

## Text of Statutes – Table of Contents

---

Chapter 252 Emergency Management .....	1
Chapter 267 Historical Resources .....	5
Chapter 334 Transportation Administration .....	10
Chapter 339 Transportation Finance and Planning .....	13
Chapter 373 Water Resources .....	15
Chapter 380 Land and Water Management .....	25
Chapter 403 Environmental Control .....	32

## Chapter 252

### Emergency Management

#### Enforceable Policies

Any additions are underlined, and any deletions are struck-through.

252.31	Short title.
252.311	Legislative intent.
252.32	Policy and purpose.
252.33	Limitations.
252.34	Definitions.
252.35	Emergency management powers; Division of Emergency Management.
252.351*	Mandatory reporting of certain incidents by political subdivisions.
252.355	Registry of persons with special needs; notice; registration program.
252.356	Emergency and disaster planning provisions to assist persons with disabilities or limitations.
252.3568	Emergency sheltering of persons with pets.
252.3569*	Florida state agricultural response team; emergency response to animal, agricultural, and vector issues.
252.357	Monitoring of nursing homes and assisted living facilities during disaster.
252.358	Emergency-preparedness prescription medication refills.
252.359*	Ensuring availability of emergency supplies.
252.36	Emergency management powers of the Governor.
252.3611*	Transparency; audits.
252.363	Tolling and extension of permits and other authorizations.
252.365	Emergency coordination officers; disaster-preparedness plans.
252.3655*	Natural hazards interagency workgroup.
252.37	Financing.
252.371	Emergency Management, Preparedness, and Assistance Trust Fund.
252.3711	Emergency Preparedness and Response Fund.
252.372	Imposition and collection of surcharge.
252.373	Allocation of funds; rules.
252.38	Emergency management powers of political subdivisions.
252.385	Public shelter space; public records exemption.
252.39	Local services.
<u>252.391**</u>	<u>Emergency financial plans.</u>
252.40	Mutual aid arrangements.
252.41	Emergency management support forces.
252.42	Government equipment, services, and facilities.
252.43	Compensation.
252.44	Emergency mitigation.
252.45	Lease or loan of state property; transfer of state personnel.
252.46	Orders and rules.
252.47	Enforcement.

252.50	Penalties.
252.51	Liability.
252.515*	Postdisaster Relief Assistance Act; immunity from civil liability.
252.52	Liberality of construction.
252.55	Civil Air Patrol, Florida Wing.
252.60	Radiological emergency preparedness.
252.61	List of persons for contact relating to release of toxic substances into atmosphere.
252.62*	Director of Office of Financial Regulation; powers in a state of emergency.
252.63*	Commissioner of Insurance Regulation; powers in a state of emergency.
252.64	Protection of religious institutions.
252.71	Florida Emergency Management Assistance Foundation.
252.81	Short title.
252.82	Definitions.
252.83	Powers and duties of the division.
252.84	Funding.
252.85	Fees.
252.86	Penalties and remedies.
252.87	Supplemental state reporting requirements.
252.88	Public records.
252.89	Tort liability.
252.90	Commission and committee duties.
252.905*	Emergency planning information; public records exemption.
252.921*	Short title.
252.922	Purpose and authorities.
252.923	General implementation.
252.924	Party state responsibilities.
252.925	Limitation.
252.926	License and permits.
252.927	Liability.
252.928	Compensation.
252.929	Reimbursement.
252.931	Evacuation.
252.932	Implementation.
252.933	Validity.
252.9335*	Expense reimbursement under compact.
252.934	Short title.
252.935	Purpose.
252.936	Definitions.
252.937	Division powers and duties.
252.938	Funding.
252.939	Fees.
252.940	Enforcement; procedure; remedies.
252.941	Prohibitions, violations, penalties, intent.
252.942	Inspections and audits.
252.943	Public records.

252.944 Tort liability.  
252.946 Public records.

\*Sections 252.351, .3569, .359, .3611, .3655, .515, .62, .63, .905, .921 and .9335, F.S., are not considered enforceable policies for federal consistency purposes.

\*\*Section 252.391, F.S., is not proposed as an enforceable policy for federal consistency purposes.

## Chapter 252 Emergency Management

### **252.391 Emergency financial plans.—**

(1) As used in this section, the term “local governmental entity” means a county, municipality, or district school board.

(2) Each local governmental entity is encouraged to develop an emergency financial plan for major natural disasters that may impact its jurisdiction. Disasters include, but are not limited to, hurricanes, tornadoes, floods, and wildfires.

(3) Each emergency financial plan should be based on the likely frequency of the disaster’s occurrence. The financial plan should include a calculation of the costs for the natural disaster event and a determination of the financial resources available to the local governmental entity. If insufficient funds are available to address the disaster event, the emergency financial plan should identify strategies to close the gap between the disaster event costs and the local governmental entity’s financial capacity. Such strategies may include rainy day funds, reprioritizing its annual budget, and borrowing.

(4) Local governmental entities should annually review their emergency financial plans to address changes in conditions.

History.—s. 5, ch. 2023-304.

## Chapter 267

### Historical Resources

#### Enforceable Policies

Any additions are underlined, and any deletions are struck-through.

267.011*	Short title.
267.021	Definitions.
267.031	Division of Historical Resources; powers and duties.
267.061	Historic properties; state policy, responsibilities.
267.0612*	Florida Historical Commission; creation; membership; powers and duties.
267.0617*	Historic Preservation Grant Program.
267.062*	Naming of state buildings and other facilities.
267.0625*	Abrogation of offensive and derogatory geographic place names.
267.071*	Historical museums.
267.0721*	Museum of Florida History and programs; other historical museums.
<u>267.0722**</u>	<u>Florida Museum of Black History.</u>
267.0723*	Property loaned to or abandoned at museums; obligations to lenders; notice; loan termination; acquisition of title; liens; conservation or disposal.
267.0731*	Great Floridians Program.
267.074*	State Historical Marker Program.
267.0743*	State Historical Marker Council.
267.075*	The Grove Advisory Council; creation; membership; purposes.
267.076*	Confidentiality of certain donor information related to publicly owned house museums designated as National Historic Landmarks.
267.081*	Publications.
267.11	Designation of archaeological sites.
267.115	Objects of historical or archaeological value.
267.12	Research permits; procedure.
267.13	Prohibited practices; penalties.
267.135	Location of archaeological sites.
267.14	Legislative intent.
267.145*	Florida network of public archaeology centers.
267.17*	Citizen support organizations; use of state administrative services and property; audit.
267.172*	Tallahassee; Florida Keys; contracts for historic preservation.
267.173*	Historic preservation in West Florida; goals; contracts for historic preservation; powers and duties.
267.1732*	Direct-support organization.
267.1735*	Historic preservation in St. Augustine; goals; contracts for historic preservation; powers and duties.
267.1736*	Direct-support organization.
<u>267.21**</u>	<u>Historic Cemeteries Program.</u>
<u>267.22**</u>	<u>Historic Cemeteries Program Advisory Council.</u>

\*Sections 267.011, .0612, .0617, .062, .0625, .071, .0721, .0723, .0731, .074, .0743, .075, .076, .081, .145, .17, .172, .173, .1732, .1735 and .1736 are not considered enforceable policies for federal consistency purposes.

\*\*Sections 267.0722, .21 and .22 are not proposed as enforceable policies for federal consistency purposes.

## Chapter 267 Historical Resources

### **267.0722 Florida Museum of Black History.—**

(1) There is created within the division the Florida Museum of Black History Task Force for the purpose of providing recommendations to the division for the planning, construction, operation, and administration of a Florida Museum of Black History. The museum shall be a multipurpose facility capable of generating self-sustaining revenues, with archival research and storage facilities, meeting rooms, full service banquet facilities that include a kitchen capable of serving at least 250 people at a single event, and a performing arts theater that shall be made available for private events.

(2) The task force shall be composed of nine members. Three members shall be appointed by the Governor, three members shall be appointed by the President of the Senate, and three members shall be appointed by the Speaker of the House of Representatives. At least three of the appointed members must have 5 or more years of experience in one of the following areas: tenured faculty in history at a Florida public or private university; historical research and publication; archival design or preservation; multipurpose public building design or construction; the hospitality and service industry; business; finance; marketing; law; or education. All appointments shall be made no later than July 31, 2023.

(3) Members of the task force shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(4) The division shall provide the task force with staff and expend funds as necessary to assist the task force in the performance of its duties.

(5) The task force shall develop the following:

(a) Plans for the location, design, and construction of the museum and all necessary facilities.

(b) Recommendations for the operation and administration of the museum upon completion of construction.

(c) A marketing plan that may be executed by the Florida Tourism Industry Marketing Corporation to promote the museum.

(d) A transition plan under which the museum will become financially self-sufficient.

(e) Recommendations for archival and artifact acquisition, preservation, and research; exhibits; installations; and educational materials that complement and support required instruction provided in public schools in accordance with s. 1003.42(2)(h). The recommendations must include materials relating to:

1. The role of African-American participation in defending and preserving Florida and the United States, including, by way of example and without limitation, the contributions of the residents of Fort Mose, the Tuskegee Airmen, and all African-American veterans.

2. The history of slavery in the state.

3. The history of segregation in the state.

4. Notable African Americans in this state.

5. Dr. Mary McLeod Bethune, including the founding of Bethune Cookman University.

6. The history of historically black colleges and universities in this state.

7. The inherent worth and dignity of human life, with a focus on the prevention of genocide.

(6) Before July 1, 2024, the task force shall submit a report detailing its plans and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives. Upon submission of the report, the task force shall expire.

(7) After receiving the report of the task force, the Legislature may consider legislation pertaining to the commissioning, construction, operation, and administration of the museum.

History.—s. 1, ch. 2023-72.

### **267.21 Historic Cemeteries Program.—**

(1) The Historic Cemeteries Program is created within the division. The State Historic Preservation Officer shall serve as the director of the program and shall, subject to legislative appropriation, employ three full-time employees to operate the program. The program shall have the following duties and responsibilities:

(a) Serve as the organizational center for recording and updating in the Florida Master Site File records of cemeteries in this state established at least 50 years ago.

(b) Develop guidelines for use by state agencies, local governments, and developers in the identification, location, and maintenance of abandoned and historic cemeteries.

(c) Serve as an interagency governmental liaison to municipalities, planning departments, colleges and universities, and community organizations to facilitate collaboration and the sharing of information relating to abandoned and historic cemeteries.

(d) Coordinate with the University of South Florida's Black Cemetery Network to facilitate the inclusion of abandoned African-American cemeteries in the Black Cemetery Network.

(e) Research, identify, and record abandoned cemeteries, with an emphasis on abandoned African-American cemeteries.

(f) When abandoned cemeteries are located, provide notification and guidance to relevant persons and assist with efforts to identify relatives and descendants, funeral directors, religious organizations, qualified nonprofit organizations, and property owners.

(g) Assist constituents, descendant communities, state and federal agencies, local governments, and other stakeholders with inquiries relating to abandoned cemeteries.

(h) In coordination with the Department of Education, develop a curriculum relating to abandoned and historic cemeteries, with a focus on citizenship, social responsibility, and history.

(i) Establish a priority for the placement of historical markers for erased, forgotten, lost, or abandoned African-American cemeteries.

(2) The Historic Cemeteries Program shall, subject to legislative appropriation, provide grants to the following entities:

(a) Research institutions, colleges and universities, and qualified nonprofit organizations, for the purpose of conducting genealogical and historical research necessary to identify and contact the relatives and descendants of persons buried in abandoned African-American cemeteries.

(b) Local governments and qualified nonprofit organizations, for the purposes of repairing, restoring, and maintaining abandoned African-American cemeteries.

(3) The division may adopt rules to implement this section.  
History.—s. 1, ch. 2023-142.

**267.22 Historic Cemeteries Program Advisory Council.—**

(1) The Historic Cemeteries Program Advisory Council, an advisory council as defined in s. 20.03(7), is created within the division and shall consist of nine members appointed by the Secretary of State after considering the recommendations of the director of the division. The council must be composed of an inclusive group of members who are regionally distributed and representative of communities throughout this state. Members shall serve 4-year terms; however, for the purpose of providing staggered terms, four of the appointees initially shall be appointed to 2-year terms and the remaining five shall be appointed to 4-year terms. All subsequent appointments shall be for 4-year terms. As soon as practicable after July 1, 2023, the council shall meet to elect a chair from its membership. Except as otherwise provided in this section, the council shall operate in a manner consistent with s. 20.052.

