the term  
774 "premises" does not include a residence or private building. To  
775 gain entry to a residence or private building, the department  
776 must obtain permission from the owner or occupant or secure an  
777 inspection warrant from a court of competent jurisdiction  
778 pursuant to the procedures of s. 403.091.

779 (b)~~1.~~ The department has all of the judicial and  
780 administrative remedies available to it pursuant to part I of  
781 chapter 403 ~~may issue citations that may contain an order of~~  
782 ~~correction or an order to pay a fine, or both, for violations of~~  
783 ~~ss. 381.0065-381.0067, part I of chapter 386, or part III of~~  
784 ~~chapter 489 or the rules adopted by the department, when a~~  
785 ~~violation of these sections or rules is enforceable by an~~  
786 ~~administrative or civil remedy, or when a violation of these~~  
787 ~~sections or rules is a misdemeanor of the second degree. A~~  
788 ~~citation issued under ss. 381.0065-381.0067, part I of chapter~~  
789 ~~386, or part III of chapter 489 constitutes a notice of proposed~~  
790 ~~agency action.~~

791 ~~2. A citation must be in writing and must describe the~~  
792 ~~particular nature of the violation, including specific reference~~



793 ~~to the provisions of law or rule allegedly violated.~~

794 ~~3. The fines imposed by a citation issued by the~~  
795 ~~department may not exceed \$500 for each violation. Each day the~~  
796 ~~violation exists constitutes a separate violation for which a~~  
797 ~~citation may be issued.~~

798 ~~4. The department shall inform the recipient, by written~~  
799 ~~notice pursuant to ss. 120.569 and 120.57, of the right to an~~  
800 ~~administrative hearing to contest the citation within 21 days~~  
801 ~~after the date the citation is received. The citation must~~  
802 ~~contain a conspicuous statement that if the recipient fails to~~  
803 ~~pay the fine within the time allowed, or fails to appear to~~  
804 ~~contest the citation after having requested a hearing, the~~  
805 ~~recipient has waived the recipient's right to contest the~~  
806 ~~citation and must pay an amount up to the maximum fine.~~

807 ~~5. The department may reduce or waive the fine imposed by~~  
808 ~~the citation. In determining whether to reduce or waive the~~  
809 ~~fine, the department must consider the gravity of the violation,~~  
810 ~~the person's attempts at correcting the violation, and the~~  
811 ~~person's history of previous violations including violations for~~  
812 ~~which enforcement actions were taken under ss. 381.0065-~~  
813 ~~381.0067, part I of chapter 386, part III of chapter 489, or~~  
814 ~~other provisions of law or rule.~~

815 ~~6. Any person who willfully refuses to sign and accept a~~  
816 ~~citation issued by the department commits a misdemeanor of the~~  
817 ~~second degree, punishable as provided in s. 775.082 or s.~~

818 ~~775.083.~~

819 ~~7.~~ The department, pursuant to ss. 381.0065-381.0067, part  
820 I of chapter 386, or part III of chapter 489, shall deposit any  
821 damages, costs, or penalties ~~fin~~es it collects pursuant to this  
822 section and part I of chapter 403 in the Water Quality Assurance  
823 Trust Fund ~~county health department trust fund for use in~~  
824 ~~providing services specified in those sections.~~

825 ~~8.~~ ~~This section provides an alternative means of enforcing~~  
826 ~~ss. 381.0065-381.0067, part I of chapter 386, and part III of~~  
827 ~~chapter 489. This section does not prohibit the department from~~  
828 ~~enforcing ss. 381.0065-381.0067, part I of chapter 386, or part~~  
829 ~~III of chapter 489, or its rules, by any other means. However,~~  
830 ~~the department must elect to use only a single method of~~  
831 ~~enforcement for each violation.~~

832 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE  
833 TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a  
834 total maximum daily load, the department shall implement a fast-  
835 track approval process of no longer than 6 months for the  
836 determination of the use of American National Standards  
837 Institute 245 systems approved by NSF International before July  
838 1, 2020. The department shall also establish an enhanced  
839 nutrient-reducing onsite sewage treatment and disposal system  
840 approval program that will expeditiously evaluate and approve  
841 such systems for use in this state to comply with ss.  
842 403.067(7)(a)10. and 373.469(3)(d).

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

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

848           381.0066 Onsite sewage treatment and disposal systems;  
849 fees.—

850           (2) The minimum fees in the following fee schedule apply  
851 until changed by rule by the department within the following  
852 limits:

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

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

861           (c) Biennial operating permit for aerobic treatment units  
862 or performance-based treatment systems: a fee of not more than  
863 \$100.

864           (d) Annual operating permit for systems located in areas  
865 zoned for industrial manufacturing or equivalent uses or where  
866 the system is expected to receive wastewater which is not  
867 domestic in nature: a fee of not less than \$150, or more than

868 | \$300.

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

870 |       (f) Septage disposal service, septage stabilization  
 871 | facility, portable or temporary toilet service, tank  
 872 | manufacturer inspection: a fee of not less than \$25, or more  
 873 | than \$200, per year.

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

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

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

882 |       (j) Reinspection fee per visit for site inspection after  
 883 | system construction approval or for noncompliant system  
 884 | installation per site visit: a fee of not less than \$25, or more  
 885 | than \$100.

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

892 |       (l) Annual operating permit, including annual inspection

893 and any required sampling and laboratory analysis of effluent,  
 894 for an engineer-designed performance-based system: a fee of not  
 895 less than \$150, or more than \$300.

896  
 897 The funds collected pursuant to this subsection for the  
 898 implementation of onsite sewage treatment and disposal system  
 899 regulation and for the purposes of ss. 381.00655 and 381.0067,  
 900 subsequent to any phased transfer of implementation from the  
 901 Department of Health to the department within any county  
 902 pursuant to s. 381.0065, must be deposited in the Florida Permit  
 903 Fee Trust Fund under s. 403.0871, to be administered by the  
 904 department ~~a trust fund administered by the department, to be~~  
 905 ~~used for the purposes stated in this section and ss. 381.0065~~  
 906 ~~and 381.00655.~~

907 Section 9. Subsection (4) of section 403.061, Florida  
 908 Statutes, is amended to read:

909 403.061 Department; powers and duties.—The department  
 910 shall have the power and the duty to control and prohibit  
 911 pollution of air and water in accordance with the law and rules  
 912 adopted and promulgated by it and, for this purpose, to:

913 (4) Secure necessary scientific, technical, research,  
 914 administrative, and operational services by interagency  
 915 agreement, by contract, or otherwise. All state agencies and  
 916 counties, upon direction of the department, shall make these  
 917 services and facilities available.

918  
919 The department shall implement such programs in conjunction with  
920 its other powers and duties and shall place special emphasis on  
921 reducing and eliminating contamination that presents a threat to  
922 humans, animals or plants, or to the environment.

