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**Chapter 161**  
**Beach and Shore Preservation**  
**Enforceable Policies**

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- 161.021 Definitions.
- 161.031\* Personnel and facilities.
- 161.041 Permits required.
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- 161.101 State and local participation in authorized projects and studies relating to beach management and erosion control.
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- 161.143 Inlet management; planning, prioritizing, funding, approving, and implementing projects.
- 161.144\* Policy guidance related to sand source management.
- 161.151 Definitions.
- 161.161 Procedure for approval of projects.
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- 161.181\* Recording of resolution and survey of board of trustees.

161.191	Vesting of title to lands.
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\*Sections 161.011, .031, .0415, .05301, .071, .091, .111, .121, .144, .163, .181, .25, .26, .27, .28, .29, .31, .32, .33, .34, .35, .37, .38, .39, .40, .45, .52, .53, .57, .70, .72, .73, .74, and .76, F.S., are not considered enforceable policies for federal consistency purposes

\*\*Section 161.551 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 161--Beach and Shore Preservation

### **161.551 Public financing of construction projects within the coastal building zone.—**

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

(a) “Coastal structure” means a major structure or nonhabitable major structure within the coastal building zone.

(b) “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.

(c) “SLIP study” means a sea level impact projection study as established by the department pursuant to subsection (3).

(d) “State-financed constructor” means a public entity that commissions or manages a construction project using funds appropriated from the state.

(e) “Substantial flood damage” means flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.

(2) Beginning 1 year after the date the rule developed by the department pursuant to subsection (3) is finalized and is otherwise in effect, a state-financed constructor may not commence construction of a coastal structure 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 under 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 must be effective 1 year after the date it is finalized and 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 coastal structure 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 coastal structure or 50 years, whichever is less, and, to the extent possible, account for the contribution 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 coastal structure 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 the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less.

5. The assessment must analyze potential public safety and environmental impacts resulting from damage to the coastal structure, 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 coastal structure's design and siting, and 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 coastal structure. If multiple coastal structures 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 coastal structure but has not complied with the SLIP study requirement under subsection (2), the department may institute a civil action in a court of competent jurisdiction to:

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

(b) If the coastal structure has been completed or has been substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure.

(5) This section may not be construed to 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 all SLIP studies submitted pursuant to this section on its website for at least 10 years after receipt. 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.

(7) The department may enforce the requirements of this section.

History.—s. 1, ch. 2020-119.

## **Chapter 163, Part II**

### **Growth Policy; County and Municipal Planning; Land Development Regulation**

#### **Enforceable Policies**

Any additions are underlined and any deletions are struck-through. Enforceable policies include only the subsections identified below.

- 163.3161 Short title; intent and purpose
- 163.3164 Definitions.
- 163.3177 Required and optional elements of comprehensive plan; studies and surveys.
- 163.3178 Coastal management.
- 163.3180 Concurrency.  
(2)
- 163.3184 Process for adoption of comprehensive plan amendment.
- 163.3187 Process for adoption of small-scale comprehensive plan amendment
- 163.3194 Legal status of comprehensive plan.  
(1)(a)
- 163.3202 Land development regulations.  
(2)(a-h)
- 163.3205\* Solar facility approval process
- 163.3220 Short title; legislative intent.  
(2)  
(3)

\*Section 163.3205 is not proposed as an enforceable policy for federal consistency purposes

## **Chapter 163--Intergovernmental Programs: Growth Policy, County and Municipal Planning: Land Development Regulations**

### **163.3205 Solar facility approval process.—**

(1) It is the intent of the Legislature to encourage renewable solar electrical generation throughout this state. It is essential that solar facilities and associated electric infrastructure be constructed and maintained in various locations throughout this state in order to ensure the availability of renewable energy production, which is critical to this state's energy and economic future.

(2) As used in this section, the term "solar facility" means a production facility for electric power which:

(a) Uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite.

(b) Consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components.

(c) May include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

(3) A solar facility shall be a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area and must comply with the setback and landscaped buffer area criteria for other similar uses in the agricultural district.

(4) A county may adopt an ordinance specifying buffer and landscaping requirements for solar facilities. Such requirements may not exceed the requirements for similar uses involving the construction of other facilities that are permitted uses in agricultural land use categories and zoning districts.

(5) This section does not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021.

History.—s. 1, ch. 2021-178.

**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.
<u>252.3611**</u>	<u>Transparency; audits.</u>
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.
252.372	Imposition of collection of surcharge.
252.373	Allocation of funds; rules.
252.38	Emergency management powers of political subdivisions.
252.385	Public shelter space.
252.39	Local services.
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
252.81	Short title.
252.82	Definitions.
252.83	Powers and duties of the department.
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	Department 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, .3655, .515, .62, .63, .905, .921, and .9335, F.S., are not considered enforceable policies for federal consistency purposes

\*\*Section 252.3611 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 252--Emergency Management

### **252.3611 Transparency; audits.—**

(1) Each order, proclamation, or rule issued by the Governor, the division, or any agency must specify the statute or rule being amended or waived, if applicable, and the expiration date for the order, proclamation, or rule.

(2) When the duration of an emergency exceeds 90 days:

(a) Within 72 hours of executing a contract executed with moneys authorized for expenditure to support the response to the declared state of emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy of such contract to the Legislature. For contracts executed during the first 90 days of the emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy to the Legislature within the first 120 days of the declared emergency.

(b) The Executive Office of the Governor or the appropriate agency shall submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the declared state of emergency.

(3) Once an emergency exceeds 1 year, the Auditor General shall conduct a financial audit of all associated expenditures and a compliance audit of all associated contracts entered into during the declared emergency. The Auditor General must update the audit annually until the emergency is declared to be ended.

(4) Following the expiration or termination of a state of emergency, the Auditor General shall conduct a financial audit of all associated expenditures and a compliance audit of all associated contracts entered into during the state of emergency.

History.—s. 9, ch. 2021-8.

**Chapter 259**  
**Land Acquisitions for Conservation or Recreation**  
**Enforceable Policies**

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

- 259.01\* Short title.
- 259.03\* Definitions.
- 259.032\* Conservation and Recreation Lands
- 258.0322\* Reinstitution of payments in lieu of taxes: duration.
- 259.035\* Advisory council; powers and duties.
- 259.036\* Management review teams.
- 259.037\* Land Management Uniform Accounting Council
- 259.04 Board; powers and duties.
- 259.042\* Tax increment financing for conservation lands
- 259.045\* Purchase of lands in areas of critical state concern; recommendations by department and land authorities.
- 259.047\* Acquisition of land on which an agricultural lease exists.
- 259.05\* Issuance of bonds.
- 259.06 Construction.
- 259.07\* Public meetings.
- 259.101\* Florida Preservation 2000 Act.
- 259.105 The Florida Forever Act
- 259.1051\* Florida Forever Trust Fund.
- 259.1052\* Babcock Crescent B Ranch Florida Forever acquisition; conditions for purchase.
- 259.10521\* Citizen support organization; use of property.
- 259.1053\* Babcock Ranch Preserve; Babcock Ranch, Inc.; creation; membership; organization; meetings.
- 259.1055\*\* Florida wildlife corridor.