(2) The council shall provide guidance and recommendations to the division regarding the duties and responsibilities of the Historic Cemeteries Program created under s. 267.21.

(3) Members of the council shall serve without compensation but may receive per diem and reimbursement for travel expenses pursuant to s. 112.061.

History.—s. 2, ch. 2023-142.

## Chapter 334

### Transportation Administration

#### Enforceable Polices

Any additions are underlined, and any deletions are struck-through.

- 334.01 Florida Transportation Code; short title.
- 334.03 Definitions.
- 334.035 Purpose of transportation code.
- 334.044 Powers and duties of the department.
- 334.045 Transportation performance and productivity standards; development; measurement; application.
- 334.046 Department mission, goals, and objectives.
- 334.047 Prohibition.
- 334.048 Legislative intent with respect to department management accountability and monitoring systems.
- 334.049 Patents, copyrights, trademarks; notice to Department of State; confidentiality of trade secrets.
- 334.05 Department headquarters; acquisition of office space.
- 334.063 Statistical studies relating to traffic count and accidents.
- 334.065 Center for Urban Transportation Research.
- 334.066\* Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab.
- 334.071 Legislative designation of transportation facilities.
- 334.131 Department employees' benefit fund.
- 334.14 Employees of department who are required to be engineers.
- 334.17 Consulting services; provision by department to other governmental units.
- 334.175 Certification of project design plans and surveys.
- 334.185 Financial responsibility for construction, material, or design failures; review of contracts; financial assurances.
- 334.187 Guarantee of obligations to the department.
- 334.193 Unlawful for certain persons to be financially interested in purchases, sales, and certain contracts; penalties.
- 334.195 Officers or employees of the department; conflicts of interest; exception; penalties.
- 334.196 Authority of department to photograph or microphotograph records and to destroy original records; admissibility of photographs or microphotographs in evidence.
- 334.24 Compilation, maintenance, and provision of information relating to roads and road building and repair.
- 334.27 Governmental transportation entities; property acquired for transportation purposes; limitation on soil or groundwater contamination liability.
- 334.30 Public-private transportation facilities.

- 334.351 Youth work experience program; findings and intent; authority to contract; limitation.
- 334.60 511 traveler information system.

No sections in Chapter 334 are considered enforceable policies for federal consistency purposes.

\*Section 334.066 is not proposed as an enforceable policy for federal consistency purposes.

## **Chapter 334 Transportation Administration**

### **334.066 Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab.—**

(1) The Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) is established within the University of Florida.

(2) At a minimum, I-STREET shall:

(a) Conduct and facilitate research on issues related to innovative transportation mobility and safety technology development and deployment in this state and serve as an information exchange and depository for the most current information pertaining to transportation research, education, workforce development, and related issues.

(b) Be a continuing resource for the Legislature, the department, local governments, the nation's metropolitan regions, and the private sector in the area of transportation and related research.

(c) Promote intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.

(d) Provide by July 1, 2024, and each July 1 thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report that outlines its clearly defined goals and its efforts and progress on reaching those goals.

(3) An advisory board shall be created to periodically review and advise I-STREET concerning its research program. The board shall consist of nine members with expertise in transportation-related areas, as follows:

(a) A member appointed by the President of the Senate.

(b) A member appointed by the Speaker of the House of Representatives.

(c) The Secretary of Transportation or his or her designee.

(d) The Secretary of Economic Opportunity or his or her designee.

(e) A member of the Florida Transportation Commission.

(f) Four members nominated by the University of Florida's College of Engineering and approved by the university's president. The College of Engineering's nominees may include representatives of the University of Florida, other academic and research institutions, or private entities.

History.—s. 6, ch. 2023-197.

## Chapter 339

### Transportation Finance and Planning

#### Enforceable Policies

Any additions are underlined, and any deletions are struck-through.

- 339.175 Metropolitan planning organization.
- 339.241 Florida Junkyard Control Law.
- 339.651\* Strategic Intermodal System supply chain demands.
- 339.84\* Workforce development.

\*Sections 339.651 and .84 are not proposed as enforceable policies for federal consistency purposes.

## Chapter 339 Transportation Finance and Planning

### **339.651 Strategic Intermodal System supply chain demands.—**

(1) The Legislature finds that Strategic Intermodal System components defined in s. 339.62 ensure a multimodal transportation system; that the Strategic Intermodal System is a critical network supporting economic activities and the transport of people and goods; and that the Strategic Intermodal System is instrumental in the movement of road building materials for infrastructure investments. The Legislature further finds that Florida’s rapid economic and population growth can compound supply chain demands on the transportation system, and the demand for construction aggregate continues to outpace supply.

(2) The department shall specifically address in its transportation plans, including the Florida Transportation Plan and the Strategic Intermodal System Plan, movement and storage of construction aggregate materials essential for building roadways.

(3) The department shall make up to \$20 million available each year for fiscal years 2023-2024 through 2027-2028, from existing work program revenues, to fund projects that meet the public purpose of providing increased capacity and enhanced capabilities to move and store construction aggregate. Applicants eligible for project funding under this section are seaports listed in s. 311.09 and rail lines and rail facilities.

(4) The department must consider at least the following criteria when evaluating projects for assistance under this section:

(a) The ability of the project to serve the strategic state interest of mitigating supply chain demands for construction aggregate sufficient to ensure ongoing improvement of the Strategic Intermodal System and the state’s entire transportation network.

(b) The ability of the project to facilitate the cost-effective and efficient movement and storage of construction aggregate.

(c) The extent to which the project efficiently interacts with and supports the transportation network.

(d) Any commitment of a funding match, which may be investment or commitment made by the owner or developer of the existing or proposed facility that facilitates or will facilitate the movement and storage of construction aggregate, local financial support or commitment, or a combination of both. Projects with a funding match shall be prioritized based on the amount of the match and shall be prioritized over projects having no such funding match.

(5) The State Transportation Trust Fund may fund up to 100 percent of the cost of a project selected based on the criteria specified herein.

(6) The department may adopt rules to implement this section.

(7) This section shall stand repealed on July 1, 2028.

History.—s. 16, ch. 2023-197.

### **339.84 Workforce development.—**

Beginning in the 2023-2024 fiscal year and annually thereafter for 5 years, \$5 million shall be allocated from the State Transportation Trust Fund to the workforce development program as provided in s. 334.044(35) to promote career paths in Florida’s road and bridge industry.

History.—s. 17, ch. 2023-197.

## Chapter 373

### Water Resources

#### Enforceable Policies

Any additions are underlined, and any deletions are struck-through.

- 373.012 Topographic mapping.
- 373.013 Short title.
- 373.016 Declaration of policy.
- 373.019 Definitions.
- 373.023 Scope and application.
- 373.026 General powers and duties of the department.
- 373.033 Saltwater barrier line.
- 373.036 Florida water plan; district water management plans.
- 373.0363 Southern Water Use Caution Area Recovery Strategy.
- 373.037\* Pilot program for alternative water supply development in restricted allocation areas.
- 373.0397 Floridan and Biscayne aquifers; designation of prime groundwater recharge areas.
- 373.042 Minimum flows and minimum water levels.
- 373.0421 Establishment and implementation of minimum flows and minimum water levels.
- 373.043 Adoption and enforcement of rules by the department.
- 373.044\* Rules; enforcement; availability of personnel rules.
- 373.046 Interagency agreements.
- 373.0465\* Central Florida Water Initiative.
- 373.0466\* Central Florida Water Initiative Grant Program.
- 373.047 Cooperation between districts.
- 373.056 State agencies, counties, drainage districts, municipalities, or governmental agencies or public corporations authorized to convey or receive land from water management districts.
- 373.069 Creation of water management districts.
- 373.0691 Transfer of areas.
- 373.0693 Basins; basin boards.
- 373.0695 Duties of basin boards; authorized expenditures.
- 373.0697 Basin taxes.
- 373.0698 Creation and operation of basin boards; other laws superseded.
- 373.073 Governing board.
- 373.076 Vacancies in the governing board; removal from office.
- 373.079 Members of governing board; oath of office; staff.
- 373.083 General powers and duties of the governing board.
- 373.084 District works, operation by other governmental agencies.
- 373.085 Use of works or land by other districts or private persons.
- 373.086 Providing for district works.

- 373.087 District works using aquifer for storage and supply.
- 373.088 Application fees for certain real estate transactions.
- 373.089 Sale or exchange of lands, or interests or rights in lands.
- 373.093 Lease of lands or interest in land and personal property.
- 373.096 Releases.
- 373.099 Execution of instruments.
- 373.103\* Powers which may be vested in the governing board at the department's discretion.
- 373.106 Permit required for construction involving underground formation.
- 373.107 Citation of rule.
- 373.109 Permit application fees.
- 373.113 Adoption of rules by the governing board.
- 373.1131 Consolidated action on permits.
- 373.1135\* Small business program.
- 373.114 Land and Water Adjudicatory Commission; review of district rules and orders; department review of district rules.
- 373.116 Procedure for water use and impoundment construction permit applications.
- 373.117 Certification by professional engineer.
- 373.1175 Signing and sealing by professional geologists.
- 373.118 General permits; delegation.
- 373.119 Administrative enforcement procedures; orders.
- 373.123 Penalty.
- 373.129 Maintenance of actions.
- 373.136 Enforcement of regulations and orders.
- 373.139 Acquisition of real property.
- 373.1391 Management of real property.
- 373.1395 Limitation on liability of water management district with respect to areas made available to the public for recreational purposes without charge.
- 373.1401 Management of lands of water management districts.
- 373.145 Information program regarding hydrologic conditioning and consumption of major surface and groundwater sources.
- 373.146 Publication of notices, process, and papers.
- 373.149 Existing districts preserved.
- 373.1501 South Florida Water Management District as local sponsor.
- 373.1502 Regulation of comprehensive plan project components.
- 373.171\* Rules.
- 373.1725 Notice of intent by publication.
- 373.175 Declaration of water shortage; emergency orders.
- 373.185 Local Florida-friendly landscaping ordinances.
- 373.187 Water management district implementation of Florida-friendly landscaping.
- 373.199 Florida Forever Water Management District Work Plan.
- 373.200 Seminole Tribe Water Rights Compact.
- 373.203 Definitions.
- 373.206 Artesian wells; flow regulated.
- 373.207 Abandoned artesian wells.

373.209	Artesian wells; penalties for violation.
373.213	Certain artesian wells exempt.
373.216	Implementation of program for regulating the consumptive use of water.
373.217	Superseded laws and regulations.
373.219	Permits required.
373.223	Conditions for a permit.
373.2234	Preferred water supply sources.
373.2235	Effect of prior land acquisition on consumptive use permitting.
373.224	Existing permits.
373.226	Existing uses.
373.227	Water conservation; legislative findings and intent; objectives; comprehensive statewide water conservation program requirements.
373.228	Landscape irrigation design.
373.229	Application for permit.
373.2295	Interdistrict transfers of groundwater.
373.22951	Validation of prior agreements between water management districts.
373.232	Citation of rule.
373.233	Competing applications.
373.236	Duration of permits; compliance reports.
373.239	Modification and renewal of permit terms.
373.243	Revocation of permits.
373.244	Temporary permits.
373.246*	Declaration of water shortage or emergency.
373.249	Existing regulatory districts preserved.
373.250	Reuse of reclaimed water.
373.302	Legislative findings.
373.303	Definitions.
373.306	Scope.
373.308*	Implementation of programs for regulating water wells.
373.309	Authority to adopt rules and procedures.
373.313	Prior permission and notification.
373.314	Citation of rule.
373.316	Existing installations.
373.319	Inspections.
373.323	Licensure of water well contractors; application, qualifications, and examinations; equipment identification.
373.324	License renewal.
373.325	Inactive status.
373.326	Exemptions.
373.329	Fees for licensure.
373.333	Disciplinary guidelines; adoption and enforcement; license suspension or revocation.
373.335	Clearinghouse.
373.336	Unlawful acts; penalties.
373.337	Rules.
373.342	Permits.