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

925 403.064 Reuse of reclaimed water.—

926 (1) The encouragement and promotion of water conservation,  
927 and reuse of reclaimed water, as defined by the department, are  
928 state objectives and are considered to be in the public  
929 interest. The Legislature finds that the reuse of reclaimed  
930 water is a critical component of meeting the state's existing  
931 and future water supply needs while sustaining natural systems  
932 and encouraging its best and most beneficial use. The  
933 Legislature further finds that for those wastewater treatment  
934 plants permitted and operated under an approved reuse program by  
935 the department, the reclaimed water shall be considered  
936 environmentally acceptable and not a threat to public health and  
937 safety. The Legislature encourages the development of incentive-  
938 based programs for reuse implementation.

939 (2) All applicants for permits to construct or operate a  
940 domestic wastewater treatment facility ~~located within, serving a~~  
941 ~~population located within, or discharging within a water~~  
942 ~~resource caution area~~ shall prepare a reuse feasibility study as

HB 1557

2024

943 part of their application for the permit. Reuse feasibility  
944 studies must ~~shall~~ be prepared in accordance with department  
945 guidelines adopted by rule and shall include, but are not  
946 limited to:

947 (a) Evaluation of monetary costs and benefits for several  
948 levels and types of reuse.

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

951 (c) Evaluation of rates and fees necessary to implement  
952 reuse.

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

955 (e) Evaluation of economic, environmental, and technical  
956 constraints associated with the different types of reuse,  
957 including any constraints caused by potential water quality  
958 impacts.

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

961 (14) After conducting a feasibility study under subsection  
962 (2), a domestic wastewater treatment facility ~~facilities~~ that  
963 disposes ~~dispose~~ of effluent by Class I deep well injection, as  
964 defined in 40 C.F.R. s. 144.6(a), surface water discharge, land  
965 application, or other method to dispose of effluent or a portion  
966 thereof must implement reuse to the degree that reuse is  
967 feasible, based upon the applicant's reuse feasibility study,

968 with consideration given to direct ecological or public water  
 969 supply benefits afforded by any disposal. Applicable permits  
 970 issued by the department must ~~shall~~ be consistent with the  
 971 requirements of this subsection.

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

977 ~~(b) This subsection applies only to domestic wastewater~~  
 978 ~~treatment facilities located within, serving a population~~  
 979 ~~located within, or discharging within a water resource caution~~  
 980 ~~area.~~

981 ~~(15) After conducting a feasibility study under subsection~~  
 982 ~~(2), domestic wastewater treatment facilities that dispose of~~  
 983 ~~effluent by surface water discharges or by land application~~  
 984 ~~methods must implement reuse to the degree that reuse is~~  
 985 ~~feasible, based upon the applicant's reuse feasibility study.~~  
 986 This subsection does not apply to surface water discharges or  
 987 land application systems which are currently categorized as  
 988 reuse under department rules. ~~Applicable permits issued by the~~  
 989 ~~department shall be consistent with the requirements of this~~  
 990 ~~subsection.~~

991 ~~(a) This subsection does not limit the use of a surface~~  
 992 ~~water discharge or land application facility as backup for a~~



993 ~~reclaimed water reuse system.~~

994 ~~(b) This subsection applies only to domestic wastewater~~  
 995 ~~treatment facilities located within, serving a population~~  
 996 ~~located within, or discharging within a water resource caution~~  
 997 ~~area.~~

998 Section 11. Paragraph (a) of subsection (7) of section  
 999 403.067, Florida Statutes, is amended to read:

1000 403.067 Establishment and implementation of total maximum  
 1001 daily loads.—

1002 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
 1003 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1004 (a) *Basin management action plans.*—

1005 1. In developing and implementing the total maximum daily  
 1006 load for a waterbody, the department, or the department in  
 1007 conjunction with a water management district, may develop a  
 1008 basin management action plan that addresses some or all of the  
 1009 watersheds and basins tributary to the waterbody. Such plan must  
 1010 integrate the appropriate management strategies available to the  
 1011 state through existing water quality protection programs to  
 1012 achieve the total maximum daily loads and may provide for phased  
 1013 implementation of these management strategies to promote timely,  
 1014 cost-effective actions as provided for in s. 403.151. The plan  
 1015 must establish a schedule implementing the management  
 1016 strategies, establish a basis for evaluating the plan's  
 1017 effectiveness, and identify feasible funding strategies for

1018 implementing the plan's management strategies. The management  
1019 strategies may include regional treatment systems or other  
1020 public works, when appropriate, and voluntary trading of water  
1021 quality credits to achieve the needed pollutant load reductions.

1022         2. A basin management action plan must equitably allocate,  
1023 pursuant to paragraph (6) (b), pollutant reductions to individual  
1024 basins, as a whole to all basins, or to each identified point  
1025 source or category of nonpoint sources, as appropriate. For  
1026 nonpoint sources for which best management practices have been  
1027 adopted, the initial requirement specified by the plan must be  
1028 those practices developed pursuant to paragraph (c). When  
1029 appropriate, the plan may take into account the benefits of  
1030 pollutant load reduction achieved by point or nonpoint sources  
1031 that have implemented management strategies to reduce pollutant  
1032 loads, including best management practices, before the  
1033 development of the basin management action plan. The plan must  
1034 also identify the mechanisms that will address potential future  
1035 increases in pollutant loading.

1036         3. The basin management action planning process is  
1037 intended to involve the broadest possible range of interested  
1038 parties, with the objective of encouraging the greatest amount  
1039 of cooperation and consensus possible. In developing a basin  
1040 management action plan, the department shall assure that key  
1041 stakeholders, including, but not limited to, applicable local  
1042 governments, water management districts, the Department of

1043 Agriculture and Consumer Services, other appropriate state  
1044 agencies, local soil and water conservation districts,  
1045 environmental groups, regulated interests, and affected  
1046 pollution sources, are invited to participate in the process.  
1047 The department shall hold at least one public meeting in the  
1048 vicinity of the watershed or basin to discuss and receive  
1049 comments during the planning process and shall otherwise  
1050 encourage public participation to the greatest practicable  
1051 extent. Notice of the public meeting must be published in a  
1052 newspaper of general circulation in each county in which the  
1053 watershed or basin lies at least 5 days, but not more than 15  
1054 days, before the public meeting. A basin management action plan  
1055 does not supplant or otherwise alter any assessment made under  
1056 subsection (3) or subsection (4) or any calculation or initial  
1057 allocation.

1058 4. Each new or revised basin management action plan must  
1059 include all of the following:

1060 a. The appropriate management strategies available through  
1061 existing water quality protection programs to achieve total  
1062 maximum daily loads, which may provide for phased implementation  
1063 to promote timely, cost-effective actions as provided for in s.  
1064 403.151.

1065 b. A description of best management practices adopted by  
1066 rule.

1067 c. For the applicable 5-year implementation milestone, a

1068 list of projects that will achieve the pollutant load reductions  
1069 needed to meet the total maximum daily load or the load  
1070 allocations established pursuant to subsection (6). Each project  
1071 must include a planning-level cost estimate and an estimated  
1072 date of completion.

1073 d. A list of projects developed pursuant to paragraph (e),  
1074 if applicable.

1075 e. The source and amount of financial assistance to be  
1076 made available by the department, a water management district,  
1077 or other entity for each listed project, if applicable.

1078 f. A planning-level estimate of each listed project's  
1079 expected load reduction, if applicable.

1080 5. The department shall adopt all or any part of a basin  
1081 management action plan and any amendment to such plan by  
1082 secretarial order pursuant to chapter 120 to implement this  
1083 section.