\*Sections 259.01, .03, .032, .0322, .035, .036, .037, .042, .045, .047, .05, .07, .101, .1051, .1052, .10521, and .1053, F.S., are not considered enforceable policies for federal consistency purposes

\*\*Section 259.1055, F.S., is not proposed as an enforceable policy for federal consistency purposes

## Chapter 259 – Land Acquisition for Conservation and Recreation

### **259.1055 Florida wildlife corridor.—**

(1) SHORT TITLE.—This section may be cited as the “Florida Wildlife Corridor Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that this state’s population is growing rapidly and that lands and waters that provide this state’s green infrastructure and vital habitat for wide-ranging wildlife, such as the Florida panther, need to be preserved and protected. The Legislature further finds that the Florida wildlife corridor is an existing physical, geographically defined area consisting of more than 18 million acres of land, 10 million of which are conservation lands.

(3) PURPOSE.—The purpose of this act, and of the Florida wildlife corridor itself, is to create incentives for conservation and sustainable development while sustaining and conserving the green infrastructure that is the foundation of this state’s economy and quality of life by doing all of the following:

(a) Maintaining wildlife access to the habitats needed to allow for migration of and genetic exchange amongst regional wildlife populations.

(b) Preventing fragmentation of wildlife habitats.

(c) Protecting the headwaters of major watersheds, including the Everglades and the St. Johns River.

(d) Providing ecological connectivity of the lands needed for flood and sea-level rise resiliency and large-scale ecosystem functions, such as water management and prescribed burns essential for land management and restoration.

(e) Preserving and protecting land and waters that are not only vital to wildlife but are critical to this state’s groundwater recharge and that serve as watersheds that provide drinking water to most Floridians and help maintain the health of downstream coastal estuaries.

(f) Providing for wildlife crossings for the protection and safety of wildlife and the traveling public.

(g) Helping to sustain this state’s working ranches, farms, and forests that provide compatible wildlife habitats while sustaining rural prosperity and agricultural production.

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

(a) “Conserved lands” means federal, state, or local lands owned or managed for conservation purposes, including, but not limited to, federal, state, and local parks; federal and state forests; wildlife management areas; wildlife refuges; military bases and airports with conservation lands; properties owned by land trusts and managed for conservation; and privately owned land with a conservation easement, including, but not limited to, ranches, forestry operations, and groves.

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

(c) “Florida Ecological Greenways Network” is a periodically updated model developed to delineate large connected areas of statewide ecological significance.

(d) “Florida wildlife corridor” means the conserved lands and opportunity areas defined by the department as priority one, two, and three categories of the Florida Ecological Greenways Network.

(e) “Opportunity area” means those lands and waters within the Florida wildlife corridor which are not conserved lands and the green spaces within the Florida wildlife corridor

which lack conservation status, are contiguous to or between conserved lands, and provide an opportunity to develop the Florida wildlife corridor into a statewide conservation network.

(f) “Wildlife” has the same meaning as in Article II of the Wildlife Violator Compact Act, s. 379.2255.

(g) “Wildlife corridor” means a network of connected wildlife habitats required for the long-term survival of and genetic exchange amongst regional wildlife populations which serves to prevent fragmentation by providing ecological connectivity of the lands needed to furnish adequate habitats and allow safe movement and dispersal.

(h) “Wildlife crossing” means a landscape design element that connects two or more patches of wildlife habitat and that is meant to function as a safe conduit for wildlife over or beneath roads, waters, and other barriers to wildlife movement and that is designed to protect Florida panther and other critical wildlife habitat corridor connections and to reduce motor vehicle collisions with wildlife, to reduce the likelihood of injuries and mortalities to humans and wildlife from such collisions, and to reduce the potential for damage to motor vehicles from such collisions.

(5) DUTIES OF THE DEPARTMENT.—The department shall:

(a) Encourage all state, regional, and local agencies that acquire lands, including, but not limited to, the Fish and Wildlife Conservation Commission and the Department of Transportation, to include in their land-buying efforts the acquisition of sufficient legal interest in opportunity areas to ensure the continued viability of the Florida wildlife corridor.

(b) Encourage investment in conservation easements voluntarily entered into by private landowners to conserve opportunity areas.

(c) Encourage state land-buying agencies and state land management agencies to consider the conservation of opportunity areas as a multiphased project for the purpose of listing, acquisition, and management.

(d) Consider the inclusion of private funds to supplement the state’s contribution in its efforts to acquire a fee or less-than-fee interest in lands that contain recognized opportunity areas and conserved lands in the Florida wildlife corridor.

(e) Seek opportunities to attract new sources of federal funding and to strengthen existing programs to protect and conserve the Florida wildlife corridor.

(f) Encourage private landowners, through existing and future incentives and liability protections, to continue to allow their private property to be used for the preservation and enhancement of the Florida wildlife corridor.

(g) Encourage new approaches and novel financing mechanisms for long-term protection of the Florida wildlife corridor, including, but not limited to, public-private partnerships; payments for ecosystem services; blended financing for growth, resilience, and green infrastructure; and support for the sustainable growth of agriculture.

(h) Encourage state and local agencies with economic and ecotourism development responsibilities to recognize the importance of the Florida wildlife corridor in encouraging public access to wildlife areas and bringing nature-based tourism to local communities and to support acquisition and development activities for preservation and enhancement of the Florida wildlife corridor.

(i) Encourage private investment in ecotourism focused on the Florida wildlife corridor.

Chapter 259 Land Acquisition for Conservation and Recreation

(j) Encourage the protection, preservation, and enhancement of the natural value of the Florida wildlife corridor for current and future residents of this state.

(6) CONSTRUCTION.—This section may not be construed to authorize or affect the use of private property.

History.—s. 1, ch. 2021-181.

## **Chapter 267**

### **Historical Resources**

#### **Enforceable Policies**

Any additions are underlines and any deletions are struck-through.

267.021	Definitions.
267.031	Division of Historical Resources; powers and duties.
267.061	Historic properties; state policy, responsibilities.
<u>267.0721*</u>	<u>Museum of Florida History and programs; other historical museums</u>
<u>267.0723*</u>	<u>Property loaned to or abandoned at museums; obligations to lenders; notice; loan termination; acquisition of title; liens; conservation or disposal</u>
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.

\*Sections 267.0721 and 267.0723 are not proposed as enforceable policies for federal consistency purposes



## Chapter 267--Historical Resources

### **1267.0721 Museum of Florida History and programs; other historical museums.—**

(1) The division is authorized to operate the Museum of Florida History and other historical museums.