- 373.403 Definitions.
- 373.406 Exemptions.
- 373.407 Determination of qualification for an agricultural-related exemption.
- 373.409 Headgates, valves, and measuring devices.
- 373.413 Permits for construction or alteration.
- 373.4131 Statewide environmental resource permitting rules.
- 373.4132 Dry storage facility permitting.
- 373.4133 Port conceptual permits.
- 373.4134 Water quality enhancement areas.
- 373.4135 Mitigation banks and offsite regional mitigation.
- 373.4136 Establishment and operation of mitigation banks.
- 373.41365 Adoption and modification of rules to ensure financial assurances for long-term management of mitigation under ss. 373.4136 and 373.414.
- 373.4137 Mitigation requirements for specified transportation projects.
- 373.4138 High Speed Rail Project; determination of mitigation requirements and costs.
- 373.4139 Local government transportation infrastructure mitigation requirements.
- 373.414 Additional criteria for activities in surface waters and wetlands.
- 373.4141 Permits; processing.
- 373.4142 Water quality within stormwater treatment systems.
- 373.4143\* Declaration of policy.
- 373.4144\* Federal environmental permitting.
- 373.4145 Part IV permitting program within the geographical jurisdiction of the Northwest Florida Water Management District.
- 373.4146\* State assumption of the federal Clean Water Act, section 404 dredge and fill permitting program.
- 373.4149 Miami-Dade County Lake Belt Plan.
- 373.41492 Miami-Dade County Lake Belt Mitigation Plan; mitigation for mining activities within the Miami-Dade County Lake Belt.
- 373.41495 Lake Belt Mitigation Trust Fund; bonds.
- 373.415 Protection zones; duties of the St. Johns River Water Management District.
- 373.416 Permits for maintenance or operation.
- 373.417 Citation of rule.
- 373.418 Rulemaking; preservation of existing authority.
- 373.4185 List of flocculants permitted.
- 373.419 Completion report.
- 373.421 Delineation methods; formal determinations.
- 373.4211 Ratification of chapter 17-340, Florida Administrative Code, on the delineation of the landward extent of wetlands and surface waters.
- 373.422 Applications for activities on state sovereignty lands or other state lands.
- 373.423 Inspection.
- 373.426 Abandonment.
- 373.427 Concurrent permit review.

- 373.4271 Conduct of challenge to consolidated environmental resource permit or associated variance or sovereign submerged lands authorization issued in connection with deepwater ports.
- 373.4275 Review of consolidated orders.
- 373.428 Federal consistency.
- 373.429 Revocation and modification of permits.
- 373.430 Prohibitions, violation, penalty, intent.
- 373.433 Abatement.
- 373.436 Remedial measures.
- 373.439 Emergency measures.
- 373.441 Role of counties, municipalities, and local pollution control programs in permit processing; delegation.
- 373.4415 Role of Miami-Dade County in processing permits for limerock mining in Miami-Dade County Lake Belt.
- 373.443 Immunity from liability.
- 373.451 Short title; legislative findings and intent.
- 373.453 Surface water improvement and management plans and programs.
- 373.459\* Funds for surface water improvement and management.
- 373.4591 Improvements on private agricultural lands.
- 373.4592 Everglades improvement and management.
- 373.45922 South Florida Water Management District; permit for completion of Everglades Construction Project; report.
- 373.45924 South Florida Water Management District; Everglades truth in borrowing.
- 373.45926 Everglades Trust Fund; allocation of revenues and expenditure of funds for conservation and protection of natural resources and abatement of water pollution.
- 373.4593 Florida Bay Restoration.
- 373.45931 Alligator Alley tolls; Everglades and Florida Bay restoration.
- 373.4595 Northern Everglades and Estuaries Protection Program.
- 373.4596 State compliance with stormwater management programs.
- 373.4597 The Geneva Freshwater Lens Protection Act.
- 373.4598\* Water storage reservoirs.
- 373.4599\* Water storage north of Lake Okeechobee.
- 373.461 Lake Apopka improvement and management.
- 373.462\* Legislative findings and intent.
- 373.463\* Heartland headwaters annual report.
- 373.468 The Harris Chain of Lakes restoration program.
- 373.469 Indian River Lagoon Protection Program.
- 373.470 Everglades restoration.
- 373.472\* Save Our Everglades Trust Fund.
- 373.475\* Water storage facility revolving loan fund.
- 373.501 Appropriation of funds to water management districts.
- 373.503 Manner of taxation.
- 373.506 Costs of district.
- 373.5071 Audit report; furnishing to governing board and clerks of circuit courts.
- 373.535\* Preliminary district budgets.

373.536*	District budget and hearing thereon.
373.539	Imposition of taxes.
373.543	Land held by Board of Trustees of the Internal Improvement Trust Fund; areas not taxed.
373.546	Unit areas.
373.553	Treasurer of the board; payment of funds; depositories.
373.559	May borrow money temporarily.
373.563	Bonds.
373.566	Refunding bonds.
373.569	Bond election.
373.573	Bonds to be validated.
373.576	Sale of bonds.
373.579	Proceeds from taxes for bond purposes.
373.583	Registration of bonds.
373.584*	Revenue bonds.
373.586	Unpaid warrants to draw interest.
373.59*	Payment in lieu of taxes for lands acquired for water management district purposes.
373.5905*	Reinstatement of payments in lieu of taxes; duration.
373.591	Management review teams.
373.603	Power to enforce.
373.604	Awards to employees for meritorious service.
373.605	Group insurance for water management districts.
373.6055	Criminal history checks for certain water management district employees and others.
373.607	Minority business enterprise procurement goals; implementation of recommendations.
373.6075*	Purchases from contracts of other entities.
373.608	Patents, copyrights, and trademarks.
373.609	Enforcement; city and county officers to assist.
373.610	Defaulting contractors.
373.611	Modification or limitation of remedy.
373.613	Penalties.
373.614	Unlawful damage to district property or works; penalty.
373.616	Liberal construction.
373.6161	Chapter to be liberally construed.
373.617	Judicial review relating to permits and licenses.
373.618	Public service warnings, alerts, and announcements.
373.619	Recognition of water and sewer-saving devices.
373.62	Water conservation; automatic sprinkler systems.
373.621	Water conservation.
373.63	Preference to State University System in award of projects or studies.
373.69	Apalachicola-Chattahoochee-Flint River Basin Compact.
373.701*	Declaration of policy.
373.703*	Water production; general powers and duties.
373.705	Water resource development; water supply development.

- 373.707 Alternative water supply development.
- 373.709 Regional water supply planning.
- 373.711 Technical assistance to local governments.
- 373.713 Regional water supply authorities.
- 373.715 Assistance to West Coast Regional Water Supply Authority.
- 373.801 Legislative findings and intent.
- 373.802 Definitions.
- 373.803 Delineation of priority focus areas for Outstanding Florida Springs.
- 373.805 Minimum flows and minimum water levels for Outstanding Florida Springs.
- 373.807 Protection of water quality in Outstanding Florida Springs.
- 373.811 Prohibited activities within a basin management action plan.
- 373.813\* Rules.

\*Sections 373.037, .044, .0465, .0466, .103, .1135, .171, .246, .308, .4143, .4144, .4146, .459, .4598, .4599, .462, .463, .472, .475, .535, .536, .584, .59, .5905, .6075, .701, .703 and .813 are not considered enforceable policies for federal consistency purposes.

## Chapter 373 Water Resources

### **373.469 Indian River Lagoon Protection Program.—**

#### **(1) FINDINGS AND INTENT.—**

##### **(a) The Legislature finds that:**

- 1. The Indian River Lagoon is a critical water resource of this state which provides many economic, natural habitat, and biodiversity functions that benefit the public interest, including fishing, navigation, recreation, and habitat to endangered and threatened species and other flora and fauna.**
- 2. Among other causes, land use changes, onsite sewage treatment and disposal systems, aging infrastructure, stormwater runoff, agriculture, and residential fertilizer have resulted in excess nutrients entering the Indian River Lagoon and adversely impacting the lagoon's water quality.**
- 3. Improvement to the hydrology, water quality, and associated aquatic habitats within the Indian River Lagoon is essential to the protection of the resource.**
- 4. It is imperative for the state, local governments, and agricultural and environmental communities to commit to restoring and protecting the surface water resources of the Indian River Lagoon, and a holistic approach to address these issues must be developed and implemented immediately.**
- 5. The expeditious implementation of the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan are necessary to improve the quality of water in the Indian River Lagoon ecosystem and to provide a reasonable means of achieving the total maximum daily load requirements and achieving and maintaining compliance with state water quality standards.**
- 6. The implementation of the programs contained in this section will benefit the public health, safety, and welfare and is in the public interest.**

**(b) The Legislature intends for this state to protect and restore surface water resources and achieve and maintain compliance with water quality standards in the Indian River Lagoon through the phased, comprehensive, and innovative protection program set forth in this section, including long-term solutions based upon the total maximum daily loads established in accordance with s. 403.067. This program is watershed-based, provides for the consideration of all water quality issues needed to meet the total maximum daily load, and includes research and monitoring, development and implementation of best management practices, refinement of existing regulations, and structural and nonstructural projects, including public works.**

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

**(a) “Best management practice” means a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best management practices for agricultural discharges must reflect a balance between water quality improvements and agricultural productivity.**

**(b) “Enhanced nutrient-reducing onsite sewage treatment and disposal system” means an onsite sewage treatment and disposal system approved by the department as**

capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from onsite sewage tank or tanks and drainfield.

(c) "Total maximum daily load" means the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background adopted pursuant to s. 403.067. Before determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a waterbody or water segment can assimilate from all sources without exceeding water quality standards must first be calculated.

(3) THE INDIAN RIVER LAGOON PROTECTION PROGRAM.—The Indian River Lagoon Protection Program consists of the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan, and such plans are the components of the Indian River Lagoon Protection Program which achieve phosphorous and nitrogen load reductions for the Indian River Lagoon.

(a) Evaluation.—Every 5 years, the department shall evaluate and update the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, and North Indian River Lagoon Basin Management Action Plan and identify any further load reductions necessary to achieve compliance with the relevant total maximum daily loads established pursuant to s. 403.067. As provided in s. 403.067(7)(a)6., such plans must include 5-year milestones for implementation and water quality improvement and a water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time.

(b) Water quality standards and total maximum daily loads.—The department, in coordination with the Department of Agriculture and Consumer Services, the St. Johns River Water Management District, the South Florida Water Management District, local governments, the Indian River Lagoon National Estuary Program, and other stakeholders, shall identify and prioritize strategies and projects necessary to achieve water quality standards within the Indian River Lagoon watershed and meet the total maximum daily loads. Projects identified from this evaluation must be incorporated into the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan, as appropriate.

(c) Indian River Lagoon Watershed Research and Water Quality Monitoring Program.—The department, in coordination with the St. Johns River Water Management District, the South Florida Water Management District, and the Indian River Lagoon National Estuary Program, shall implement the Indian River Lagoon Watershed Research and Water Quality Monitoring Program to establish a comprehensive water quality monitoring network throughout the Indian River Lagoon and fund research pertaining to water quality, ecosystem restoration, and seagrass impacts and restoration. The department shall use the results from the program to prioritize projects and to make modifications to the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan,

North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan, as appropriate.

(d) Onsite sewage treatment and disposal systems.—

1. Beginning on January 1, 2024, unless previously permitted, the installation of new onsite sewage treatment and disposal systems is prohibited within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas where a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). Where central sewerage is not available, only enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction are authorized.

2. By July 1, 2030, any commercial or residential property with an existing onsite sewage treatment and disposal system located within the Banana River Lagoon Basin Management Action Plan, Central Indian River Lagoon Basin Management Action Plan, North Indian River Lagoon Basin Management Action Plan, and Mosquito Lagoon Reasonable Assurance Plan areas must connect to central sewer if available or upgrade to an enhanced nutrient-reducing onsite sewage treatment and disposal system or other wastewater treatment system that achieves at least 65 percent nitrogen reduction.

(4) RELATIONSHIP TO STATE WATER QUALITY STANDARDS.—This section may not be construed to modify any existing state water quality standard or to modify s. 403.067(6) and (7)(a).