1084 6. The basin management action plan must include 5-year  
1085 milestones for implementation and water quality improvement, and  
1086 an associated water quality monitoring component sufficient to  
1087 evaluate whether reasonable progress in pollutant load  
1088 reductions is being achieved over time. An assessment of  
1089 progress toward these milestones shall be conducted every 5  
1090 years, and revisions to the plan shall be made as appropriate.  
1091 Any entity with a specific pollutant load reduction requirement  
1092 established in a basin management action plan shall identify the

1093 projects or strategies that such entity will undertake to meet  
1094 current 5-year pollution reduction milestones, beginning with  
1095 the first 5-year milestone for new basin management action  
1096 plans, and submit such projects to the department for inclusion  
1097 in the appropriate basin management action plan. Each project  
1098 identified must include an estimated amount of nutrient  
1099 reduction that is reasonably expected to be achieved based on  
1100 the best scientific information available. Revisions to the  
1101 basin management action plan shall be made by the department in  
1102 cooperation with basin stakeholders. Revisions to the management  
1103 strategies required for nonpoint sources must follow the  
1104 procedures in subparagraph (c)4. Revised basin management action  
1105 plans must be adopted pursuant to subparagraph 5.

1106 7. In accordance with procedures adopted by rule under  
1107 paragraph (9)(c), basin management action plans, and other  
1108 pollution control programs under local, state, or federal  
1109 authority as provided in subsection (4), may allow point or  
1110 nonpoint sources that will achieve greater pollutant reductions  
1111 than required by an adopted total maximum daily load or  
1112 wasteload allocation to generate, register, and trade water  
1113 quality credits for the excess reductions to enable other  
1114 sources to achieve their allocation; however, the generation of  
1115 water quality credits does not remove the obligation of a source  
1116 or activity to meet applicable technology requirements or  
1117 adopted best management practices. Such plans must allow trading

HB 1557

2024

1118 | between NPDES permittees, and trading that may or may not  
1119 | involve NPDES permittees, where the generation or use of the  
1120 | credits involve an entity or activity not subject to department  
1121 | water discharge permits whose owner voluntarily elects to obtain  
1122 | department authorization for the generation and sale of credits.

1123 |       8. The department's rule relating to the equitable  
1124 | abatement of pollutants into surface waters do not apply to  
1125 | water bodies or waterbody segments for which a basin management  
1126 | plan that takes into account future new or expanded activities  
1127 | or discharges has been adopted under this section.

1128 |       9. In order to promote resilient wastewater utilities, if  
1129 | the department identifies domestic wastewater treatment  
1130 | facilities or onsite sewage treatment and disposal systems as  
1131 | contributors of at least 20 percent of point source or nonpoint  
1132 | source nutrient pollution or if the department determines  
1133 | remediation is necessary to achieve the total maximum daily  
1134 | load, a basin management action plan for a nutrient total  
1135 | maximum daily load must include the following:

1136 |       a. A domestic wastewater treatment plan developed by each  
1137 | local government, in cooperation with the department, the water  
1138 | management district, and the public and private domestic  
1139 | wastewater treatment facilities providing services or located  
1140 | within the jurisdiction of the local government, which ~~that~~  
1141 | addresses domestic wastewater. Private domestic wastewater  
1142 | facilities and special districts providing domestic wastewater

1143 services must provide the required wastewater facility  
 1144 information to the applicable local governments. The domestic  
 1145 wastewater treatment plan must:

1146 (I) Provide for construction, expansion, or upgrades  
 1147 necessary to achieve the total maximum daily load requirements  
 1148 applicable to the domestic wastewater treatment facility.

1149 (II) Include the permitted capacity in average annual  
 1150 gallons per day for the domestic wastewater treatment facility;  
 1151 the average nutrient concentration and the estimated average  
 1152 nutrient load of the domestic wastewater; a projected timeline  
 1153 of the dates by which the construction of any facility  
 1154 improvements will begin and be completed and the date by which  
 1155 operations of the improved facility will begin; the estimated  
 1156 cost of the improvements; and the identity of responsible  
 1157 parties.

1158  
 1159 The domestic wastewater treatment plan must be adopted as part  
 1160 of the basin management action plan no later than July 1, 2025.  
 1161 A local government that does not have a domestic wastewater  
 1162 treatment facility in its jurisdiction is not required to  
 1163 develop a domestic wastewater treatment plan unless there is a  
 1164 demonstrated need to establish a domestic wastewater treatment  
 1165 facility within its jurisdiction to improve water quality  
 1166 necessary to achieve a total maximum daily load. A local  
 1167 government is not responsible for a private domestic wastewater

1168 facility's compliance with a basin management action plan unless  
1169 such facility is operated through a public-private partnership  
1170 to which the local government is a party.

1171       b. An onsite sewage treatment and disposal system  
1172 remediation plan developed by each local government in  
1173 cooperation with the department, the Department of Health, water  
1174 management districts, and public and private domestic wastewater  
1175 treatment facilities.

1176       (I) The onsite sewage treatment and disposal system  
1177 remediation plan must identify cost-effective and financially  
1178 feasible projects necessary to achieve the nutrient load  
1179 reductions required for onsite sewage treatment and disposal  
1180 systems. To identify cost-effective and financially feasible  
1181 projects for remediation of onsite sewage treatment and disposal  
1182 systems, the local government shall:

1183       (A) Include an inventory of onsite sewage treatment and  
1184 disposal systems based on the best information available;

1185       (B) Identify onsite sewage treatment and disposal systems  
1186 that would be eliminated through connection to existing or  
1187 future central domestic wastewater infrastructure in the  
1188 jurisdiction or domestic wastewater service area of the local  
1189 government, that would be replaced with or upgraded to enhanced  
1190 nutrient-reducing onsite sewage treatment and disposal systems,  
1191 or that would remain on conventional onsite sewage treatment and  
1192 disposal systems;



1193 (C) Estimate the costs of potential onsite sewage  
 1194 treatment and disposal system connections, upgrades, or  
 1195 replacements; and

1196 (D) Identify deadlines and interim milestones for the  
 1197 planning, design, and construction of projects.

1198 (II) The department shall adopt the onsite sewage  
 1199 treatment and disposal system remediation plan as part of the  
 1200 basin management action plan no later than July 1, 2025, or as  
 1201 required for Outstanding Florida Springs under s. 373.807.

1202 10. The installation of new onsite sewage treatment and  
 1203 disposal systems constructed within a basin management action  
 1204 plan area adopted under this section, a reasonable assurance  
 1205 plan, or a pollution reduction plan is prohibited where  
 1206 connection to a publicly owned or investor-owned sewerage system  
 1207 is available as defined in s. 381.0065(2)(a). On lots of 1 acre  
 1208 or less within a basin management action plan adopted under this  
 1209 section, a reasonable assurance plan, or a pollution reduction  
 1210 plan where a publicly owned or investor-owned sewerage system is  
 1211 not available, the installation of enhanced nutrient-reducing  
 1212 onsite sewage treatment and disposal systems or other wastewater  
 1213 treatment systems that achieve at least 65 percent nitrogen  
 1214 reduction is required.