(2) The division shall establish and administer a museum store for the Museum of Florida History to provide information and materials relating to Florida history, museum exhibits, collections, and programs to the public and may operate additional stores associated with the museum. The stores may produce, acquire, and sell craft products, clearly marked replicas and reproductions of artifacts, documents, and other merchandise relating to historical and cultural resources and may make a reasonable charge for such merchandise. All proceeds received from sales must be deposited into the Grants and Donations Trust Fund, or funds in excess of the amount required to pay employees involved in the direct management of the museum store may be deposited into a bank account of a citizen support organization created pursuant to s. 267.17, or created before July 1, 2021, pursuant to s. 265.703, and may be used only to support operations of the museum stores and the programs of the Museum of Florida History or other museums operated by the division. The museum stores may enter into agreements and accept credit card payments as compensation for goods and products sold. The division may establish accounts in credit card banks for the deposit of credit card sales invoices and to pay discounts and service charges in connection with the use of credit cards.

(3) The division shall support the establishment and operation of a nonprofit organization or association established pursuant to s. 267.17, or established before July 1, 2021, pursuant to s. 265.703, to promote and encourage knowledge and appreciation of Florida history and the programs of the Museum of Florida History and other museums operated by the division and to cooperate with historical societies and other organizations to provide funding and promotional support for the programs of the museum. Such organization or association may, with the consent of the division, operate the museum store or conduct special events and programs in the museum. All proceeds must be used to support the programs of the Museum of Florida History and other museums operated by the division.

(4) The division shall deposit grant funding, gifts, and donations for the purpose of assisting the Museum of Florida History and its programs in the Grants and Donations Trust Fund to be used exclusively for the benefit of programs of the museum and in a manner consistent with any terms or conditions agreed to by the division in accepting such grants, gifts, and donations.

History.—ss. 2, 3, 4, ch. 80-159; s. 7, ch. 81-173; s. 2, ch. 83-243; s. 51, ch. 86-163; s. 5, ch. 89-359; s. 1, ch. 90-115; s. 4, ch. 95-235; s. 11, ch. 96-418; s. 1, ch. 97-305; s. 35, ch. 2000-258; ss. 8, 9, 10, ch. 2001-199; s. 6, ch. 2008-199; s. 46, ch. 2020-2; s. 14, ch. 2021-71.

<sup>1</sup>Note.—Section 2, ch. 2020-88, as amended by s. 22, ch. 2021-71, provides that:

“The Secretary of State is directed to:

“(1) In coordination with the Division of Historical Resources of the Department of State, determine how the Museum of Florida History and other state museums will promote the history of the 1920 Ocoee Election Day Riots through exhibits and educational programs.

“(2) Collaborate with the National Museum of African American History and Culture of the Smithsonian Institution to seek inclusion of the history of the 1920 Ocoee Election Day Riots in the museum’s exhibits.”

Note.—Former s. 267.072; s. 265.707.

**267.0723 Property loaned to or abandoned at museums; obligations to lenders; notice; loan termination; acquisition of title; liens; conservation or disposal.—**

(1) LEGISLATIVE FINDINGS.—The people of Florida benefit from having property of artistic, historic, cultural, or scientific value loaned to museums in this state. Loans of such property are made to these museums for study or display in furtherance of their educational purposes. However, problems arise in relation to loans for indefinite or long terms when museums and lenders fail to maintain contact. Museums routinely store and care for loaned property long after loan periods have expired or should reasonably be deemed expired. In such circumstances, museums have limited rights to the use and treatment of unclaimed loan property, while at the same time they bear substantial unreimbursed expenses, including, but not limited to, costs related to storage, recordkeeping, climate control, security, periodic inspection, insurance, conservation, and general overhead. The Legislature finds and declares that it is in the public interest to establish uniform procedures governing the disposition of unclaimed property on loan to museums in the state and, more particularly, to encourage museums and their lenders to exercise due diligence in monitoring loans, to allocate fairly responsibilities between lenders and borrowing museums, to establish procedures for lenders to preserve their interests in property loaned to museums for indefinite or long terms, and to resolve expeditiously the title to unclaimed loans left in the custody of museums.

**(2) DEFINITIONS.—**

(a) “Abandoned property” means property left at or delivered to a museum with no loan, deed of gift, or donation paperwork.

(b) “Lender” means an individual, corporation, partnership, trust estate, or other organization or entity whose name appears in the records of the museum as the entity legally entitled to control property on loan to the museum.

(c) “Loans,” “loaned,” or “on loan” refers to property in possession of the museum not accompanied by a transfer of title to the property or accompanied by evidence that the lender intended to retain title to the property and to return to take physical possession of the property in the future.

(d) “Museum” means a public or private not-for-profit agency or institution located in Florida and organized on a permanent basis for primarily educational, scientific, or aesthetic purposes, which owns or utilizes tangible objects, cares for them, and exhibits them to the public on a regular basis.

(e) “Property” means all tangible objects in the custody of a museum which have intrinsic historical, artistic, scientific, or cultural value.

(f) “Records” or “museum records” means documents created or held by a museum in its regular course of business.

(g) “Unclaimed property” means property which is on loan to the museum and in regard to which the lender, or anyone acting legitimately on the lender’s behalf, has not contacted the museum for at least 25 years from the date of the beginning of the loan, if the loan was for an indefinite or undetermined period, or for at least 5 years after the date upon which the loan for a definite period expired.

### (3) OBLIGATIONS OF MUSEUMS TO LENDERS.—

(a) For property loaned to a museum after the effective date of this act, the museum shall:

1. Make and retain a written record containing, at a minimum, the lender's name, address, and telephone number, a description of the property loaned in sufficient detail for clear identification, including a description of the general condition of the property at the time of the loan, the beginning date of the loan, and the expiration date of the loan.
2. Provide the lender with a signed receipt or loan agreement containing, at a minimum, the record set forth in subparagraph 1.
3. Provide the lender with a copy of this act upon the lender's request.

(b) Regardless of the date of a loan of property, the museum shall:

1. Update its records if a lender informs the museum of a change of address or change in ownership of property loaned, or if the lender and museum negotiate a change in the duration of the loan.
2. When renewing or updating the records of an existing loan, provide the lender with a copy of this act upon the lender's request.

(c) A museum shall give a lender prompt notice of any known injury to or loss of property on loan.

### (4) LENDER'S NOTICE.—

(a) It is the responsibility of the owner of property on loan to a museum to notify the museum promptly in writing of any change in the lender's address or change in ownership of the property. Failure to notify the museum of these changes may result in the owner's loss of rights to the property.

(b) It is the responsibility of a successor of a lender to document passage of rights of control of the property in the custody of a museum.

1. Unless there is evidence of bad faith or gross negligence, no museum shall be prejudiced by reason of any failure to deal with the true owner of any loaned property.
2. In cases of disputed ownership of loaned property, a museum shall not be held liable for its refusal to surrender loaned property in its possession except in reliance upon a court order or judgment.