(5) PRESERVATION OF AUTHORITY.—This section may not be construed to restrict the authority otherwise granted to agencies pursuant to this chapter and chapter 403, and this section is supplemental to the authority granted to agencies pursuant to this chapter and chapter 403.

(6) RULES.—The department and governing boards of the St. Johns River Water Management District and the South Florida Water Management District may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

History.—s. 5, ch. 2023-169.

## Chapter 380

### Land and Water Management

#### Enforceable Policies

Any additions are underlined, and any deletions are struck-through.

- 380.012 Short title.
- 380.021 Purpose.
- 380.031 Definitions.
- 380.032 State land planning agency; powers and duties.
- 380.04 Definition of development.
- 380.045 Resource planning and management committees; objectives; procedures.
- 380.05 Areas of critical state concern.
- 380.051 Coordinated agency review; Florida Keys area.
- 380.055 Big Cypress Area.
- 380.0551 Green Swamp Area; designation as area of critical state concern.
- 380.0552 Florida Keys Area; protection and designation as area of critical state concern.
- 380.0553 Brevard Barrier Island Area; protection and designation as area of critical state concern.
- 380.0555 Apalachicola Bay Area; protection and designation as area of critical state concern.
- 380.06 Developments of regional impact.
- 380.061 The Florida Quality Developments program.
- 380.0651 Statewide guidelines, standards, and exemptions.
- 380.0655 Expedited permitting process for marina projects reserving 10 percent or more boat slips for public use.
- 380.0657 Expedited permitting process for economic development projects.
- 380.0661 Legislative intent.
- 380.0662 Definitions.
- 380.0663 Land authority; creation, membership, expenses.
- 380.0664 Quorum; voting; meetings.
- 380.0665 Executive director; agents and employees.
- 380.0666\* Powers of land authority.
- 380.0667 Advisory committee; acquisitions.
- 380.0668 Bonds; purpose, terms, approval, limitations.
- 380.0669 State and local government liability on bonds.
- 380.0671 Annual report.
- 380.0672 Conflicts of interest.
- 380.0673 Exemption from taxes and eligibility as investment.
- 380.0674 Corporate existence.
- 380.0675 Inconsistent provisions of other laws superseded.
- 380.0685 State park in area of critical state concern in county which creates land authority; surcharge on admission and overnight occupancy.

380.07	Florida Land and Water Adjudicatory Commission.
380.08	Protection of landowners' rights.
380.085	Judicial review relating to permits and licenses.
380.093*	Resilient Florida Grant Program; comprehensive statewide flood vulnerability and sea level rise data set and assessment; Statewide Flooding and Sea Level Rise Resilience Plan; regional resilience entities.
380.0933*	Florida Flood Hub for Applied Research and Innovation.
380.0935*	Resilient Florida Trust Fund.
380.0937**	<u>Public financing of construction projects within areas at risk due to sea level rise.</u>
380.11	Enforcement; procedures; remedies.
380.115	Vested rights and duties; changes in statewide guidelines and standards.
380.12	Rights unaffected by ch. 75-22.
380.20	Short title.
380.205	Definitions.
380.21	Legislative intent.
380.22	Lead agency authority and duties.
380.23*	Federal consistency.
380.24	Local government participation.
380.25	Previous coastal zone atlases rejected.
380.26	Establishment of coastal building zone for certain counties.
380.27	Coastal infrastructure policy.
380.276	Beaches and coastal areas; display of uniform warning and safety flags at public beaches; placement of uniform notification signs; beach safety education.
380.285	Lighthouses; study; preservation; funding.
380.501	Short title.
380.502	Legislative findings and intent.
380.503	Definitions.
380.504	Florida Communities Trust; creation; membership; expenses.
380.505	Meetings; quorum; voting.
380.506	Support services.
380.507*	Powers of the trust.
380.508	Projects; development, review, and approval.
380.510	Conditions of grants and loans.
380.5105	The Stan Mayfield Working Waterfronts; Florida Forever program.
380.512	Annual report.
380.513	Corporate existence.
380.514	Inconsistent provisions of other laws superseded.
380.515	Construction.

\*Sections 380.0666, .093, .0933, .0935, .23(3)(d) and .507 are not considered enforceable policies for federal consistency purposes.

\*\*Section 380.0937 is not proposed as an enforceable policy for federal consistency purposes.

## Chapter 380 Land and Water Management

### **380.0553 Brevard Barrier Island Area; protection and designation as area of critical state concern.—**

(1) SHORT TITLE.—This section may be cited as the “Brevard Barrier Island Area Protection Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that the designation of the Brevard Barrier Island Area as an area of critical state concern is necessary for the following reasons:

(a) The southern barrier island of Brevard County represents one of the most fragile and endangered coastal ecosystems in North America, and the beaches, dunes, coastal scrub, and maritime hammock areas of the barrier island ecosystem represent some of the most fragile and endangered natural upland communities in the state and nation.

(b) The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere, 1the beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.

(c) The Archie Carr National Wildlife Refuge is located within the barrier island of Brevard County and is a significant conservation area designated to protect habitat at the most significant area for loggerhead sea turtle nesting in the world, at the most significant area for green turtle nesting in North America, and for a diverse array of plant and animal species.

(d) The Indian River Lagoon, designated as an Estuary of National Significance by the United States Environmental Protection Agency in 1990, borders the western shore of the barrier island of Brevard County, and the natural habitats of the barrier island ecosystem protect the water quality and productivity of the Indian River Lagoon.

(e) The salt water recreational fishery of the Indian River Lagoon generates hundreds of millions of dollars per year in local economic benefit.

(f) Density limitations and natural resource protection on the barrier island of Brevard County have decreased public tax burdens associated with the provisions of services, building and maintenance of infrastructure for barrier island residential developments, and public costs for rebuilding public and private structures following severe erosion events.

(g) Protection of the primary dune system of the barrier island of Brevard County provides the only protective buffer for local development from storm surges associated with tropical storms and hurricanes.

(h) The entirety of the barrier island of Brevard County lies within a zone that is the first to be subject to mandatory evacuation protocols due to the vulnerability of the barrier island in hurricane events and the adverse impacts of such vulnerability on evacuating safely.

(3) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(a) Establish a land use management system that protects the natural environment of the southern Brevard Barrier Island Area.

(b) Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of existing public facilities and services.

(c) Protect and improve the Indian River Lagoon ecosystem, including improving water quality of the Brevard Barrier Island Area through federal, state, and local funding of water quality improvement projects.

(d) Ensure that the population of the Brevard Barrier Island Area can be safely evacuated in the event of a hurricane.

(4) DESIGNATION.—The Brevard Barrier Island Area, as described in this subsection, is designated as an area of critical state concern. The Brevard Barrier Island Area is that portion of Brevard County formed by the southern boundary of the Town of Melbourne Beach, the Indian River as the western boundary, the Atlantic Ocean as the eastern boundary, extending south to the southern boundary of the Sebastian Inlet State Park, specifically including the following township, ranges, and sections as designated by the Brevard Public Land Survey System: 28-38-17-18, 28-38-20-21, 28-38-28, 28-38-33-34, 29-38-03, 29-38-10-11, 29-38-14-15, 29-38-22-24, the barrier island portion only of 29-38-27, 29-38-25-26, 29-38-35-36, 29-39-31, 30-38-01, 30-39-06-08, 30-39-17-18, and 30-39-20.

(5) GUIDING PRINCIPLES FOR DEVELOPMENT.—State, regional, and local agencies and units of government in the Brevard Barrier Island Area shall coordinate their plans and conduct their programs and regulatory activities to be consistent with all of the following guiding principles for development within the area:

(a) Preventing the adverse impacts of development on resources critical to sea turtle habitat by prohibiting new shoreline hardening structures and enforcing existing state and county coastal construction regulations.

(b) Prioritizing water quality restoration projects in the Indian River Lagoon.

(c) Reducing nutrient contributions from septic tanks and wastewater facilities, stormwater discharges, and agriculture nonpoint sources into the Indian River Lagoon.

(d) Supporting innovative, nature-based solutions including living shorelines, and freshwater and coastal wetland restoration.

(e) Safeguarding against adverse economic, social, environmental, and public health and safety impacts posed by flooding and storm surge by protecting critical assets identified in s. 380.093.

(f) Protecting shoreline and marine resources, including mangroves, seagrass beds, wetlands, sea turtles, manatees, and fish and wildlife, and related habitats.

(g) Protecting upland resources, including dune ridges, beaches, wildlife, and related habitats.

(h) Limiting the adverse impacts of development on the quality of water throughout the Brevard Barrier Island Area and the Indian River Lagoon.

(i) Enhancing natural scenic resources to promote the aesthetic benefits of the natural environment.

(j) Ensuring that development is compatible with the unique characteristics of the Brevard Barrier Island Area.

(6) REMOVAL OF DESIGNATION.—

(a) The state land planning agency may recommend the removal of the designation of the Brevard Barrier Island Area as an area of critical state concern to the Administration Commission if the agency determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the Brevard Barrier Island Area and carry out the legislative intent

expressed in subsection (3) and are in compliance with the principles for guiding development specified in subsection (5). If the commission concurs with the recommendation to remove the designation, the commission must initiate rulemaking to remove the designation within 45 days after receipt of the recommendation.

(b) Beginning November 30, 2030, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Brevard Barrier Island Area toward achieving the legislative intent expressed in subsection (3) and implementing the guiding principles for development specified in subsection (5). The agency shall recommend removing the designation of the Brevard Barrier Island Area as an area of critical state concern to the commission if it determines that:

1. Adequate restoration and renourishment programs are in place to preserve the beaches and dunes of the southern barrier island in Brevard County for nesting sea turtles;

2. Seagrass replanting in the Indian River Lagoon extending the length of the Brevard Barrier Island Area is in a coverage volume that would establish recovery to scientifically defensible reference targets;

3. Nonpoint pollution sources into the Indian River Lagoon that contribute to total phosphorus, total nitrogen, chlorophyll a, fecal coliform, and metals have been sufficiently reduced to meet water quality criteria standards resulting in the removal of the Indian River Lagoon from the impaired waters list;

4. The green sea turtle (*Chelonia mydas*), loggerhead sea turtle (*Caretta caretta*), and leatherback sea turtle (*Dermochelys coriacea*) have been delisted from the Florida Endangered and Threatened Species rule and the Florida Marine Turtle Protection Act under s. 379.2431;

5. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Brevard Barrier Island Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and

6. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(7) LAND ZONING AND USE.—This section does not affect any existing zoning or use of land in effect within the Brevard Barrier Island Area before July 1, 2023.

History.—s. 1, ch. 2023-272.

1Note.—The word “and” preceding the word “the” was deleted by the editors.

### **380.0937 Public financing of construction projects within areas at risk due to sea level rise.—**

(1) As used in this section, the term:

(a) “Area at risk due to sea level rise” means any location that is projected to be below the threshold for tidal flooding within the next 50 years by adding sea level rise using the highest of the sea level rise projections required by s. 380.093(3)(d)3.b. For purposes of this paragraph, the threshold for tidal flooding is 2 feet above mean higher high water.

(b) “Department” means the Department of Environmental Protection.