1215 11. When identifying wastewater projects in a basin  
 1216 management action plan, the department may not require the  
 1217 higher cost option if it achieves the same nutrient load

1218 reduction as a lower cost option. A regulated entity may choose  
 1219 a different cost option if it complies with the pollutant  
 1220 reduction requirements of an adopted total maximum daily load  
 1221 and meets or exceeds the pollution reduction requirement of the  
 1222 original project.

1223 12. Annually, local governments subject to a basin  
 1224 management action plan or located within the basin of a  
 1225 waterbody not attaining nutrient or nutrient-related standards  
 1226 must provide to the department an update on the status of  
 1227 construction of sanitary sewers to serve such areas, in a manner  
 1228 prescribed by the department.

1229 Section 12. Paragraph (c) of subsection (1) of section  
 1230 403.086, Florida Statutes, is amended to read:

1231 403.086 Sewage disposal facilities; advanced and secondary  
 1232 waste treatment.—

1233 (1)

1234 (c)1. Notwithstanding this chapter or chapter 373, sewage  
 1235 disposal facilities may not dispose any wastes into the  
 1236 following waters without providing advanced waste treatment, as  
 1237 defined in subsection (4), as approved by the department or a  
 1238 more stringent treatment standard if the department determines  
 1239 the more stringent standard is necessary to achieve the total  
 1240 maximum daily load or applicable water quality criteria:

1241 a. Old Tampa Bay; Tampa Bay; Hillsborough Bay; Boca Ciega  
 1242 Bay; St. Joseph Sound; Clearwater Bay; Sarasota Bay; Little

1243 Sarasota Bay; Roberts Bay; Lemon Bay; Charlotte Harbor Bay;  
 1244 Biscayne Bay; or any river, stream, channel, canal, bay, bayou,  
 1245 sound, or other water tributary thereto.

1246 b. Beginning July 1, 2025, Indian River Lagoon, or any  
 1247 river, stream, channel, canal, bay, bayou, sound, or other water  
 1248 tributary thereto.

1249 c. By January 1, 2033, waterbodies that are currently not  
 1250 attaining nutrient or nutrient-related standards or that are  
 1251 subject to a nutrient or nutrient-related basin management  
 1252 action plan adopted pursuant to s. 403.067 or adopted reasonable  
 1253 assurance plan.

1254 2. For any waterbody determined not to be attaining  
 1255 nutrient or nutrient-related standards after July 1, 2023, or  
 1256 subject to a nutrient or nutrient-related basin management  
 1257 action plan adopted pursuant to s. 403.067 or adopted reasonable  
 1258 assurance plan after July 1, 2023, sewage disposal facilities  
 1259 are prohibited from disposing any wastes into such waters  
 1260 without providing advanced waste treatment, as defined in  
 1261 subsection (4), as approved by the department within 10 years  
 1262 after such determination or adoption.

1263 3. By July 1, 2034, within a basin management action plan  
 1264 or a reasonable assurance plan area, any wastewater treatment  
 1265 facility providing reclaimed water that will be used for  
 1266 commercial or residential irrigation or be otherwise land  
 1267 applied must meet the standards for advanced waste treatment as

1268 defined in subsection (4), as approved by the department, or a  
 1269 more stringent treatment standard if the department determines  
 1270 the more stringent standard is necessary to achieve the total  
 1271 maximum daily load or applicable water quality criteria.

1272 Section 13. Paragraphs (a) and (b) of subsection (1) and  
 1273 paragraph (b) of subsection (3) of section 403.091, Florida  
 1274 Statutes, are amended to read:

1275 403.091 Inspections.—

1276 (1)(a) Any duly authorized representative of the  
 1277 department may at any reasonable time enter and inspect, for the  
 1278 purpose of ascertaining the state of compliance with the law or  
 1279 rules and regulations of the department, any property, premises,  
 1280 or place, except a building which is used exclusively for a  
 1281 private residence, on or at which:

1282 1. A hazardous waste generator, transporter, or facility  
 1283 or other air or water contaminant source;

1284 2. A discharger, including any nondomestic discharger  
 1285 which introduces any pollutant into a publicly owned treatment  
 1286 works;

1287 3. An onsite sewage treatment and disposal system as  
 1288 defined in s. 381.0065(2)(m);

1289 4. Any facility, as defined in s. 376.301; or

1290 ~~5.4.~~ A resource recovery and management facility

1291  
 1292 is located or is being constructed or installed or where records

HB 1557

2024

1293 which are required under this chapter, ss. 376.30-376.317, or  
1294 department rule are kept.

1295 (b) Any duly authorized representative may at reasonable  
1296 times have access to and copy any records required under this  
1297 chapter or ss. 376.30-376.317; inspect any monitoring equipment  
1298 or method; sample for any pollutants as defined in s. 376.301,  
1299 effluents, or wastes which the owner or operator of such source  
1300 may be discharging or which may otherwise be located on or  
1301 underlying the owner's or operator's property; and obtain any  
1302 other information necessary to determine compliance with permit  
1303 conditions or other requirements of this chapter, ss. 376.30-  
1304 376.317, ss. 381.0065-381.0067, part I of chapter 386 for  
1305 purposes of onsite sewage treatment and disposal systems, part  
1306 III of chapter 489, or rules or standards adopted under ss.  
1307 381.0065-381.0067, part I of chapter 386 for purposes of onsite  
1308 sewage treatment and disposal systems, or part III of chapter  
1309 489, or department rules.

1310 (3)

1311 (b) Upon proper affidavit being made, an inspection  
1312 warrant may be issued under ~~the provisions of~~ this chapter or  
1313 ss. 376.30-376.317:

1314 1. When it appears that the properties to be inspected may  
1315 be connected with or contain evidence of the violation of ~~any of~~  
1316 ~~the provisions of~~ this chapter or ss. 376.30-376.317, ss.  
1317 381.0065-381.0067, part I of chapter 386 for purposes of onsite

1318 sewage treatment and disposal systems, part III of chapter 489,  
 1319 or rules or standards adopted under ss. 381.0065-381.0067, part  
 1320 I of chapter 386 for purposes of onsite sewage treatment and  
 1321 disposal systems, or part III of chapter 489 or any rule  
 1322 properly promulgated thereunder; or

1323         2. When the inspection sought is an integral part of a  
 1324 larger scheme of systematic routine inspections which are  
 1325 necessary to, and consistent with, the continuing efforts of the  
 1326 department to ensure compliance with the provisions of this  
 1327 chapter or ss. 376.30-376.317, ss. 381.0065-381.0067, part I of  
 1328 chapter 386 for purposes of onsite sewage treatment and disposal  
 1329 systems, part III of chapter 489, or rules or standards adopted  
 1330 under ss. 381.0065-381.0067, part I of chapter 386 for purposes  
 1331 of onsite sewage treatment and disposal systems, or part III of  
 1332 chapter 489 and any rules adopted thereunder.

1333         Section 14. Section 403.121, Florida Statutes, is amended  
 1334 to read:

1335         403.121 Enforcement; procedure; remedies.—The department  
 1336 shall have the following judicial and administrative remedies  
 1337 available to it for violations of this chapter, as specified in  
 1338 s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for  
 1339 purposes of onsite sewage treatment and disposal systems, part  
 1340 III of chapter 489, or any rule promulgated thereunder.