### (5) TERMINATION OF LOANS.—

(a) A museum may terminate a loan for unclaimed property in its possession by making a good faith and reasonable search for the identity and last known address of the lender from the museum records and other records reasonably available to museum staff. If the museum is able to identify the lender and the lender's last known address, the museum shall give notice to the lender that the loan is terminated pursuant to paragraph

(b). If the identity or last known address of the lender remains unknown after a good faith and reasonable search, the museum shall give notice by publication pursuant to paragraph (c).

(b) A museum shall provide notice of termination of a loan of unclaimed property by sending a letter by certified mail to the lender at the lender's last known address giving notice of termination of the loan, which shall include the date of notice of termination, the name of the lender, a description of the property sufficient in detail for ready identification, the beginning date of the loan, if known, the termination date of the loan, if applicable, the name and address of the appropriate museum official to be contacted regarding the loan, and a statement that within 90 days of the date of the notice of

termination, the lender is required to remove the property from the museum or contact the designated official in the museum to preserve the lender's interests in the property. Failure to provide such notice will result in the loss of all rights in the property pursuant to subsection (6).

(c) If the museum is unable to identify sufficient information to send notice pursuant to paragraph (b), or if a signed return receipt of a notice sent by certified mail pursuant to paragraph (b) is not received by the museum within 30 days after the notice is mailed, the museum shall publish the notice of termination of loan containing all the information available to the museum provided in paragraph (b) on its website and in a publication of general physical or online circulation in the county in which the museum is located and the county of the lender's last known address, if known.

(6) MUSEUM GAINING TITLE TO LOANED PROPERTY; CONDITIONS.—As of the effective date of this act, a museum acquires title to unclaimed property under any of the following circumstances:

(a) For property for which a museum provides notice to a lender in accordance with paragraph (5)(b) and a signed receipt is received, if the lender of the property does not contact the museum within 90 days after the date notice was received.

(b) For property for which notice by publication is made pursuant to paragraph (5)(c), if the lender or anyone claiming a legal interest in the property does not contact the museum within 90 days after the date of the publication.

(7) CONTRACTUAL OBLIGATIONS.—Notwithstanding the provisions of this act, a lender and museum can bind themselves to different loan provisions by written contract.

(8) EFFECT ON OTHER RIGHTS.—

(a) Property on loan to a museum shall not escheat to the state under any state escheat law but shall pass to the museum under the provisions of subsection (6).

(b) Property interests other than those specifically addressed in this act are not altered by this act.

(9) TITLE OF PROPERTY ACQUIRED FROM A MUSEUM.—A museum which acquires title to property under this act passes good title to another when transferring such property with the intent to pass title.

(10) MUSEUM LIEN FOR EXPENSES OF EXPIRED LOANS.—As of the effective date of this act, a museum shall have a lien for expenses for reasonable care of loaned property unclaimed after the expiration date of the loan.

(11) CONSERVATION OR DISPOSAL OF LOANED PROPERTY.—Unless there is a written loan agreement to the contrary, a museum may apply conservation measures to or dispose of a loaned property without a lender's permission if:

(a) Immediate action is required to protect the property on loan or to protect other property in the custody of the museum, or because the property on loan has become a hazard to the health and safety of the public or the museum's staff and:

1. The museum is unable to reach the lender at the lender's last address of record, so that the museum and the lender can promptly agree upon a solution; or

2. The lender will not agree to the protective measures the museum recommends yet is unwilling or unable to terminate the loan and retrieve the property.

(b) In the case of a lender who cannot be contacted in person, the museum publishes a notice of its intent to apply conservation measures or dispose of the property on loan in a publication of general circulation in the county in which the museum is located and the

county of the lender's last known address, if known, and there is no response for 60 days. Such a notice shall also contain the lender's name, the lender's address, if known, the date of the loan, and the name, address, and telephone number of the appropriate museum office to be contacted for information regarding the property on loan.

(12) LIABILITY.—If a museum applies conservation measures to or disposes of a property pursuant to subsection (11), the museum shall have a lien on the property and on the proceeds from any disposition thereof for the costs incurred by the museum, and the museum shall not be liable for injury to or loss of the property if:

(a) The museum had a reasonable belief at the time the action was taken that the action was necessary to protect the property on loan or other property in the custody of the museum, or that the property on loan constituted a hazard to the health and safety of the public or the museum's staff.

(b) The museum exercised reasonable care in the choice and application of conservation measures.

(13) DISPOSITION OF ABANDONED PROPERTY.—A museum may keep, transfer, sell, or dispose of abandoned property.

History.—s. 1, ch. 97-267; s. 15, ch. 2021-71.

Note.—Former s. 265.565.

**Chapter 339**  
**Transportation Finance and Planning**  
**Enforceable Policies**

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

- 339.0803\*    Allocation of increased revenues derived from amendments to s. 320.08  
                  by ch. 2019-43
- 339.175      Metropolitan planning organization.
- 339.241      Florida Junkyard Control Law.
- 339.66\*      Upgrade of arterial highways with controlled access facilities
- 339.67\*      U.S. 19 controlled access facilities
- 339.68\*      Arterial rural highway projects

\*Section 339.0803, .66, .67, and .68 are not proposed as enforceable policies for federal consistency purposes

## Chapter 339--Transportation Finance and Planning

### **339.0803 Allocation of increased revenues derived from amendments to s. 320.08 by ch. 2019-43.—**

Beginning in the 2021-2022 fiscal year and each fiscal year thereafter, funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.08 made by chapter 2019-43, Laws of Florida, and deposited into the fund pursuant to s. 320.20(5)(a) must be used to fund arterial highway projects identified by the department in accordance with s. 339.65 and may be used for projects as specified in ss. 339.66 and 339.67. For purposes of the funding provided in this section, the department shall prioritize use of existing facilities or portions thereof when upgrading arterial highways to limited or controlled access facilities. However, this section does not preclude use of the funding for projects that enhance the capacity of an arterial highway. The funds allocated as provided in this section shall be in addition to any other statutory funding allocations provided by law.

History.—s. 7, ch. 2021-161; s. 17, ch. 2021-186.

### **339.66 Upgrade of arterial highways with controlled access facilities.—**

(1) The Legislature finds that the provision and maintenance of safe, reliable, and predictably free-flowing facilities to support the movement of people and freight and to enhance hurricane evacuation efficiency is important. It is in the best interest of the state to plan now for population growth and technology changes while prudently making timely improvements to address demand.

(2) The department, in coordination with the Florida Turnpike Enterprise, shall evaluate existing roadways or portions thereof for development of specific controlled access facilities and include such projects as identified in the work program.