(c) “Potentially at-risk structure or infrastructure” means any of the following when within an area at risk due to sea level rise:

1. A critical asset as defined in s. 380.093(2)(a)1.-3.
2. A historical or cultural asset.
  - (d) “Public entity” means the state or any of its political subdivisions, or any municipality, county, agency, special district, authority, or other public body corporate of the state which is demonstrated to perform a public function or to serve a governmental purpose that could properly be performed or served by an appropriate governmental unit.
  - (e) “Significant flood damage” means flood, erosion, inundation, or wave action damage resulting from a discrete or compound natural hazard event, such as a flood or tropical weather system, where such damage exceeds:
    1. Twenty-five percent of the replacement cost of the potentially at-risk structure or infrastructure at the time of the event; or
    2. A defined threshold established by the department by rule, in coordination with the Department of Transportation and water management districts, for a potentially at-risk structure or infrastructure for which replacement cost is not an appropriate metric, such as roadways. The threshold must be established by July 1, 2024.
  - (f) “SLIP study” means a sea level impact projection study as established by the department pursuant to subsection (3).
  - (g) “State-financed constructor” means a public entity that commissions or manages a construction project using funds appropriated from the state.
    - (2) Beginning July 1, 2024, a state-financed constructor may not commence construction of a potentially at-risk structure or infrastructure without:
      - (a) Conducting a SLIP study that meets the requirements established by the department;
      - (b) Submitting the study to the department; and
      - (c) Receiving notification from the department that the study was received and that it has been published on the department’s website pursuant to paragraph (6)(a) for at least 30 days. The state-financed constructor is solely responsible for ensuring that the study submitted to the department for publication meets the requirements of subsection (3).
    - (3) The department shall develop by rule a standard by which a state-financed constructor must conduct a SLIP study and may require that a professional engineer sign off on the study. The rule applies only to projects not yet commenced as of the date the rule is finalized. The rule may not apply retroactively to projects that commenced before the date the rule is finalized. At a minimum, the standard must require that a state-financed constructor do all of the following:
      - (a) Use a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study.
      - (b) Assess the flooding, inundation, and wave action damage risks relating to the potentially at-risk structure or infrastructure over its expected life or 50 years, whichever is less.
        1. The assessment must take into account potential relative local sea-level rise and increased storm risk during the expected life of the potentially at-risk structure or infrastructure or 50 years, whichever is less, and, to the extent possible, account for the construction of sea-level rise versus land subsidence to the relative local sea-level rise.

2. The assessment must provide scientific and engineering evidence of the risk to the potentially at-risk structure or infrastructure and methods used to mitigate, adapt to, or reduce this risk.

3. The assessment must use and consider available scientific research and generally accepted industry practices.

4. The assessment must provide an estimated probability of significant flood damage to the potentially at-risk structure or infrastructure over the expected life of the structure or infrastructure or 50 years, whichever is less.

5. The assessment must analyze potential public safety and environmental impacts resulting from damage to the potentially at-risk structure or infrastructure, including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.

(c) Provide alternatives for the design and siting of the potentially at-risk structure or infrastructure and analyze how such alternatives would impact the risks specified in subparagraph (b)5. as well as the risk and cost associated with maintaining, repairing, and constructing the potentially at-risk structure or infrastructure.

(d) Provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure and identify appropriate flood mitigation strategies for consideration as part of the potentially at-risk structure or infrastructure design.

If multiple potentially at-risk structures or infrastructures are to be built concurrently within one project, a state-financed constructor may conduct and submit one SLIP study for the entire project for publication by the department.

(4) If a state-financed constructor commences construction of a potentially at-risk structure or infrastructure but has not complied with the SLIP study requirement under subsection (2), the department may bring a civil action in a court of competent jurisdiction to:

(a) Seek injunctive relief to cease further construction of the potentially at-risk structure or infrastructure or to enforce compliance with this section or with rules adopted by the department pursuant to this section.

(b) If the potentially at-risk structure or infrastructure has been completed or has been substantially completed, seek recovery of all or a portion of state funds expended on the potentially at-risk structure or infrastructure.

(5) This section does not create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in the SLIP study.

(6) The department:

(a) Shall publish and maintain a copy of each SLIP study submitted pursuant to this section on its website for at least 10 years after the date the department receives the study. However, any portion of a study containing information that is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution must be redacted by the department before publication.

(b) Shall adopt rules as necessary to administer this section.

(c) May enforce the requirements of this section.

History.—s. 2, ch. 2023-231.

## Chapter 403

### Environmental Control

#### Enforceable Policies

Any additions are underlined, and any deletions are struck-through.

403.011	Short title.
403.021	Legislative declaration; public policy.
403.031	Definitions.
403.051	Meetings; hearings and procedure.
403.061*	Department; powers and duties.
403.0611	Alternative methods of regulatory permitting; department duties.
403.0615	Water resources restoration and preservation.
403.0616*	Real-time water quality monitoring program.
403.0617*	Innovative nutrient and sediment reduction and conservation pilot project program.
403.062	Pollution control; underground, surface, and coastal waters.
403.0623	Environmental data; quality assurance.
403.0625	Environmental laboratory certification; water quality tests conducted by a certified laboratory.
403.063	Groundwater quality monitoring.
403.064	Reuse of reclaimed water.
403.0643	Applicability of rules when reclaimed water is injected into specified receiving groundwater.
403.0645	Reclaimed water use at state facilities.
403.067	Establishment and implementation of total maximum daily loads.
403.0671*	Basin management action plan wastewater reports.
403.0673*	Water quality improvement grant program.
<u>403.0674**</u>	<u>Biosolids grant program.</u>
403.0675*	Progress reports.
403.072	Pollution Prevention Act.
403.073	Pollution prevention; state goal; agency programs; public education.
403.074	Technical assistance by the department.
403.0741	Grease waste removal and disposal.
403.075	Legislative findings.
403.0752	Ecosystem management agreements.
403.076*	Short title.
403.077	Public notification of pollution.
403.078*	Effect on other law.
403.081	Performance by other state agencies.
403.085	Sanitary sewage disposal units; advanced and secondary waste treatment; industrial waste treatment.
403.0855	Biosolids management.
403.086	Sewage disposal facilities; advanced and secondary waste treatment.

- 403.08601\* Leah Schad Memorial Ocean Outfall Program.
- 403.0862 Discharge of waste from state groundwater cleanup operations to publicly owned treatment works.
- 403.087 Permits; general issuance; denial; revocation; prohibition; penalty.
- 403.0871 Florida Permit Fee Trust Fund.
- 403.0872 Operation permits for major sources of air pollution; annual operation license fee.
- 403.0873 Florida Air-Operation License Fee Account.
- 403.08735 Air emissions trading.
- 403.0874\* Air Pollution Control Trust Fund.
- 403.0875 Citation of rule.
- 403.0876 Permits; processing.
- 403.0877 Certification by professionals regulated by the Department of Business and Professional Regulation.
- 403.088 Water pollution operation permits; conditions.
- 403.0881 Wastewater or reuse or disposal systems or water treatment works; construction permits.
- 403.0882 Discharge of demineralization concentrate.
- 403.0885 Establishment of federally approved state National Pollutant Discharge Elimination System (NPDES) Program.
- 403.08852 Clarification of requirements under rule 62-302.520(2), F.A.C.
- 403.0891 State, regional, and local stormwater management plans and programs.
- 403.0893 Stormwater funding; dedicated funds for stormwater management.
- 403.0896 Training and assistance for stormwater management system personnel.
- 403.091 Inspections.
- 403.092 Package sewage treatment facilities; inspection.
- 403.111 Confidential records.
- 403.121 Enforcement; procedure; remedies.
- 403.131 Injunctive relief, remedies.
- 403.135 Persons who accept wastewater for spray irrigation; civil liability.
- 403.141 Civil liability; joint and several liability.
- 403.151 Compliance with rules or orders of department.
- 403.161 Prohibitions, violation, penalty, intent.
- 403.1655 Environmental short-term emergency response program.
- 403.1815 Construction of water distribution mains and sewage collection and transmission systems; local regulation.
- 403.182 Local pollution control programs.
- 403.1832\* Grants and Donations Trust Fund.
- 403.1834 State bonds to finance or refinance facilities; exemption from taxation.
- 403.1835 Water pollution control financial assistance.
- 403.1837 Florida Water Pollution Control Financing Corporation.
- 403.1838 Small Community Sewer Construction Assistance Act.
- 403.191 Construction in relation to other law.
- 403.201 Variances.
- 403.231 Department of Legal Affairs to represent the state.
- 403.251 Safety clause.

- 403.281 Definitions; weather modification law.
- 403.291 Purpose of weather modification law.
- 403.301 Artificial weather modification operation; license required.
- 403.311 Application for weather modification licensing; fee.
- 403.321 Proof of financial responsibility.
- 403.331 Issuance of license; suspension or revocation; renewal.
- 403.341 Filing and publication of notice of intention to operate; limitation on area and time.
- 403.351 Contents of notice of intention.
- 403.361 Publication of notice of intention.
- 403.371 Proof of publication.
- 403.381 Record and reports of operations.
- 403.391 Emergency licenses.
- 403.401 Suspension or revocation of license.
- 403.411 Penalty.
- 403.412 Environmental Protection Act.
- 403.413 Florida Litter Law.
- 403.4131 Litter control.
- 403.41315 Comprehensive illegal dumping, litter, and marine debris control and prevention.
- 403.4132 Litter pickup and removal.
- 403.4133 Adopt-a-Shore Program.
- 403.4135 Litter receptacles.
- 403.414\* Environmental award program.
- 403.415 Motor vehicle noise.
- 403.4151 Exempt motor vehicles.
- 403.4153 Federal preemption.
- 403.4154 Phosphogypsum management program.
- 403.4155 Phosphogypsum management; rulemaking authority.
- 403.501 Short title.
- 403.502 Legislative intent.
- 403.503 Definitions relating to Florida Electrical Power Plant Siting Act.
- 403.504 Department of Environmental Protection; powers and duties enumerated.
- 403.5055 Application for permits pursuant to s. 403.0885.
- 403.506 Applicability, thresholds, and certification.
- 403.5063 Notice of intent to file application.
- 403.5064 Application; schedules.
- 403.5065 Appointment of administrative law judge; powers and duties.
- 403.5066 Determination of completeness.
- 403.50663\* Informational public meetings.
- 403.50665 Land use consistency.
- 403.507 Preliminary statements of issues, reports, project analyses, and studies.
- 403.508 Land use and certification hearings, parties, participants.
- 403.509 Final disposition of application.
- 403.5095 Alteration of time limits.
- 403.510 Superseded laws, regulations, and certification power.

- 403.511 Effect of certification.
- 403.5112 Filing of notice of certified corridor route.
- 403.5113 Postcertification amendments and review.
- 403.5115 Public notice.
- 403.5116 County and municipal authority unaffected by ch. 75-22.
- 403.512 Revocation or suspension of certification.
- 403.513 Review.
- 403.514 Enforcement of compliance.
- 403.515 Availability of information.
- 403.516 Modification of certification.
- 403.517 Supplemental applications for sites certified for ultimate site capacity.
- 403.5175 Existing electrical power plant site certification.
- 403.518 Fees; disposition.
- 403.5185 Law applicable to applications processed under ss. 403.501-403.518.
- 403.519 Exclusive forum for determination of need.
- 403.52 Short title.
- 403.521 Legislative intent.
- 403.522 Definitions relating to the Florida Electric Transmission Line Siting Act.
- 403.523 Department of Environmental Protection; powers and duties.
- 403.524 Applicability; certification; exemptions.
- 403.525 Administrative law judge; appointment; powers and duties.
- 403.5251 Application; schedules.
- 403.5252 Determination of completeness.
- 403.526 Preliminary statements of issues, reports, and project analyses; studies.
- 403.527 Certification hearing, parties, participants.
- 403.5271 Alternate corridors.
- 403.5272 Informational public meetings.
- 403.5275 Amendment to the application.
- 403.528 Alteration of time limits.
- 403.529 Final disposition of application.
- 403.531 Effect of certification.
- 403.5312 Filing of notice of certified corridor route.
- 403.5315 Modification of certification.
- 403.5317 Postcertification activities.
- 403.532 Revocation or suspension of certification.
- 403.533 Enforcement of compliance.
- 403.536 Superseded laws, regulations, and certification power.
- 403.5363 Public notices; requirements.
- 403.5365 Fees; disposition.
- 403.537 Determination of need for transmission line; powers and duties.
- 403.539 Certification admissible in eminent domain proceedings; attorney's fees and costs.
- 403.60 Environmental Control Compact; execution authorized.
- 403.702 Legislative findings; public purpose.
- 403.703 Definitions.
- 403.7031 Limitations on definitions adopted by local ordinance.