1341         (1) Judicial Remedies:

1342         (a) The department may institute a civil action in a court

HB 1557

2024

1343 of competent jurisdiction to establish liability and to recover  
1344 damages for any injury to the air, waters, or property,  
1345 including animal, plant, and aquatic life, of the state caused  
1346 by any violation.

1347 (b) The department may institute a civil action in a court  
1348 of competent jurisdiction to impose and to recover a civil  
1349 penalty for each violation in an amount of not more than \$15,000  
1350 per offense. However, the court may receive evidence in  
1351 mitigation. Each day during any portion of which such violation  
1352 occurs constitutes a separate offense.

1353 (c) Except as provided in paragraph (2) (c), it is not a  
1354 defense to, or ground for dismissal of, these judicial remedies  
1355 for damages and civil penalties that the department has failed  
1356 to exhaust its administrative remedies, has failed to serve a  
1357 notice of violation, or has failed to hold an administrative  
1358 hearing before the institution of a civil action.

1359 (2) Administrative Remedies:

1360 (a) The department may institute an administrative  
1361 proceeding to establish liability and to recover damages for any  
1362 injury to the air, waters, or property, including animal, plant,  
1363 or aquatic life, of the state caused by any violation. The  
1364 department may order that the violator pay a specified sum as  
1365 damages to the state. Judgment for the amount of damages  
1366 determined by the department may be entered in any court having  
1367 jurisdiction thereof and may be enforced as any other judgment.

HB 1557

2024

1368 (b) If the department has reason to believe a violation  
1369 has occurred, it may institute an administrative proceeding to  
1370 order the prevention, abatement, or control of the conditions  
1371 creating the violation or other appropriate corrective action.  
1372 Except for violations involving hazardous wastes, asbestos, or  
1373 underground injection, the department shall proceed  
1374 administratively in all cases in which the department seeks  
1375 administrative penalties that do not exceed \$50,000 per  
1376 assessment as calculated in accordance with subsections (3),  
1377 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the  
1378 administrative penalty assessed pursuant to subsection (3),  
1379 subsection (4), or subsection (5) against a public water system  
1380 serving a population of more than 10,000 may not be less than  
1381 \$1,000 per day per violation. The department may not impose  
1382 administrative penalties in excess of \$50,000 in a notice of  
1383 violation. The department may not have more than one notice of  
1384 violation seeking administrative penalties pending against the  
1385 same party at the same time unless the violations occurred at a  
1386 different site or the violations were discovered by the  
1387 department subsequent to the filing of a previous notice of  
1388 violation.

1389 (c) An administrative proceeding shall be instituted by  
1390 the department's serving of a written notice of violation upon  
1391 the alleged violator by certified mail. If the department is  
1392 unable to effect service by certified mail, the notice of



1393 violation may be hand delivered or personally served in  
1394 accordance with chapter 48. The notice shall specify the law,  
1395 rule, regulation, permit, certification, or order of the  
1396 department alleged to be violated and the facts alleged to  
1397 constitute a violation thereof. An order for corrective action,  
1398 penalty assessment, or damages may be included with the notice.  
1399 When the department is seeking to impose an administrative  
1400 penalty for any violation by issuing a notice of violation, any  
1401 corrective action needed to correct the violation or damages  
1402 caused by the violation must be pursued in the notice of  
1403 violation or they are waived. However, an order is not effective  
1404 until after service and an administrative hearing, if requested  
1405 within 20 days after service. Failure to request an  
1406 administrative hearing within this time period constitutes a  
1407 waiver thereof, unless the respondent files a written notice  
1408 with the department within this time period opting out of the  
1409 administrative process initiated by the department to impose  
1410 administrative penalties. Any respondent choosing to opt out of  
1411 the administrative process initiated by the department in an  
1412 action that seeks the imposition of administrative penalties  
1413 must file a written notice with the department within 20 days  
1414 after service of the notice of violation opting out of the  
1415 administrative process. A respondent's decision to opt out of  
1416 the administrative process does not preclude the department from  
1417 initiating a state court action seeking injunctive relief,

1418 damages, and the judicial imposition of civil penalties.

1419 (d) If a person timely files a petition challenging a  
1420 notice of violation, that person will thereafter be referred to  
1421 as the respondent. The hearing requested by the respondent shall  
1422 be held within 180 days after the department has referred the  
1423 initial petition to the Division of Administrative Hearings  
1424 unless the parties agree to a later date. The department has the  
1425 burden of proving with the preponderance of the evidence that  
1426 the respondent is responsible for the violation. Administrative  
1427 penalties should not be imposed unless the department satisfies  
1428 that burden. Following the close of the hearing, the  
1429 administrative law judge shall issue a final order on all  
1430 matters, including the imposition of an administrative penalty.  
1431 When the department seeks to enforce that portion of a final  
1432 order imposing administrative penalties pursuant to s. 120.69,  
1433 the respondent may not assert as a defense the inappropriateness  
1434 of the administrative remedy. The department retains its final-  
1435 order authority in all administrative actions that do not  
1436 request the imposition of administrative penalties.

1437 (e) After filing a petition requesting a formal hearing in  
1438 response to a notice of violation in which the department  
1439 imposes an administrative penalty, a respondent may request that  
1440 a private mediator be appointed to mediate the dispute by  
1441 contacting the Florida Conflict Resolution Consortium within 10  
1442 days after receipt of the initial order from the administrative

HB 1557

2024

1443 law judge. The Florida Conflict Resolution Consortium shall pay  
1444 all of the costs of the mediator and for up to 8 hours of the  
1445 mediator's time per case at \$150 per hour. Upon notice from the  
1446 respondent, the Florida Conflict Resolution Consortium shall  
1447 provide to the respondent a panel of possible mediators from the  
1448 area in which the hearing on the petition would be heard. The  
1449 respondent shall select the mediator and notify the Florida  
1450 Conflict Resolution Consortium of the selection within 15 days  
1451 of receipt of the proposed panel of mediators. The Florida  
1452 Conflict Resolution Consortium shall provide all of the  
1453 administrative support for the mediation process. The mediation  
1454 must be completed at least 15 days before the final hearing date  
1455 set by the administrative law judge.

1456 (f) In any administrative proceeding brought by the  
1457 department, the prevailing party shall recover all costs as  
1458 provided in ss. 57.041 and 57.071. The costs must be included in  
1459 the final order. The respondent is the prevailing party when an  
1460 order is entered awarding no penalties to the department and  
1461 such order has not been reversed on appeal or the time for  
1462 seeking judicial review has expired. The respondent is entitled  
1463 to an award of attorney fees if the administrative law judge  
1464 determines that the notice of violation issued by the department  
1465 seeking the imposition of administrative penalties was not  
1466 substantially justified as defined in s. 57.111(3)(e). An award  
1467 of attorney fees as provided by this subsection may not exceed

1468 \$15,000.