(3) The department may upgrade roadways with targeted improvements, such as adding new tolled or nontolled limited access alignments to manage congestion points and retrofitting existing roadway with a series of electronically tolled or nontolled grade separations that provide an alternative to a signalized intersection for through traffic. Such improvements must be made with the goal of enhancing the economic prosperity and preserving the character of the communities impacted by such improvements.

(a) The department may not reduce any nontolled general use lanes of an existing facility.

(b) The department shall maintain existing access points to the roadway provided by designated streets, graded roads, or driveways.

(c) Upon application or as otherwise agreed to by the department, after construction is completed, property owners with parcels of land having no existing access shall have the right to one access point, and property owners having more than 1 mile of roadway frontage shall be allowed one access point for each mile owned.

(d) Any tolling points must be located such that a nontolled alternative exists for local traffic.

(4) Any tolled facilities are approved turnpike projects that are part of the turnpike system. A controlled-access portion of a roadway constructed pursuant to this section is considered a Strategic Intermodal System facility.

(5) Any existing applicable requirements relating to department projects shall apply to projects undertaken by the department pursuant to this section. The department shall take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida.

(6) Any existing applicable requirements relating to turnpike projects apply to projects undertaken by the Turnpike Enterprise pursuant to this section. The Turnpike Enterprise shall take into consideration the guidance and recommendations of any previous studies or reports relevant to the projects authorized by this section and ss. 339.67 and 339.68, including, but not limited to, the task force reports prepared pursuant to chapter 2019-43, Laws of Florida, and with respect to any extension of the Florida Turnpike from its northerly terminus in Wildwood.

(7) The department shall consider innovative concepts to combine right-of-way acquisition with the acquisition of lands or easements to facilitate environmental mitigation or ecosystem, wildlife habitat, or water quality protection or restoration.

(8)(a) Decisions on matters such as configuration, project alignment, and interchange locations must be determined in accordance with applicable department rules, policies, and procedures.

(b) To the greatest extent practicable, roadway alignments, project alignment, and interchange locations shall be designed so that project rights-of-way are not located within conservation lands acquired under the Florida Preservation 2000 Act established in s. 259.101 and the Florida Forever Act established in s. 259.105.

(9) Subject to applicability of existing requirements as provided in subsections (5) and (6), projects may be funded through turnpike revenue bonds or right-of-way acquisition and bridge construction bonds or financing by the Florida Department of Transportation Financing Corporation; by advances from the State Transportation Trust Fund; with funds obtained through the creation of public-private partnerships; or any combination thereof. The department also may accept donations of land for use as transportation rights-of-way or to secure or use transportation rights-of-way for such projects in accordance with s. 337.2505. To the extent legally available, any toll revenues from the turnpike system not required for payment of principal, interest, reserves, or other required deposits for bonds; costs of operations and maintenance; other contractual obligations; or system improvement project costs must be used to repay advances received from the State Transportation Trust Fund.

(10) Project construction is not eligible for funding until completion of 30 percent of the design phase, except for projects that are under construction or for which project alignment has been determined.

(11) In accordance with ss. 337.276, 338.227, and 339.0809, the Division of Bond Finance may issue, on behalf of the department, right-of-way acquisition and bridge construction bonds, turnpike revenue bonds, and Florida Department of Transportation Financing Corporation bonds to finance projects as provided in the State Bond Act. History.—s. 9, ch. 2021-161; s. 21, ch. 2021-186.



**339.67 U.S. 19 controlled access facilities.—**

The department shall develop and include in the work program the construction of controlled access facilities as necessary to achieve free flow of traffic on U.S. 19, beginning at the terminus of the Suncoast Parkway 2, Phase 3, north predominantly along U.S. 19 to a logical terminus on Interstate 10 in Madison County. This Strategic Intermodal System facility shall be developed using existing roadway, or portions thereof, to ensure the free flow of traffic along the roadway by improvements such as limited access alignments to manage congestion points and retrofitting existing roadway with a series of grade separations that provide an alternative to a signalized intersection for through traffic. To the maximum extent feasible, the facilities shall be developed no later than December 31, 2035.

History.—s. 10, ch. 2021-161; s. 22, ch. 2021-186.

**339.68 Arterial rural highway projects.—**

The department shall identify and include in the work program projects to increase capacity by widening existing two-lane arterial rural roads to four lanes. To be included in a work program project, the road must be classified as an arterial rural road, and truck traffic using the road must amount to at least 15 percent of all such traffic, as determined by the department. The department shall fund at least \$20 million annually for such projects.

History.—s. 11, ch. 2021-161; s. 23, ch. 2021-186.

**Chapter 373**  
**Water Resources**  
**Enforceable Policies**

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

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\*\*Sections 373.0466, .4599, and .6075 are not proposed as enforceable policies for federal consistency purposes



## Chapter 373--Water Resources

### **373.0466 Central Florida Water Initiative Grant Program.—**

Subject to appropriation, a grant program for the Central Florida Water Initiative is established within the Department of Environmental Protection.

(1) The department, in cooperation with the relevant water management districts, shall provide grants for projects that benefit the Central Florida Water Initiative Area and that promote alternative water supplies and protect groundwater resources.

(2) In allocating such funds, priority must be given to projects that use reclaimed water, create new surface water storage, enhance natural systems, recharge groundwater, optimize beneficial uses of water, expand water conservation programs, or are able to demonstrate that a significant financial hardship exists as a result of complying with rules applicable to the Central Florida Water Initiative Area.

History.—s. 4, ch. 2021-153.

### **373.4599 Water storage north of Lake Okeechobee.—**

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

(a) “Corps” means the United States Army Corps of Engineers.

(b) “District” means the South Florida Water Management District.

(c) “Lake Okeechobee Watershed Restoration Project” or “LOWRP” means the recommended plan contained within the Lake Okeechobee Watershed Restoration Project Final Integrated Project Implementation Report and Environmental Impact Statement dated August 2020 or as amended by the district and corps.

(2) PROJECT IMPLEMENTATION REPORT.—Upon June 2, 2021, the district shall request that the corps seek congressional approval of a project implementation report for the LOWRP before passage of the Water Resources Development Act of 2022.

(3) AGREEMENTS.—Immediately following congressional approval of the LOWRP, the district shall seek to execute with the corps a project partnership agreement for the LOWRP. The project partnership agreement must be consistent with this section.

(4) PROJECT IMPLEMENTATION.—

(a) Projects, locations, or structures.—Projects, locations, or structures referred to in this subsection shall mean those described in the Lake Okeechobee Watershed Restoration Project Final Integrated Project Implementation Report and Environmental Impact Statement dated August 2020 or as amended by the district and the corps.

(b) Aquifer storage and recovery.—

1. Expedition of the LOWRP.—The district, in partnership with the corps, shall expedite the development and implementation of the LOWRP aquifer storage and recovery wells. Implementation of this subsection must comply with all applicable federal and state laws and rules, including the department’s underground injection control program.