- 403.7032 Recycling.
- 403.7033 Departmental analysis of particular recyclable materials.
- 403.704 Powers and duties of the department.
- 403.7043 Compost standards and applications.
- 403.7045 Application of act and integration with other acts.
- 403.7046 Regulation of recovered materials.
- 403.7047 Regulation of fossil fuel combustion products.
- 403.7049 Determination of full cost for solid waste management; local solid waste management fees.
- 403.705 State solid waste management program.
- 403.7055 Methane capture.
- 403.706 Local government solid waste responsibilities.
- 403.70605 Solid waste collection services in competition with private companies.
- 403.7061 Requirements for review of new waste-to-energy facility capacity by the Department of Environmental Protection.
- 403.70611\* Requirements relating to solid waste disposal facility permitting.
- 403.7063 Use of private services in solid waste management.
- 403.7065 Procurement of products or materials with recycled content.
- 403.707 Permits.
- 403.7071 Management of storm-generated debris.
- 403.70715 Research, development, and demonstration permits.
- 403.7072 Citation of rule.
- 403.708 Prohibition; penalty.
- 403.709\* Solid Waste Management Trust Fund; use of waste tire fees.
- 403.7095\* Solid waste management grant program.
- 403.712 Revenue bonds.
- 403.7125\* Financial assurance.
- 403.713 Ownership and control of solid waste and recovered materials.
- 403.714 Duties of state agencies.
- 403.7145 Recycling.
- 403.715 Certification of resource recovery or recycling equipment.
- 403.716 Training of operators of solid waste management and other facilities.
- 403.717 Waste tire and lead-acid battery requirements.
- 403.718 Waste tire fees.
- 403.7185 Lead-acid battery fees.
- 403.71851 Electronic recycling grants.
- 403.71852 Collection of lead-containing products.
- 403.7186 Environmentally sound management of mercury-containing devices and lamps.
- 403.7191 Toxics in packaging.
- 403.7192 Batteries; requirements for consumer, manufacturers, and sellers; penalties.
- 403.7193 Environmental representations.
- 403.72 Identification, listing, and notification.

- 403.721 Standards, requirements, and procedures for generators and transporters of hazardous waste and owners and operators of hazardous waste facilities.
- 403.7211 Hazardous waste facilities managing hazardous wastes generated offsite; federal facilities managing hazardous waste.
- 403.7215 Tax on gross receipts of commercial hazardous waste facilities.
- 403.722 Permits; hazardous waste disposal, storage, and treatment facilities.
- 403.7222 Prohibition of hazardous waste landfills.
- 403.7223 Waste elimination and reduction assistance program.
- 403.7225 Local hazardous waste management assessments.
- 403.7226 Technical assistance by the department.
- 403.723 Siting of hazardous waste facilities.
- 403.7234 Small quantity generator notification and verification program.
- 403.7236 Local government information to be sent to the department.
- 403.7238 Expanded local hazardous waste management programs.
- 403.724 Financial responsibility.
- 403.7255 Placement of signs.
- 403.726 Abatement of imminent hazard caused by hazardous substance.
- 403.7264\* Amnesty days for purging small quantities of hazardous wastes.
- 403.7265 Local hazardous waste collection program.
- 403.727 Violations; defenses, penalties, and remedies.
- 403.728 Qualifications of operation personnel of hazardous waste facilities.
- 403.74 Management of hazardous materials by governmental agencies.
- 403.75 Definitions relating to used oil.
- 403.751 Prohibited actions; used oil.
- 403.753 Public educational program about collection and recycling of used oil.
- 403.7531 Notice by retail dealer.
- 403.754 Registration of persons transporting, processing, burning, or marketing used oil; fees; reports and records.
- 403.7545 Regulation of used oil as hazardous waste.
- 403.757 Coordination with other state agencies.
- 403.758 Enforcement and penalty.
- 403.759 Disposition of fees, fines, and penalties.
- 403.760 Public used oil collection centers.
- 403.761 Incentives program.
- 403.763\* Grants to local governments.
- 403.767 Certification of used oil transporters.
- 403.769 Permits for used oil processing and rerefining facilities.
- 403.7721 Rule of construction; chs. 85-269 and 85-277.
- 403.801 Short title.
- 403.802 Declaration of policy.
- 403.803 Definitions.
- 403.804 Environmental Regulation Commission; powers and duties.
- 403.805\* Secretary; powers and duties; review of specified rules.
- 403.8051 Small Business Air Pollution Compliance Advisory Council; members; duties.

403.8052	Small Business Stationary Air Pollution Source Technical and Environmental Compliance Assistance Program.
403.8055*	Department adoption of federal standards.
403.809	Environmental districts; establishment; managers; functions.
403.811	Dredge and fill permits issued pursuant to this chapter and s. 373.414.
403.812	Dredge and fill permitting in stormwater management systems.
403.813	Permits issued at district centers; exceptions.
403.8135	Citation of rule.
403.814	General permits; delegation.
403.8141	Special event permits.
403.815	Public notice; waiver of hearings.
403.816	Permits for maintenance dredging of deepwater ports and beach restoration projects.
403.8163	Sites for disposal of spoil from maintenance dredge operations; selection.
403.850	Short title.
403.851	Declaration of policy; intent.
403.852	Definitions; ss. 403.850-403.864.
403.853	Drinking water standards.
403.8532	Drinking water state revolving loan fund; use; rules.
403.8533	Drinking Water Revolving Loan Trust Fund.
403.8535	Citation of rule.
403.854	Variances, exemptions, and waivers.
403.855	Imminent hazards.
403.856	Plan for emergency provision of water.
403.857	Notification of users and regulatory agencies.
403.858	Inspections.
403.859	Prohibited acts.
403.860	Penalties and remedies.
403.861	Department; powers and duties.
403.8615	Determination of capability and capacity development.
403.862	Department of Health; public water supply duties and responsibilities; coordinated budget requests with department.
403.863	State public water supply laboratory certification program.
403.8635	State drinking water sample laboratory certification program.
403.864	Public water supply accounting program.
403.8645	Intended Use Plan.
403.865	Water and wastewater facility personnel; legislative purpose.
403.866	Definitions; ss. 403.865-403.876.
403.867	License required.
403.868	Requirements by a utility.
403.869	Authority to adopt rules.
403.871*	Fees.
403.872	Requirements for licensure.
403.8721**	<u>Requirements for licensure by reciprocity.</u>
403.873*	Renewal of license.
403.874*	Inactive status.

- 403.875 Prohibitions; penalties.
- 403.876 Grounds for disciplinary action.
- 403.88 Classification of water and wastewater treatment facilities and facility operators.
- 403.885\* Water Projects Grant Program.
- 403.890 Water Protection and Sustainability Program.
- 403.891 Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection.
- 403.892\* Incentives for the use of graywater technologies.
- 403.90 Judicial review relating to permits and licenses.
- 403.905 Removal of fill on sovereignty lands.
- 403.927 Use of water in farming and forestry activities.
- 403.928\* Assessment of water resources and conservation lands.
- 403.9301\* Wastewater services projections.
- 403.9302\* Stormwater management projections.
- 403.9321 Short title.
- 403.9322 Legislative findings.
- 403.9323 Legislative intent.
- 403.9324 Mangrove protection rule; delegation of mangrove protection to local governments.
- 403.9325 Definitions.
- 403.9326 Exemptions.
- 403.9327 General permits.
- 403.93271 Applicability to multifamily residential units.
- 403.9328 Alteration and trimming of mangroves; permit requirement.
- 403.9329 Professional mangrove trimmers.
- 403.9331 Applicability; rules and policies.
- 403.9332 Mitigation and enforcement.
- 403.9333 Variance relief.
- 403.9334 Effect of ch. 96-206.
- 403.93344\*\* Seagrass Restoration Technology Development Initiative; Initiative Technology Advisory Council.
- 403.93345 Coral reef protection.
- 403.9335 Short title.
- 403.9336 Legislative findings.
- 403.9337 Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.
- 403.9338 Training.
- 403.9339 Golf course best management practices certification.
- 403.9401 Short title.
- 403.9402 Legislative intent.
- 403.9403 Definitions.
- 403.9404 Department of Environmental Protection; powers and duties.
- 403.9405 Applicability; certification; exemption; notice of intent.
- 403.94055 Application contents; corridor requirements.
- 403.9406 Appointment of an administrative law judge.
- 403.9407 Distribution of application; schedules.

- 403.9408 Determination of completeness.
- 403.9409 Determination of sufficiency.
- 403.941\* Preliminary statements of issues, reports, and studies.
- 403.9411 Notice; proceedings; parties and participants.
- 403.9412 Alternate corridors.
- 403.9413 Amendment to the application.
- 403.9414 Alteration of time limits.
- 403.9415 Final disposition of application.
- 403.9416 Effect of certification.
- 403.9417 Recording of notice of certified corridor route.
- 403.9418 Modification of certification.
- 403.9419 Enforcement of compliance.
- 403.942 Superseded laws, regulations, and certification power.
- 403.9421 Fees; disposition.
- 403.9422 Determination of need for natural gas transmission pipeline; powers and duties.
- 403.9423 Certification admissible in eminent domain proceedings; attorney's fees and costs.
- 403.9424 Local governments; informational public meetings.
- 403.9425 Revocation or suspension of certification.
- 403.973 Expedited permitting; amendments to comprehensive plans.

\*Sections 403.061(40), .0616, .0617, .0671, .0673, .0675, .076, .078, .08601, .0874, 1832, .414, .50663, .70611, .709, .7095, .7125(2)&(3), .7264, .763, .805, .8055, .871, .873, .874, .885, .892, .928, .9301, .9302 and .941 are not considered enforceable policies for federal consistency purposes.

\*\*Sections 403.0674, .8721 and .93344 are not proposed as enforceable policies for federal consistency purposes.

## Chapter 403 Environmental Control

### **403.0674 Biosolids grant program.—**

A biosolids grant program is established within the department.

(1) Subject to the appropriation of funds by the Legislature, the department may provide grants to counties, special districts, and municipalities in this state to support projects that:

(a) Evaluate and implement innovative technologies and solutions for the disposal of biosolids; or

(b) Construct, upgrade, expand, or retrofit domestic facilities that convert wastewater residuals to Class AA biosolids, nonfertilizer uses or disposal methods, or alternatives to synthetic fertilizers.

(2) An applicant for a biosolids grant must be a county, special district, or municipality; however, applicants are encouraged to form public-private partnerships with private utilities and firms.

(3) Projects eligible for funding under this section may include, but are not limited to, projects that:

(a) Reduce the amount of nutrients in biosolids.

(b) Reduce the amount of emerging contaminants in biosolids.

(c) Provide alternatives to the land application or landfilling of biosolids as a method of disposal.

(4) In allocating grant funds, the department shall prioritize projects by considering the environmental benefit that a project may provide. To evaluate the environmental benefit of a project, the department shall review an analysis of how the project's conversion of wastewater residuals to Class AA biosolids, nonfertilizer uses or disposal methods, alternatives to synthetic fertilizers derived from wastewater residuals, or innovative technologies and solutions for the disposal of biosolids are projected to minimize the impact of nutrients and other pollutants on water quality and the environment.

(5) The department shall administer the grant program so that at least 10 percent of the funds made available each year under this section are reserved for projects within an area designated as a rural area of opportunity under s. 288.0656. If the department does not receive sufficient applications for projects within an area designated as a rural area of opportunity, the department may reallocate the reserved funds to other projects prioritized by the department pursuant to subsection (4).

(6)(a) Except as provided in paragraph (b), the department shall require that each biosolids grant has a minimum of a 50 percent funding match from local, state, federal, or private funds.

(b) The department may waive, in whole or in part, the funding match requirement in paragraph (a) for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

(7) The department shall develop annual reporting requirements for each county, special district, or municipality awarded a grant under this section which must include the phosphorous and nitrogen content, the type, and the amount of each grant-funded product derived from wastewater residuals and the buyers and users of such products.  
History.—s. 1, ch. 2023-293.

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

(1)(a) The Department of Health or any other state agency, county, special district, or municipality may not approve construction of any sewage disposal facilities which do not provide for secondary waste treatment and advanced waste treatment as deemed necessary and ordered by the department.

(b) Sewage disposal facilities constructed after June 14, 1978, may not dispose of any wastes by deep well injection without providing for secondary waste treatment and advanced waste treatment deemed necessary by the department to protect adequately the beneficial use of the receiving waters.