1469 (g) This section does not prevent any other legal or  
1470 administrative action in accordance with law and does not limit  
1471 the department's authority provided in ss. 403.131, 403.141, and  
1472 this section to judicially pursue injunctive relief. When the  
1473 department exercises its authority to judicially pursue  
1474 injunctive relief, penalties in any amount up to the statutory  
1475 maximum sought by the department must be pursued as part of the  
1476 state court action and not by initiating a separate  
1477 administrative proceeding. The department retains the authority  
1478 to judicially pursue penalties in excess of \$50,000 for  
1479 violations not specifically included in the administrative  
1480 penalty schedule, or for multiple or multiday violations alleged  
1481 to exceed a total of \$50,000. The department also retains the  
1482 authority provided in ss. 403.131, 403.141, and this section to  
1483 judicially pursue injunctive relief and damages, if a notice of  
1484 violation seeking the imposition of administrative penalties has  
1485 not been issued. The department has the authority to enter into  
1486 a settlement, before or after initiating a notice of violation,  
1487 and the settlement may include a penalty amount different from  
1488 the administrative penalty schedule. Any case filed in state  
1489 court because it is alleged to exceed a total of \$50,000 in  
1490 penalties may be settled in the court action for less than  
1491 \$50,000.

1492 (h) Chapter 120 applies to any administrative action taken

1493 | by the department or any delegated program pursuing  
 1494 | administrative penalties in accordance with this section.  
 1495 |       (3) Except for violations involving hazardous wastes,  
 1496 | asbestos, or underground injection, administrative penalties  
 1497 | must be calculated according to the following schedule:  
 1498 |       (a) For a drinking water contamination violation, the  
 1499 | department shall assess a penalty of \$3,000 for a Maximum  
 1500 | Containment Level (MCL) violation; plus \$1,500 if the violation  
 1501 | is for a primary inorganic, organic, or radiological Maximum  
 1502 | Contaminant Level or it is a fecal coliform bacteria violation;  
 1503 | plus \$1,500 if the violation occurs at a community water system;  
 1504 | and plus \$1,500 if any Maximum Contaminant Level is exceeded by  
 1505 | more than 100 percent. For failure to obtain a clearance letter  
 1506 | before placing a drinking water system into service when the  
 1507 | system would not have been eligible for clearance, the  
 1508 | department shall assess a penalty of \$4,500.  
 1509 |       (b) For failure to obtain a required wastewater permit,  
 1510 | other than a permit required for surface water discharge, or  
 1511 | obtain an onsite sewage treatment and disposal system permit, or  
 1512 | for a violation of s. 381.0065, or the creation of or  
 1513 | maintenance of a nuisance related to an onsite sewage treatment  
 1514 | and disposal system under part I of chapter 386, or for a  
 1515 | violation of part III of chapter 489, or any rule properly  
 1516 | promulgated thereunder, the department shall assess a penalty of  
 1517 | \$2,000. For a domestic or industrial wastewater violation, not

1518 involving a surface water or groundwater quality violation, the  
 1519 department shall assess a penalty of \$4,000 for an unpermitted  
 1520 or unauthorized discharge or effluent-limitation exceedance or  
 1521 for failure to comply with s. 403.061(14) or s. 403.086(7) or  
 1522 rules adopted thereunder. For an unpermitted or unauthorized  
 1523 discharge or effluent-limitation exceedance that resulted in a  
 1524 surface water or groundwater quality violation, the department  
 1525 shall assess a penalty of \$10,000. Each day the cause of an  
 1526 unauthorized discharge of domestic wastewater or sanitary  
 1527 nuisance is not addressed constitutes a separate offense.

1528 (c) For a dredge and fill or stormwater violation, the  
 1529 department shall assess a penalty of \$1,500 for unpermitted or  
 1530 unauthorized dredging or filling or unauthorized construction of  
 1531 a stormwater management system against the person or persons  
 1532 responsible for the illegal dredging or filling, or unauthorized  
 1533 construction of a stormwater management system plus \$3,000 if  
 1534 the dredging or filling occurs in an aquatic preserve, an  
 1535 Outstanding Florida Water, a conservation easement, or a Class I  
 1536 or Class II surface water, plus \$1,500 if the area dredged or  
 1537 filled is greater than one-quarter acre but less than or equal  
 1538 to one-half acre, and plus \$1,500 if the area dredged or filled  
 1539 is greater than one-half acre but less than or equal to one  
 1540 acre. The administrative penalty schedule does not apply to a  
 1541 dredge and fill violation if the area dredged or filled exceeds  
 1542 one acre. The department retains the authority to seek the

1543 judicial imposition of civil penalties for all dredge and fill  
1544 violations involving more than one acre. The department shall  
1545 assess a penalty of \$4,500 for the failure to complete required  
1546 mitigation, failure to record a required conservation easement,  
1547 or for a water quality violation resulting from dredging or  
1548 filling activities, stormwater construction activities or  
1549 failure of a stormwater treatment facility. For stormwater  
1550 management systems serving less than 5 acres, the department  
1551 shall assess a penalty of \$3,000 for the failure to properly or  
1552 timely construct a stormwater management system. In addition to  
1553 the penalties authorized in this subsection, the department  
1554 shall assess a penalty of \$7,500 per violation against the  
1555 contractor or agent of the owner or tenant that conducts  
1556 unpermitted or unauthorized dredging or filling. For purposes of  
1557 this paragraph, the preparation or signing of a permit  
1558 application by a person currently licensed under chapter 471 to  
1559 practice as a professional engineer does not make that person an  
1560 agent of the owner or tenant.

1561 (d) For mangrove trimming or alteration violations, the  
1562 department shall assess a penalty of \$7,500 per violation  
1563 against the contractor or agent of the owner or tenant that  
1564 conducts mangrove trimming or alteration without a permit as  
1565 required by s. 403.9328. For purposes of this paragraph, the  
1566 preparation or signing of a permit application by a person  
1567 currently licensed under chapter 471 to practice as a

1568 professional engineer does not make that person an agent of the  
 1569 owner or tenant.

1570 (e) For solid waste violations, the department shall  
 1571 assess a penalty of \$3,000 for the unpermitted or unauthorized  
 1572 disposal or storage of solid waste; plus \$1,000 if the solid  
 1573 waste is Class I or Class III (excluding yard trash) or if the  
 1574 solid waste is construction and demolition debris in excess of  
 1575 20 cubic yards, plus \$1,500 if the waste is disposed of or  
 1576 stored in any natural or artificial body of water or within 500  
 1577 feet of a potable water well, plus \$1,500 if the waste contains  
 1578 PCB at a concentration of 50 parts per million or greater;  
 1579 untreated biomedical waste; friable asbestos greater than 1  
 1580 cubic meter which is not wetted, bagged, and covered; used oil  
 1581 greater than 25 gallons; or 10 or more lead acid batteries. The  
 1582 department shall assess a penalty of \$4,500 for failure to  
 1583 properly maintain leachate control; unauthorized burning;  
 1584 failure to have a trained spotter on duty at the working face  
 1585 when accepting waste; or failure to provide access control for  
 1586 three consecutive inspections. The department shall assess a  
 1587 penalty of \$3,000 for failure to construct or maintain a  
 1588 required stormwater management system.