2. Investigation and monitoring.—The district shall perform any necessary scientific investigation and monitoring concurrently with the implementation of the LOWRP aquifer storage and recovery wells. To ensure public health and safety, technical feasibility, and achievement of environmental benefits, implementation of the LOWRP aquifer storage and recovery wells must use a phased approach that confirms feasibility and site suitability and addresses uncertainties identified in the aquifer storage and recovery science plan developed by the district and the corps.

3. Aquifer storage and recovery science plan.—The district shall expedite implementation of the aquifer storage and recovery science plan developed by the district and the corps.

4. LOWRP watershed aquifer storage and recovery wells.—

a. For the Kissimmee River Basin site with the existing Kissimmee River Aquifer Storage and Recovery Pilot Project system, the district shall, by January 30, 2022, reactivate the existing aquifer storage and recovery system on the site, including any necessary testing. By March 30, 2027, the district shall ensure that all other feasible aquifer storage and recovery wells on the site are operational.

b. For all remaining feasible cluster sites in the Kissimmee River Basin and Taylor Creek/Nubbin Slough Basin, the district shall, by August 1, 2021, construct or execute contracts for any necessary exploratory and monitoring wells on each site, in addition to any other necessary evaluations, to evaluate or confirm site suitability for well clusters. By March 30, 2027, the district shall ensure that all feasible aquifer storage and recovery wells on those sites with suitable locations are operational.

c. For all other feasible currently or subsequently proposed LOWRP watershed aquifer storage and recovery cluster sites not colocated with the wetland attenuation feature, the district shall, by December 31, 2022, execute contracts for the construction of any necessary exploratory and monitoring wells on each site, in addition to any other necessary evaluations, to evaluate site suitability for well clusters. By March 30, 2027, the district shall ensure that all feasible aquifer storage and recovery wells on those sites with suitable locations are operational.

(c) Wetland restoration.—The district, in partnership with the corps, shall pursue expeditious implementation of the Paradise Run wetland restoration project and the Kissimmee River Center wetland restoration project.

(5) REPORT.—By November 1, 2021, the district shall submit to the Legislature a report describing the district's compliance with this section, including steps taken and any plans necessary for ongoing compliance. The report must include updates on congressional approval for the LOWRP project implementation report; the aquifer storage and recovery science plan; any scientific investigations; and designs, construction, and operations.

History.—ss. 1, 3, ch. 2021-40.

### **373.6075 Purchases from contracts of other entities.—**

A water management district may purchase commodities and contractual services, excluding services subject to s. 287.055, from the purchasing contracts of special districts, municipalities, counties, other political subdivisions, educational institutions, other states, nonprofit entities, purchasing cooperatives, or the Federal Government, which have been procured pursuant to competitive bid, request for proposal, request for qualification, competitive selection, or competitive negotiation, and which are otherwise in compliance with general law if the purchasing contract of the other entity is procured by a process that meets the procurement requirements of the water management district.

History.—s. 1, ch. 2021-62.



**Chapter 377**  
**Energy Resources**  
**Enforceable Policies**

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

- 377.01 Governor to enter into interstate compact to conserve oil and gas.
- 377.03 Extension of compact.
- 377.04 Official report of state.
- 377.06\*\* Public policy of state concerning natural resources of oil and gas.
- 377.07 Division of Resource Management; powers, duties, and authority.
- 377.075 Division of Technical Services; geological functions.
- 377.10 Certain persons not to be employed by division.
- 377.18 Common sources of oil and gas.
- 377.19 Definitions.
- 377.20 Waste prohibited.
- 377.21\* Jurisdiction of division.
- 377.22\* Rules, regulations, and orders.
- 377.23 Monthly reports to division.
- 377.24\*\* Notice of intention to drill well; permits; abandoned wells and dry holes.
- 377.2407 Natural gas storage facility permit application to inject gas into and recover gas from a natural gas storage reservoir
- 377.24075\* Exemption from public records requirements
- 377.2408 Application to conduct geophysical operations.
- 377.2409 Geophysical activities; confidential information; penalties.
- 377.241 Criteria for issuance of permits.
- 377.2411 Lawful right to drill, develop, or explore.
- 377.242\*\* Permits for drilling or exploring and extracting through well holes or by other means.
- 377.2421 Division to review federal applications.
- 377.2424 Conditions for granting permits for geophysical operations.
- 377.2425 Manner of providing security for geophysical exploration, drilling, and production.
- 377.2426 Abandonment of geophysical holes.
- 377.243 Conditions for granting permits for extraction through well holes.
- 377.2431 Conditions for granting permits for natural gas storage facilities
- 377.2432 Natural gas storage facilities; protection of water supplies
- 377.2433 Protection of natural gas storage facilities; remedies
- 377.2434\* Property rights to injected natural gas
- 377.2435\* Rule adoption relating to natural gas storage
- 377.244 Conditions for granting permits for surface exploratory and extraction operations.
- 377.245 Provision for distribution of earnings to lessees or owners of the fractional undivided mineral rights not owned by applicant for permit under ss. 377.243 and 377.244.

377.247	Designation and distribution of earnings owed to owners of mineral rights who are unknown or unlocated.
377.25	Production pools; drilling units.
377.26	Location of wells.
377.27	Drilling units.
377.28	Cycling, pooling, and unitization of oil and gas.
377.29	Agreements in interest of conservation.
377.30	Limitation on amount of oil or gas taken.
377.31	Evidence of rules and orders.
377.32	Issuance of subpoenas; service, etc.
377.33	Injunctions against division.
377.34	Actions and injunctions by division.
377.35	Suits, proceedings, appeals, etc.
377.36	False entries and statements; incomplete entries; penalties.
377.37	Penalties.
377.371	Pollution prohibited; reporting, liability.
377.38	Illegal oil, gas, and other products; sale, purchase, acquisition, transportation, refining, processing, or handling prohibited.
377.810	Natural gas fuel fleet vehicle rebate program
377.39	Seizure and sale of illegal oil, gas, or product.
377.40	Negligently permitting gas and oil to go wild or out of control.
377.41	Disposition of fines.
377.42	Big Cypress Swamp Advisory Committee.
377.43*	Disbursement of funds received for damages caused by the Deepwater Horizon oil spill.
377.601	Legislative intent.
377.6015*	Department of Agriculture and Consumer Services; powers and duties.
377.602	Definitions.
377.603	Energy data collection; powers and duties of the department.
377.604	Required reports.
377.605	Use of existing information.
377.606	Records of the department; limits of confidentiality.
377.607	Violations; penalties.
377.608	Prosecution of cases by state attorney.
377.701	Petroleum allocation.
377.703	Additional functions of the Department Agriculture and Consumer Services.
377.704	Appropriation of funds from settlement of petroleum overcharge litigation.
377.705	Solar Energy Center; development of solar energy standards.
377.707***	<u>Express preemption of fuel retailers and related transportation infrastructure</u>
377.709	Funding by electric utilities of local governmental solid waste facilities that generate electricity.
377.71	Definitions; Southern States Energy Compact.
377.711	Florida party to Southern States Energy Compact.
377.712	Florida participation.