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

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

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

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

2. For any waterbody determined not to be attaining nutrient or nutrient-related standards after July 1, 2023, or subject to a nutrient or nutrient-related basin management action plan adopted pursuant to s. 403.067 or adopted reasonable assurance plan after July 1, 2023, sewage disposal facilities are prohibited from disposing any wastes into such waters without providing advanced waste treatment, as defined in subsection (4), as approved by the department within 10 years after such determination or adoption. ~~without providing advanced waste treatment, as defined in subsection (4), approved by the department. This paragraph does not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.~~

(2) All sewage disposal facilities shall provide for secondary waste treatment, a power outage contingency plan that mitigates the impacts of power outages on the utility's collection system and pump stations, and advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform is punishable by a civil penalty of \$750 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(3) This section shall not be construed to prohibit or regulate septic tanks or other means of individual waste disposal which are otherwise subject to state regulation.

(4) For purposes of this section, the term "advanced waste treatment" means that treatment which will provide a reclaimed water product that:

(a) Contains not more, on a permitted annual average basis, than the following concentrations:

1. Biochemical Oxygen Demand (CBOD5).....5mg/l
2. Suspended Solids.....5mg/l
3. Total Nitrogen, expressed as N.....3mg/l
4. Total Phosphorus, expressed as P.....1mg/l

(b) Has received high level disinfection, as defined by rule of the department.

In those waters where the concentrations of phosphorus have been shown not to be a limiting nutrient or a contaminant, the department may waive or alter the compliance levels for phosphorus until there is a demonstration that phosphorus is a limiting nutrient or a contaminant.

(5)(a) Notwithstanding any other provisions of this chapter or chapter 373, when a reclaimed water product has been established to be in compliance with the standards set forth in subsection (4), that water shall be presumed to be allowable, and its discharge shall be permitted in the waters described in paragraph (1)(c) at a reasonably accessible point where such discharge results in minimal negative impact. This presumption may be overcome only by a demonstration that one or more of the following would occur:

1. That the discharge of reclaimed water that meets the standards set forth in subsection (4) will be, by itself, a cause of considerable degradation to an Outstanding Florida Water or to other waters and is not clearly in the public interest.
2. That the reclaimed water discharge will have a substantial negative impact on an approved shellfish harvesting area or a water used as a public domestic water supply.
3. That the increased volume of fresh water contributed by the reclaimed water product will seriously alter the natural fresh-salt water balance of the receiving water after reasonable opportunity for mixing.

(b) If one or more of the conditions described in subparagraphs (a)1.-3. have been demonstrated, remedies may include, but are not limited to, the following:

1. Require more stringent effluent limitations;
2. Order the point or method of discharge changed;
3. Limit the duration or volume of the discharge; or
4. Prohibit the discharge only if no other alternative is in the public interest.

(6) Any facility covered in paragraph (1)(c) shall be permitted to discharge if it meets the standards set forth in subsections (4) and (5). All of the facilities covered in paragraph (1)(c) shall be required to meet the standards set forth in subsections (4) and (5).

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and replacement action plans with a 5-year planning horizon that comply with department rule to limit, reduce, and eliminate leaks, seepages, or inputs into wastewater treatment systems' underground pipes. The pipe assessment, repair, and replacement action plans must be reported to

the department. The facility action plans must include information regarding the annual expenditures dedicated to the inflow and infiltration studies and the required replacement action plans; expenditures that are dedicated to pipe assessment, repair, and replacement; and expenditures designed to limit the presence of fats, roots, oils, and grease in the facility's collection system. The department shall adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys; however, such rules may not fix or revise utility rates or budgets. A utility or an operating entity subject to this subsection and s. 403.061(14) may submit one report to comply with both requirements. Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141.

(8)(a) The department shall allow backup discharges pursuant to permit only. The backup discharge shall be limited to 30 percent of the permitted reuse capacity on an annual basis. For purposes of this subsection, a "backup discharge" is a surface water discharge that occurs as part of a functioning reuse system which has been permitted under department rules and which provides reclaimed water for irrigation of public access areas, residential properties, or edible food crops, or for industrial cooling or other acceptable reuse purposes. Backup discharges may occur during periods of reduced demand for reclaimed water in the reuse system.

(b) Notwithstanding any other provisions of this chapter or chapter 373, backup discharges of reclaimed water meeting the standards as set forth in subsection (4) shall be presumed to be allowable and shall be permitted in all waters in the state at a reasonably accessible point where such discharge results in minimal negative impact. Wet weather discharges as provided in s. 2(3)(c), chapter 90-262, Laws of Florida, shall include backup discharges as provided in this section. The presumption of the allowability of a backup discharge may be overcome only by a demonstration that one or more of the following conditions is present:

1. The discharge will be to an Outstanding Florida Water, except as provided in chapter 90-262, Laws of Florida;
2. The discharge will be to Class I or Class II waters;
3. The increased volume of fresh water contributed by a backup discharge will seriously alter the natural freshwater to saltwater balance of receiving waters after reasonable opportunity for mixing;
4. The discharge will be to a water body having a pollutant load reduction goal established by a water management district or the department, and the discharge will cause or contribute to a violation of the established goal;
5. The discharge fails to meet the requirements of the antidegradation policy contained in department rules; or
6. The discharge will be to waters that the department determines require more stringent nutrient limits than those set forth in subsection (4).

(c) Any backup discharge shall be subject to the provisions of the antidegradation policy contained in department rules.

(d) If one or more of the conditions described in paragraph (b) have been demonstrated, a backup discharge may still be allowed in conjunction with one or more of the remedies provided in paragraph (5)(b) or other suitable measures.

- (e) The department shall allow lower levels of treatment of reclaimed water if the applicant affirmatively demonstrates that water quality standards will be met during periods of backup discharge and if all other requirements of this subsection are met.
- (9) The department may require backflow prevention devices on potable water lines within reclaimed water service areas to protect public health and safety. The department shall establish rules that determine when backflow prevention devices on potable water lines are necessary and when such devices are not necessary.
- (10) The Legislature finds that the discharge of domestic wastewater through ocean outfalls wastes valuable water supplies that should be reclaimed for beneficial purposes to meet public and natural systems demands. The Legislature also finds that discharge of domestic wastewater through ocean outfalls compromises the coastal environment, quality of life, and local economies that depend on those resources. The Legislature declares that more stringent treatment and management requirements for such domestic wastewater and the subsequent, timely elimination of ocean outfalls as a primary means of domestic wastewater discharge are in the public interest.
- (a) The construction of new ocean outfalls for domestic wastewater discharge and the expansion of existing ocean outfalls for this purpose, along with associated pumping and piping systems, are prohibited. Each domestic wastewater ocean outfall shall be limited to the discharge capacity specified in the department permit authorizing the outfall in effect on July 1, 2008, which discharge capacity shall not be increased. Maintenance of existing, department-authorized domestic wastewater ocean outfalls and associated pumping and piping systems is allowed, subject to the requirements of this section. The department is directed to work with the United States Environmental Protection Agency to ensure that the requirements of this subsection are implemented consistently for all domestic wastewater facilities in the state which discharge through ocean outfalls.
- (b) The discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements by December 31, 2018. For purposes of this subsection, the term “advanced wastewater treatment and management requirements” means the advanced waste treatment requirements set forth in subsection (4), a reduction in outfall baseline loadings of total nitrogen and total phosphorus which is equivalent to that which would be achieved by the advanced waste treatment requirements in subsection (4), or a reduction in cumulative outfall loadings of total nitrogen and total phosphorus occurring between December 31, 2008, and December 31, 2025, which is equivalent to that which would be achieved if the advanced waste treatment requirements in subsection (4) were fully implemented beginning December 31, 2018, and continued through December 31, 2025. The department shall establish the average baseline loadings of total nitrogen and total phosphorus for each outfall using monitoring data available for calendar years 2003 through 2007 and establish required loading reductions based on this baseline. The baseline loadings and required loading reductions of total nitrogen and total phosphorus shall be expressed as an average annual daily loading value. The advanced wastewater treatment and management requirements of this paragraph are deemed met for any domestic wastewater facility discharging through an ocean outfall on July 1, 2008, which has installed by December 31, 2018, a fully operational reuse system comprising 100

percent of the facility's baseline flow on an annual basis for reuse activities authorized by the department.

(c)1. Each utility that had a permit for a domestic wastewater facility that discharged through an ocean outfall on July 1, 2008, must install, or cause to be installed, a functioning reuse system within the utility's service area or, by contract with another utility, within Miami-Dade County, Broward County, or Palm Beach County by December 31, 2025. For purposes of this subsection, a "functioning reuse system" means an environmentally, economically, and technically feasible system that provides a minimum of 60 percent of a facility's baseline flow on an annual basis for irrigation of public access areas, residential properties, or agricultural crops; aquifer recharge; groundwater recharge; industrial cooling; or other acceptable reuse purposes authorized by the department. For purposes of this subsection, the term "baseline flow" means the annual average flow of domestic wastewater discharging through the facility's ocean outfall, as determined by the department, using monitoring data available for calendar years 2003 through 2007.

2. Flows diverted from facilities to other facilities that provide 100-percent reuse of the diverted flows before December 31, 2025, are considered to contribute to meeting the reuse requirement. For utilities operating more than one outfall, the reuse requirement may be apportioned between the facilities served by the outfalls, including flows diverted to other facilities for 100-percent reuse before December 31, 2025. Utilities that shared a common ocean outfall for the discharge of domestic wastewater on July 1, 2008, regardless of which utility operates the ocean outfall, are individually responsible for meeting the reuse requirement and may enter into binding agreements to share or transfer such responsibility among the utilities. If treatment in addition to the advanced wastewater treatment and management requirements described in paragraph (b) is needed to support a functioning reuse system, the treatment must be fully operational by December 31, 2025.

3. If a facility that discharges through an ocean outfall contracts with another utility to install a functioning reuse system, the department must approve any apportionment of the reuse generated from the new or expanded reuse system that is intended to satisfy all or a portion of the reuse requirements pursuant to subparagraph 1. If a contract is between two utilities that have reuse requirements pursuant to subparagraph 1., the reuse apportioned to each utility's requirement may not exceed the total reuse generated by the new or expanded reuse system. A utility shall provide the department a copy of any contract with another utility that reflects an agreement between the utilities which is subject to the requirements of this subparagraph.

(d) The discharge of domestic wastewater through ocean outfalls is prohibited after December 31, 2025, except as a backup discharge that is part of a functioning reuse system or other wastewater management system authorized by the department. Except as otherwise provided in this subsection, a backup discharge may occur only during periods of reduced demand for reclaimed water in the reuse system, such as periods of wet weather, or as the result of peak flows from other wastewater management systems, and must comply with the advanced wastewater treatment and management requirements of paragraph (b). Peak flow backup discharges from other wastewater management systems may not cumulatively exceed 5 percent of a facility's baseline flow, measured as a 5-year rolling average, and are subject to applicable secondary

waste treatment and water-quality-based effluent limitations specified in department rules. If peak flow backup discharges are in compliance with the effluent limitations, the discharges are deemed to meet the advanced wastewater treatment and management requirements of this subsection.

(e) By December 31, 2009, and by December 31 every 5 years thereafter, the holder of a department permit authorizing the discharge of domestic wastewater through an ocean outfall shall submit to the secretary of the department a report summarizing the actions accomplished to date and the actions remaining and proposed to meet the requirements of this subsection, including progress toward meeting the specific deadlines set forth in paragraphs (b) through (d). The report shall include the detailed schedule for and status of the evaluation of reuse and disposal options, preparation of preliminary design reports, preparation and submittal of permit applications, construction initiation, construction progress milestones, construction completion, initiation of operation, and continuing operation and maintenance.

(f) By July 1, 2010, and by July 1 every 5 years thereafter, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the implementation of this subsection. In the report, the department shall summarize progress to date, including the increased amount of reclaimed water provided and potable water offsets achieved, and identify any obstacles to continued progress, including all instances of substantial noncompliance.

(g) The renewal of each permit that authorizes the discharge of domestic wastewater through an ocean outfall as of July 1, 2008, must be accompanied by an order in accordance with s. 403.088(2)(e) and (f) which establishes an enforceable compliance schedule consistent with the requirements of this subsection.

(h) An entity that diverts wastewater flow from a receiving facility that discharges domestic wastewater through an ocean outfall must meet the reuse requirement of paragraph (c). Reuse by the diverting entity of the diverted flows shall be credited to the diverting entity. The diverted flow shall also be correspondingly deducted from the receiving facility's baseline flow from which the required reuse is calculated pursuant to paragraph (c), and the receiving facility's reuse requirement shall be recalculated accordingly.