1589 (f) For an air emission violation, the department shall  
 1590 assess a penalty of \$1,500 for an unpermitted or unauthorized  
 1591 air emission or an air-emission-permit exceedance, plus \$4,500  
 1592 if the emission was from a major source and the source was major



1593 for the pollutant in violation; plus \$1,500 if the emission was  
1594 more than 150 percent of the allowable level.

1595 (g) For storage tank system and petroleum contamination  
1596 violations, the department shall assess a penalty of \$7,500 for  
1597 failure to empty a damaged storage system as necessary to ensure  
1598 that a release does not occur until repairs to the storage  
1599 system are completed; when a release has occurred from that  
1600 storage tank system; for failure to timely recover free product;  
1601 or for failure to conduct remediation or monitoring activities  
1602 until a no-further-action or site-rehabilitation completion  
1603 order has been issued. The department shall assess a penalty of  
1604 \$4,500 for failure to timely upgrade a storage tank system. The  
1605 department shall assess a penalty of \$3,000 for failure to  
1606 conduct or maintain required release detection; failure to  
1607 timely investigate a suspected release from a storage system;  
1608 depositing motor fuel into an unregistered storage tank system;  
1609 failure to timely assess or remediate petroleum contamination;  
1610 or failure to properly install a storage tank system. The  
1611 department shall assess a penalty of \$1,500 for failure to  
1612 properly operate, maintain, or close a storage tank system.

1613 (4) In an administrative proceeding, in addition to the  
1614 penalties that may be assessed under subsection (3), the  
1615 department shall assess administrative penalties according to  
1616 the following schedule:

1617 (a) For failure to satisfy financial responsibility

1618 requirements or for violation of s. 377.371(1), \$7,500.

1619 (b) For failure to install, maintain, or use a required  
 1620 pollution control system or device, \$6,000.

1621 (c) For failure to obtain a required permit before  
 1622 construction or modification, \$4,500.

1623 (d) For failure to conduct required monitoring or testing;  
 1624 failure to conduct required release detection; or failure to  
 1625 construct in compliance with a permit, \$3,000.

1626 (e) For failure to maintain required staff to respond to  
 1627 emergencies; failure to conduct required training; failure to  
 1628 prepare, maintain, or update required contingency plans; failure  
 1629 to adequately respond to emergencies to bring an emergency  
 1630 situation under control; or failure to submit required  
 1631 notification to the department, \$1,500.

1632 (f) Except as provided in subsection (2) with respect to  
 1633 public water systems serving a population of more than 10,000,  
 1634 for failure to prepare, submit, maintain, or use required  
 1635 reports or other required documentation, \$750.

1636 (5) Except as provided in subsection (2) with respect to  
 1637 public water systems serving a population of more than 10,000,  
 1638 for failure to comply with any other departmental regulatory  
 1639 statute or rule requirement not otherwise identified in this  
 1640 section, the department may assess a penalty of \$1,000.

1641 (6) For each additional day during which a violation  
 1642 occurs, the administrative penalties in subsections (3)-(5) may

1643 | be assessed per day per violation.

1644 |       (7) The history of noncompliance of the violator for any  
1645 | previous violation resulting in an executed consent order, but  
1646 | not including a consent order entered into without a finding of  
1647 | violation, or resulting in a final order or judgment after the  
1648 | effective date of this law involving the imposition of \$3,000 or  
1649 | more in penalties shall be taken into consideration in the  
1650 | following manner:

1651 |       (a) One previous such violation within 5 years before the  
1652 | filing of the notice of violation will result in a 25-percent  
1653 | per day increase in the scheduled administrative penalty.

1654 |       (b) Two previous such violations within 5 years before the  
1655 | filing of the notice of violation will result in a 50-percent  
1656 | per day increase in the scheduled administrative penalty.

1657 |       (c) Three or more previous such violations within 5 years  
1658 | before the filing of the notice of violation will result in a  
1659 | 100-percent per day increase in the scheduled administrative  
1660 | penalty.

1661 |       (8) The direct economic benefit gained by the violator  
1662 | from the violation, where consideration of economic benefit is  
1663 | provided by Florida law or required by federal law as part of a  
1664 | federally delegated or approved program, must be added to the  
1665 | scheduled administrative penalty. The total administrative  
1666 | penalty, including any economic benefit added to the scheduled  
1667 | administrative penalty, may not exceed \$15,000.

1668 (9) The administrative penalties assessed for any  
 1669 particular violation may not exceed \$10,000 against any one  
 1670 violator, unless the violator has a history of noncompliance,  
 1671 the economic benefit of the violation as described in subsection  
 1672 (8) exceeds \$10,000, or there are multiday violations. The total  
 1673 administrative penalties may not exceed \$50,000 per assessment  
 1674 for all violations attributable to a specific person in the  
 1675 notice of violation.

1676 (10) The administrative law judge may receive evidence in  
 1677 mitigation. The penalties identified in subsections (3)-(5) may  
 1678 be reduced up to 50 percent by the administrative law judge for  
 1679 mitigating circumstances, including good faith efforts to comply  
 1680 before or after discovery of the violations by the department.  
 1681 Upon an affirmative finding that the violation was caused by  
 1682 circumstances beyond the reasonable control of the respondent  
 1683 and could not have been prevented by respondent's due diligence,  
 1684 the administrative law judge may further reduce the penalty.

1685 (11) Penalties collected pursuant to this section must  
 1686 ~~shall~~ be deposited into the Water Quality Assurance Trust Fund  
 1687 or other trust fund designated by statute and shall be used to  
 1688 fund the restoration of ecosystems, or polluted areas of the  
 1689 state, as defined by the department, to their condition before  
 1690 pollution occurred. The Florida Conflict Resolution Consortium  
 1691 may use a portion of the fund to administer the mediation  
 1692 process provided in paragraph (2) (e) and to contract with

1693 private mediators for administrative penalty cases.

1694 (12) The purpose of the administrative penalty schedule  
 1695 and process is to provide a more predictable and efficient  
 1696 manner for individuals and businesses to resolve relatively  
 1697 minor environmental disputes. Subsections (3)-(7) may not be  
 1698 construed as limiting a state court in the assessment of  
 1699 damages. The administrative penalty schedule does not apply to  
 1700 the judicial imposition of civil penalties in state court as  
 1701 provided in this section.

1702 Section 15. Subsection (1) of section 403.0671, Florida  
 1703 Statutes, is amended to read:

1704 403.0671 Basin management action plan wastewater reports.—

1705 (1) By July 1, 2021, the department, in coordination with  
 1706 the county health departments, wastewater treatment facilities,  
 1707 and other governmental entities, shall submit a report to the  
 1708 Governor, the President of the Senate, and the Speaker of the  
 1709 House of Representatives evaluating the costs of wastewater  
 1710 projects identified in the basin management action plans  
 1711 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
 1712 sewage treatment and disposal system remediation plans and other  
 1713 restoration plans developed to meet the total maximum daily  
 1714 loads required under s. 403.067. The report must include all of  
 1715 the following:

1716 (a) Projects to:

1717 1. Replace onsite sewage treatment and disposal systems

1718 | with enhanced nutrient-reducing onsite sewage treatment and  
 1719 | disposal systems.

1720 |         2. Install or retrofit onsite sewage treatment and  
 1721 | disposal systems with enhanced nutrient-reducing technologies.