377.801*	Short title.
377.802*	Purpose.
377.803*	Definitions.
377.804*	Renewable Energy Technologies Grants Program.
377.805*	Energy efficiency and conservation clearinghouse
377.806*	Solar Energy System Incentives Program.
377.807*	Energy-efficient appliance rebate.
377.808*	Florida Green Government Grants Act.
377.809*	Energy Economic Zone Pilot Program.
377.810*	Natural gas fuel fleet vehicle rebate program
377.815*	Alternative fueling stations and electric vehicle charging stations
377.816	Qualified energy conservation bond allocation

\*Sections 377.21, .22, .24075, .2434, .2435, .43, .6015, .801, .802, .803, .804, .805, .806, .807, .808, .809, .810, and .815 F.S., are not considered enforceable policies for federal consistency purposes.

\*\*Sections 377.06, .24(9), and .242(1)(a)5., F.S., are not included in the federally approved FCMP.

\*\*\*Section 377.707 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 377--Energy Resources

### **377.707 Express preemption of fuel retailers and related transportation infrastructure.—**

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

(a) “Fuel retailer” means a fuel station or retail establishment that sells fuel to provide power to vehicles.

(b) “Related transportation infrastructure” means storage tanks, pipelines, or any related equipment that is necessary to deliver fuel to a fuel retailer or dispense fuel at a fuel retailer.

(2) A municipality, county, special district, or political subdivision may not do any of the following:

(a) Adopt a law, an ordinance, a regulation, a policy, or a resolution that prohibits the siting, development, or redevelopment of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to a fuel retailer within the entirety of the jurisdictional boundary of the municipality, county, special district, or political subdivision.

(b) Adopt or apply a law, an ordinance, a regulation, a policy, or a resolution that results in the de facto prohibition of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to a fuel retailer within the entirety of the jurisdictional boundary of a municipality, county, special district, or political subdivision.

(c) Require a fuel retailer to install or invest in a particular kind of fueling infrastructure, including, but not limited to, electric vehicle charging stations.

This section does not preempt a municipality, county, special district, or political subdivision from adopting and implementing a law, an ordinance, a regulation, a policy, or a resolution that is not otherwise inconsistent with general law relating to the siting, development, or redevelopment of fuel retailers or related transportation infrastructure necessary for them to provide fuel, if such law, ordinance, regulation, policy, or resolution does not result in a de facto prohibition of fuel retailers or related transportation infrastructure necessary to provide fuel to fuel retailers from being sited, developed, or redeveloped within zoning or land use classifications where such infrastructure is consistent with other allowable uses.

History.—s. 1, ch. 2021-111.

**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.
- 380.0555 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 and standards.
- 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***	<u>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</u>
380.0933***	<u>Florida Flood Hub for Applied Research and Innovation</u>
380.0935***	<u>Resilient Florida Trust Fund</u>
380.11	Enforcement; procedures; remedies.
380.115	Vested rights and duties; effect of size reduction, changes in 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 on 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 380.06(24)(t), .0666, and .507 are not considered enforceable policies for federal consistency purposes

\*\*OCM's approval has not been sought for the inclusion of section 380.23(3)(d), F.S., in the federally approved FCMP.

\*\*\*Sections 380.093, .0933, and .0935 are not proposed as enforceable policies for federal consistency purposes

## Chapter 380--Land and Water Management

### **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.—**

#### **(1) LEGISLATIVE INTENT.—**

(a) The Legislature recognizes that the state is particularly vulnerable to adverse impacts from flooding resulting from increases in frequency and duration of rainfall events, storm surge from more frequent and severe weather systems, and sea level rise. Such adverse impacts pose economic, social, environmental, and public health and safety challenges to the state. To most effectively address these challenges, funding should be allocated in a manner that prioritizes addressing the most significant risks.

(b) The Legislature further recognizes that the adverse impacts of flooding and sea level rise affect coastal and inland communities all across the state. Consequently, a coordinated approach is necessary to maximize the benefit of efforts to address such impacts and to improve the state's resilience to flooding and sea level rise.

(c) The Legislature further recognizes that to effectively and efficiently address and prepare for the adverse impacts of flooding and sea level rise in the state, it is necessary to conduct a comprehensive statewide assessment of the specific risks posed to the state by flooding and sea level rise and develop a statewide coordinated approach to addressing such risks.

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

##### **(a) "Critical asset" includes:**

1. Transportation assets and evacuation routes, including airports, bridges, bus terminals, ports, major roadways, marinas, rail facilities, and railroad bridges.
2. Critical infrastructure, including wastewater treatment facilities and lift stations, stormwater treatment facilities and pump stations, drinking water facilities, water utility conveyance systems, electric production and supply facilities, solid and hazardous waste facilities, military installations, communications facilities, and disaster debris management sites.
3. Critical community and emergency facilities, including schools, colleges, universities, community centers, correctional facilities, disaster recovery centers, emergency medical service facilities, emergency operation centers, fire stations, health care facilities, hospitals, law enforcement facilities, local government facilities, logistical staging areas, affordable public housing, risk shelter inventory, and state government facilities.
4. Natural, cultural, and historical resources, including conservation lands, parks, shorelines, surface waters, wetlands, and historical and cultural assets.

(b) "Department" means the Department of Environmental Protection.

#### **(3) RESILIENT FLORIDA GRANT PROGRAM.—**

(a) The Resilient Florida Grant Program is established within the department.

(b) Subject to appropriation, the department may provide grants to a county or municipality to fund the costs of community resilience planning and necessary data collection for such planning, including comprehensive plan amendments and necessary corresponding analyses that address the requirements of s. 163.3178(2)(f); vulnerability assessments that identify or address risks of flooding and sea level rise; the

development of projects, plans, and policies that allow communities to prepare for threats from flooding and sea level rise; and projects to adapt critical assets to the effects of flooding and sea level rise.

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

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

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

a. A report detailing the findings of the assessment.

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

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

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

c. A list of critical assets, including regionally significant assets, that are impacted by flooding and sea level rise.

(d) A vulnerability assessment conducted pursuant to paragraph (b) must include all of the following, if applicable:

1. Peril of flood comprehensive plan amendments that address the requirements of s. 163.3178(2)(f), if the county or municipality is subject to such requirements and has not complied with such requirements as determined by the Department of Economic Opportunity.

2. The depth of:

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

b. Current and future storm surge flooding using publicly available National Oceanic and Atmospheric Administration or Federal Emergency Management Agency storm surge data. The initial storm surge event used must equal or exceed the current 100-year flood event. Higher frequency storm events may be analyzed to understand the exposure of a critical asset.

c. To the extent practicable, rainfall-induced flooding using spatiotemporal analysis or existing hydrologic and hydraulic modeling results. Future boundary conditions should be modified to consider sea level rise and high tide conditions.