(11) The Legislature finds that the discharge of inadequately treated and managed domestic wastewater from dozens of small wastewater facilities and thousands of septic tanks and other onsite systems in the Florida Keys compromises the quality of the coastal environment, including nearshore and offshore waters, and threatens the quality of life and local economies that depend on those resources. The Legislature also finds that the only practical and cost-effective way to fundamentally improve wastewater management in the Florida Keys is for the local governments in Monroe County, including those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage, to timely complete the wastewater or sewage treatment and disposal facilities initiated under the work program of Administration Commission rule 28-20, Florida Administrative Code, and the Monroe County Sanitary Master Wastewater Plan, dated June 2000. The Legislature therefore declares that the construction and operation of comprehensive central wastewater systems in accordance with this subsection is in the public interest. To give effect to those findings, the requirements of this subsection apply to all domestic wastewater facilities in Monroe

County, including privately owned facilities, unless otherwise provided under this subsection.

- (a) The discharge of domestic wastewater into surface waters is prohibited.
- (b) Monroe County, each municipality, and those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage in Monroe County shall complete the wastewater collection, treatment, and disposal facilities within its jurisdiction designated as hot spots in the Monroe County Sanitary Master Wastewater Plan, dated June 2000, specifically listed in Exhibits 6-1 through 6-3 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F of the plan. The required facilities and connections, and any additional facilities or other adjustments required by rules adopted by the Administration Commission under s. 380.0552, must be completed by December 31, 2015, pursuant to specific schedules established by the commission. Domestic wastewater facilities located outside local government and special district service areas must meet the treatment and disposal requirements of this subsection by December 31, 2015.
- (c) After December 31, 2015, all new or expanded domestic wastewater discharges must comply with the treatment and disposal requirements of this subsection and department rules.
- (d) Wastewater treatment facilities having design capacities:
  - 1. Greater than or equal to 100,000 gallons per day must provide basic disinfection as defined by department rule and the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:
    - a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.
    - b. Suspended Solids of 5 mg/l.
    - c. Total Nitrogen, expressed as N, of 3 mg/l.
    - d. Total Phosphorus, expressed as P, of 1 mg/l.
  - 2. Less than 100,000 gallons per day must provide basic disinfection as defined by department rule and the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:
    - a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
    - b. Suspended Solids of 10 mg/l.
    - c. Total Nitrogen, expressed as N, of 10 mg/l.
    - d. Total Phosphorus, expressed as P, of 1 mg/l.
- (e) Class V injection wells, as defined by department or Department of Health rule, must meet the following requirements and otherwise comply with department or Department of Health rules, as applicable:
  - 1. If the design capacity of the facility is less than 1 million gallons per day, the injection well must be at least 90 feet deep and cased to a minimum depth of 60 feet or to such greater cased depth and total well depth as may be required by department rule.
  - 2. Except as provided in subparagraph 3. for backup wells, if the design capacity of the facility is equal to or greater than 1 million gallons per day, each primary injection well must be cased to a minimum depth of 2,000 feet or to such greater depth as may be required by department rule.

3. If an injection well is used as a backup to a primary injection well, the following conditions apply:
    - a. The backup well may be used only when the primary injection well is out of service because of equipment failure, power failure, or the need for mechanical integrity testing or repair;
    - b. The backup well may not be used for more than a total of 500 hours during any 5-year period unless specifically authorized in writing by the department;
    - c. The backup well must be at least 90 feet deep and cased to a minimum depth of 60 feet, or to such greater cased depth and total well depth as may be required by department rule; and
    - d. Fluid injected into the backup well must meet the requirements of paragraph (d).
    - (f) The requirements of paragraphs (d) and (e) do not apply to:
      1. Class I injection wells as defined by department rule, including any authorized mechanical integrity tests;
      2. Authorized mechanical integrity tests associated with Class V wells as defined by department rule; or
      3. The following types of reuse systems authorized by department rule:
        - a. Slow-rate land application systems;
        - b. Industrial uses of reclaimed water; and
        - c. Use of reclaimed water for toilet flushing, fire protection, vehicle washing, construction dust control, and decorative water features.
- However, disposal systems serving as backups to reuse systems must comply with the other provisions of this subsection.
- (g) For wastewater treatment facilities in operation as of July 1, 2010, which are located within areas to be served by Monroe County, municipalities in Monroe County, or those special districts established for the purpose of collection, transmission, treatment, or disposal of sewage but which are owned by other entities, the requirements of paragraphs (d) and (e) do not apply until January 1, 2016. Wastewater operating permits issued pursuant to this chapter and in effect for these facilities as of June 30, 2010, are extended until December 31, 2015, or until the facility is connected to a local government central wastewater system, whichever occurs first. Wastewater treatment facilities in operation after December 31, 2015, must comply with the treatment and disposal requirements of this subsection and department rules.
  - (h) If it is demonstrated that a discharge, even if the discharge is otherwise in compliance with this subsection, will cause or contribute to a violation of state water quality standards, the department shall:
    1. Require more stringent effluent limitations;
    2. Order the point or method of discharge changed;
    3. Limit the duration or volume of the discharge; or
    4. Prohibit the discharge.
  - (i) All sewage treatment facilities must monitor effluent for total nitrogen and total phosphorus concentration as required by department rule.
  - (j) The department shall require the levels of operator certification and staffing necessary to ensure proper operation and maintenance of sewage facilities.
  - (k) The department may adopt rules necessary to carry out this subsection.

(l) The authority of a local government, including a special district, to mandate connection of a wastewater facility, as defined by department rule, is governed by s. 4, chapter 99-395, Laws of Florida.

History.—ss. 1, 2, 3, ch. 71-259; s. 2, ch. 71-137; s. 1, ch. 72-58; s. 271, ch. 77-147; s. 1, ch. 78-206; s. 75, ch. 79-65; s. 1, ch. 80-371; s. 1, ch. 81-246; s. 262, ch. 81-259; s. 2, ch. 86-173; s. 1, ch. 87-303; s. 71, ch. 93-213; s. 2, ch. 94-153; s. 361, ch. 94-356; s. 158, ch. 99-8; s. 25, ch. 2000-153; s. 12, ch. 2000-211; s. 6, ch. 2008-232; s. 38, ch. 2010-205; s. 73, ch. 2013-15; s. 1, ch. 2013-31; s. 17, ch. 2020-150; s. 16, ch. 2020-158; s. 2, ch. 2021-47; s. 43, ch. 2022-4; s. 16, ch. 2023-169.

**403.8721 Requirements for licensure by reciprocity.—**

(1) The department shall issue a license by reciprocity to any applicant who, at a minimum, meets all of the following requirements:

(a) Is a water treatment plant operator, water distribution system operator, or domestic wastewater treatment plant operator and holds an active and valid license from another state, the Federal Government, a territory or tribal government that has been designated as the primary agency by the United States Environmental Protection Agency, or any unit thereof for which the licensure requirements, including education and operational experience, are comparable to or exceed the licensure requirements of s. 403.872.

(b) Has passed a licensure examination comparable to the licensure examination of the department, subject to approval by the department.

(c) Is not the subject of a disciplinary or enforcement action outside this state at the time of application for reciprocal licensure.

(d) Submits a completed application for reciprocal licensure and any required supporting documentation.

(e) Remits the application fee.

(2) The department shall issue a license by reciprocity to any applicant who has performed duties comparable to a water treatment plant operator, water distribution system operator, or domestic wastewater treatment plant operator while serving in the United States Armed Forces for which the requirements for performing the duties, including education and operational experience, are comparable to or exceed the licensure requirements of s. 403.872.

(a) Any person applying for a license by reciprocity under this subsection must, at a minimum, meet all of the following requirements:

1. Have passed a skill assessment or competency examination comparable to the licensure examination of the department, subject to approval by the department.

2. Not have been the subject of a disciplinary or enforcement action at the time of application for reciprocal licensure.

3. Submit a completed application for reciprocal licensure and any required supporting documentation.

4. Remit the application fee.

(b) If an applicant does not meet the requirements for licensure under subparagraphs (a)1. and 2., the department must award education and operational experience credits for licensure under s. 403.872.

(3) During a state of emergency declared pursuant to s. 252.36, the department:

(a) May issue a temporary water treatment plant operator license, water distribution system operator license, or domestic wastewater treatment plant operator license by reciprocity to any applicant who meets the requirements of subsection (1) or subsection (2).

(b) Shall waive the application fee for a temporary operator license under this subsection.

(4) The department shall adopt rules to implement this section.

History.—s. 3, ch. 2023-204.

**1403.93344 Seagrass Restoration Technology Development Initiative; Initiative Technology Advisory Council.—**

(1) It is the intent of the Legislature to establish a collaborative and coordinated effort among public and private research entities to develop restoration technologies and approaches to address the loss of seagrass and the cascading ecological and economic impacts of that loss to communities in this state.

(2) As used in this section, the term:

(a) “Department” means the Department of Environmental Protection.

(b) “Initiative” means the Seagrass Restoration Technology Development Initiative.

(c) “Program” means the Aquatic Preserve Program within the department’s Office of Resilience and Coastal Protection.

(3) The Seagrass Restoration Technology Development Initiative is established within the department as a partnership between the program, Mote Marine Laboratory, and the University of Florida.

(a) The purpose of the initiative is to take the lead in and expedite the development of cost-efficient innovative technologies and approaches that are critically needed to restore coastal seagrass ecosystems by building upon research and restoration efforts in the public and private sectors.

(b) The goal of the initiative is to develop, test, and implement innovative, effective, cost-efficient, and environmentally sustainable technologies and approaches for restoring coastal seagrass ecosystems.

(c) The department shall award funds specifically appropriated by the Legislature for the initiative to Mote Marine Laboratory, which shall function as the lead administrative component to achieve the goals of the initiative.

1. Mote Marine Laboratory may, with the concurrence of the department, use a portion of the awarded funds to facilitate additional engagement with other pertinent marine science and technology development organizations in this state and around the world to pursue applied research and technology for the successful restoration of seagrass ecosystems.

2. Mote Marine Laboratory may not use more than 5 percent of its awarded funds for direct annual initiative administration and coordination costs.

3. The initiative shall leverage state-appropriated funds with additional funds from private and federal sources.

(d) In collaboration with the program, Mote Marine Laboratory and the University of Florida shall create a 10-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative.

(e) Beginning January 15, 2024, and each January 15 thereafter until its expiration, the initiative shall submit a report that contains an overview of its accomplishments to date and priorities for subsequent years to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Fish and Wildlife Conservation Commission.

(4) The Initiative Technology Advisory Council, an advisory council as defined in s. 20.03, is established as part of the initiative. The advisory council's membership must include marine science, technology development, and natural resource management representatives from this state's aquatic preserves, private organizations, and public or private research institutions. The council shall meet at least twice annually.

(a) The council shall be co-chaired by the president and chief executive officer of Mote Marine Laboratory and a representative from the University of Florida and shall be composed of the following members:

1. One member from a private commercial enterprise, appointed by the Governor.

2. One member from a public or private university in this state, appointed by the President of the Senate.

3. One member from a non-university public or private marine environmental organization, appointed by the Speaker of the House of Representatives.

4. One member from the program who has expertise in seagrass ecosystems, appointed by the Secretary of Environmental Protection.

5. One member from the Fish and Wildlife Research Institute who has expertise in seagrass, appointed by the executive director of the Fish and Wildlife Conservation Commission.

(b) Council members shall serve staggered 2-year terms and may be reappointed.

(c) Council members shall serve without compensation, and each organization represented shall cover all expenses of its respective representative.

(5) Pending the completion of the research conducted pursuant to this section and any recommendations of the council, the department shall, subject to legislative appropriation, implement seagrass restoration projects that are procured on a payment-for-performance basis to protect the investment made by this state in seagrass restoration efforts.

(6) This section expires June 30, 2028.

History.—s. 1, ch. 2023-47.

1Note.—Section 2, ch. 2023-47, provides that “[b]eginning in the 2023-2024 fiscal year, and for each fiscal year thereafter through the 2027-2028 fiscal year, the sum of \$2 million is appropriated from the General Revenue Fund to the Department of Environmental Protection for the purpose of implementing s. 403.93344, Florida Statutes, as created by this act.”