1722 |         3. Construct, upgrade, or expand domestic wastewater  
 1723 | treatment facilities to meet the domestic wastewater treatment  
 1724 | plan required under s. 403.067(7)(a)9.

1725 |         4. Connect onsite sewage treatment and disposal systems to  
 1726 | domestic wastewater treatment facilities.~~;~~

1727 |             (b) The estimated costs, nutrient load reduction  
 1728 | estimates, and other benefits of each project.~~;~~

1729 |             (c) The estimated implementation timeline for each  
 1730 | project.~~;~~

1731 |             (d) A proposed 5-year funding plan for each project and  
 1732 | the source and amount of financial assistance the department, a  
 1733 | water management district, or other project partner will make  
 1734 | available to fund the project.~~;~~~~and~~

1735 |             (e) The projected costs of installing enhanced nutrient-  
 1736 | reducing onsite sewage treatment and disposal systems on  
 1737 | buildable lots in priority focus areas to comply with s.  
 1738 | 373.811.

1739 |         Section 16. Paragraph (f) of subsection (2) of section  
 1740 | 403.0673, Florida Statutes, is amended to read:

1741 |             403.0673 Water quality improvement grant program.—A grant  
 1742 | program is established within the Department of Environmental

1743 Protection to address wastewater, stormwater, and agricultural  
 1744 sources of nutrient loading to surface water or groundwater.

1745 (2) The department may provide grants for all of the  
 1746 following types of projects that reduce the amount of nutrients  
 1747 entering those waterbodies identified in subsection (1):

1748 (f) Projects identified in a domestic wastewater treatment  
 1749 plan or an onsite sewage treatment and disposal system  
 1750 remediation plan developed pursuant to s. 403.067(7)(a)9.a. and  
 1751 b.

1752 Section 17. For the purpose of incorporating the amendment  
 1753 made by this act to section 253.04, Florida Statutes, in a  
 1754 reference thereto, paragraph (x) of subsection (1) of section  
 1755 327.73, Florida Statutes, is reenacted to read:

1756 327.73 Noncriminal infractions.—

1757 (1) Violations of the following provisions of the vessel  
 1758 laws of this state are noncriminal infractions:

1759 (x) Section 253.04(3)(a), relating to carelessly causing  
 1760 seagrass scarring, for which the civil penalty upon conviction  
 1761 is:

1762 1. For a first offense, \$100.

1763 2. For a second offense occurring within 12 months after a  
 1764 prior conviction, \$250.

1765 3. For a third offense occurring within 36 months after a  
 1766 prior conviction, \$500.

1767 4. For a fourth or subsequent offense occurring within 72

1768 months after a prior conviction, \$1,000.

1769

1770 Any person cited for a violation of this subsection shall be  
 1771 deemed to be charged with a noncriminal infraction, shall be  
 1772 cited for such an infraction, and shall be cited to appear  
 1773 before the county court. The civil penalty for any such  
 1774 infraction is \$100, except as otherwise provided in this  
 1775 section. Any person who fails to appear or otherwise properly  
 1776 respond to a uniform boating citation, in addition to the charge  
 1777 relating to the violation of the boating laws of this state,  
 1778 must be charged with the offense of failing to respond to such  
 1779 citation and, upon conviction, be guilty of a misdemeanor of the  
 1780 second degree, punishable as provided in s. 775.082 or s.  
 1781 775.083. A written warning to this effect shall be provided at  
 1782 the time such uniform boating citation is issued.

1783 Section 18. For the purpose of incorporating the amendment  
 1784 made by this act to section 381.0061, Florida Statutes, in  
 1785 references thereto, paragraph (a) of subsection (4) and  
 1786 paragraph (a) of subsection (6) of section 381.0072, Florida  
 1787 Statutes, are reenacted to read:

1788 381.0072 Food service protection.—

1789 (4) LICENSES REQUIRED.—

1790 (a) *Licenses; annual renewals.*—Each food service  
 1791 establishment regulated under this section shall obtain a  
 1792 license from the department annually. Food service establishment



1793 licenses shall expire annually and are not transferable from one  
 1794 place or individual to another. However, those facilities  
 1795 licensed by the department's Office of Licensure and  
 1796 Certification, the Child Care Services Program Office, or the  
 1797 Agency for Persons with Disabilities are exempt from this  
 1798 subsection. It shall be a misdemeanor of the second degree,  
 1799 punishable as provided in s. 381.0061, s. 775.082, or s.  
 1800 775.083, for such an establishment to operate without this  
 1801 license. The department may refuse a license, or a renewal  
 1802 thereof, to any establishment that is not constructed or  
 1803 maintained in accordance with law and with the rules of the  
 1804 department. Annual application for renewal is not required.

1805 (6) FINES; SUSPENSION OR REVOCATION OF LICENSES;  
 1806 PROCEDURE.—

1807 (a) The department may impose fines against the  
 1808 establishment or operator regulated under this section for  
 1809 violations of sanitary standards, in accordance with s.  
 1810 381.0061. All amounts collected shall be deposited to the credit  
 1811 of the County Health Department Trust Fund administered by the  
 1812 department.

1813 Section 19. For the purpose of incorporating the amendment  
 1814 made by this act to section 381.0061, Florida Statutes, in a  
 1815 reference thereto, subsection (4) of section 381.0086, Florida  
 1816 Statutes, is reenacted to read:

1817 381.0086 Rules; variances; penalties.—

1818 (4) A person who violates any provision of ss. 381.008-  
 1819 381.00895 or rules adopted under such sections is subject either  
 1820 to the penalties provided in ss. 381.0012 and 381.0061 or to the  
 1821 penalties provided in s. 381.0087.

1822 Section 20. For the purpose of incorporating the amendment  
 1823 made by this act to section 381.0061, Florida Statutes, in a  
 1824 reference thereto, subsection (7) of section 381.0098, Florida  
 1825 Statutes, is reenacted to read:

1826 381.0098 Biomedical waste.—

1827 (7) ENFORCEMENT AND PENALTIES.—Any person or public body  
 1828 in violation of this section or rules adopted under this section  
 1829 is subject to penalties provided in ss. 381.0012 and 381.0061.  
 1830 However, an administrative fine not to exceed \$2,500 may be  
 1831 imposed for each day such person or public body is in violation  
 1832 of this section. The department may deny, suspend, or revoke any  
 1833 biomedical waste permit or registration if the permittee  
 1834 violates this section, any rule adopted under this section, or  
 1835 any lawful order of the department.

1836 Section 21. For the purpose of incorporating the amendment  
 1837 made by this act to section 381.0061, Florida Statutes, in a  
 1838 reference thereto, subsection (2) of section 513.10, Florida  
 1839 Statutes, is reenacted to read:

1840 513.10 Operating without permit; enforcement of chapter;  
 1841 penalties.—

1842 (2) This chapter or rules adopted under this chapter may

HB 1557

2024

1843 | be enforced in the manner provided in s. 381.0012 and as  
1844 | provided in this chapter. Violations of this chapter and the  
1845 | rules adopted under this chapter are subject to the penalties  
1846 | provided in this chapter and in s. 381.0061.

1847 |       Section 22. This act shall take effect July 1, 2024.