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

3. The following scenarios and standards:

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

b. At least two local sea level rise scenarios, which must include the 2017 National Oceanic and Atmospheric Administration intermediate-low and intermediate-high sea level rise projections.

c. At least two planning horizons that include planning horizons for the years 2040 and 2070.

d. Local sea level data that has been interpolated between the two closest National Oceanic and Atmospheric Administration tide gauges. Local sea level data may be taken from one such gauge if the gauge has a higher mean sea level. Data taken from an alternate tide gauge may be used with appropriate rationale and department approval, as long as it is publicly available or submitted to the department pursuant to paragraph (b).

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

(a) By July 1, 2022, the department shall complete the development of a comprehensive statewide flood vulnerability and sea level rise data set sufficient to conduct a comprehensive statewide flood vulnerability and sea level rise assessment. In developing the data set, the department shall compile, analyze, and incorporate, as appropriate, information related to vulnerability assessments submitted to the department pursuant to subsection (3) or any previously completed assessments that meet the requirements of subsection (3).

1. The Chief Science Officer shall, in coordination with necessary experts and resources, develop statewide sea level rise projections that incorporate temporal and spatial variability, to the extent practicable, for inclusion in the data set. This subparagraph does not supersede regionally adopted projections.

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

(b) By July 1, 2023, the department shall complete a comprehensive statewide flood vulnerability and sea level rise assessment that identifies inland and coastal infrastructure, geographic areas, and communities in the state that are vulnerable to flooding and sea level rise and the associated risks.

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

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

3. The assessment must include an inventory of critical assets, including regionally significant assets, that are essential for critical government and business functions, national security, public health and safety, the economy, flood and storm protection,

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

(c) The department shall update the comprehensive statewide flood vulnerability and sea level rise data set and assessment every 5 years. The department may update the data set and assessment more frequently if it determines that updates are necessary to maintain the validity of the data set and assessment.

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

(a) By December 1, 2021, and each December 1 thereafter, the department shall develop a Statewide Flooding and Sea Level Rise Resilience Plan on a 3-year planning horizon and submit it to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must consist of ranked projects that address risks of flooding and sea level rise to coastal and inland communities in the state.

(b) The plan submitted by December 1, 2021, before the comprehensive statewide flood vulnerability and sea level rise assessment is completed, will be a preliminary plan that addresses risks of flooding and sea level rise identified in available local government vulnerability assessments. The plan submitted by December 1, 2022, will be an update to the preliminary plan. The plan submitted by December 1, 2023, and each plan submitted by December 1 thereafter, shall address risks of flooding and sea level rise identified in the comprehensive statewide flood vulnerability and sea level rise assessment.

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

1. A description of the project.
2. The location of the project.
3. An estimate of how long the project will take to complete.
4. An estimate of the cost of the project.
5. The cost-share percentage available for the project.
6. A summary of the priority score assigned to the project.
7. The project sponsor.

(d)1. By September 1, 2021, and each September 1 thereafter, counties and municipalities may submit to the department a list of proposed projects that address risks of flooding or sea level rise identified in vulnerability assessments that meet the requirements of subsection (3). A regional resilience entity may also submit such proposed projects to the department on behalf of one or more member counties or municipalities.

2. By September 1, 2021, and each September 1 thereafter, each water management district and flood control district may submit to the department a list of any proposed projects that mitigate the risks of flooding or sea level rise on water supplies or water resources of the state and a corresponding evaluation of each project.

3. Each project submitted to the department by a county, municipality, regional resilience entity, water management district, or flood control district for consideration by the department for inclusion in the plan must include:

- a. A description of the project.

b. The location of the project.

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

d. An estimate of the cost of the project.

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

f. The project sponsor.

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

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

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

(f) To be eligible for inclusion in the plan, a project must have been submitted by a county, municipality, regional resilience entity, water management district, or flood control district pursuant to paragraph (d) or must have been identified in the comprehensive statewide flood vulnerability and sea level rise assessment, as applicable.

(g) Expenses ineligible for inclusion in the plan include, but are not limited to, expenses associated with:

1. Aesthetic vegetation.

2. Recreational structures such as piers, docks, and boardwalks.

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

4. Maintenance and repair of over-walks.

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

6. Navigation construction, operation, and maintenance activities.

7. Projects that provide only recreational benefits.

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

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

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

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

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

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

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

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

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

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

d. The cost-effectiveness of the project.

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

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

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

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

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

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

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

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

(j) The department shall initiate rulemaking by August 1, 2021, to implement this section.

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

(a) Providing technical assistance to counties and municipalities.

(b) Coordinating multijurisdictional vulnerability assessments.

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

History.—s. 1, ch. 2021-28.

**380.0933 Florida Flood Hub for Applied Research and Innovation.—**

(1) The Florida Flood Hub for Applied Research and Innovation is established within the University of South Florida College of Marine Science to coordinate efforts between the academic and research institutions of the state. The University of South Florida College of Marine Science or its successor entity will serve as the lead institution and engage other academic and research institutions, private partners, and financial sponsors to coordinate efforts to support applied research and innovation to address the flooding and sea level rise challenges of the state.

(2) The hub shall, at a minimum:

(a) Organize existing data needs for a comprehensive statewide flood vulnerability and sea level rise analysis and perform a gap analysis to determine data needs.

(b) Develop statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of floods, including hydraulic models of floodplain inundation mapping, real-time compound and tidal flooding forecasts, future groundwater elevation conditions, and economic damage and loss estimates.

(c) Coordinate research funds from the state, the federal government, or other funding sources for related hub activities across all participating entities.

(d) Establish community-based programs to improve flood monitoring and prediction along major waterways, including intracoastal waterways and coastlines, of the state and to support ongoing flood research.

(e) Coordinate with agencies, including, but not limited to, the Department of Environmental Protection and water management districts.

(f) Share its resources and expertise.

(g) Assist in the development of training and <sup>1</sup>in the development of a workforce in the state that is knowledgeable about flood and sea level rise research, prediction, and adaptation and mitigation strategies.

(h) Develop opportunities to partner with other flood and sea level rise research and innovation leaders for sharing technology or research.

(i) Conduct the activities under this subsection in cooperation with various local, state, and federal government entities as well as other flood and sea level rise research centers.

(3) The hub shall employ an executive director.

(4) By July 1, 2022, and each July 1 thereafter, the hub shall provide an annual comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that outlines its clearly defined goals and its efforts and progress on reaching such goals.

History.—s. 2, ch. 2021-28.

<sup>1</sup>Note.—The words “in the development of” were inserted by the editors to improve clarity.

**380.0935 Resilient Florida Trust Fund.—**

(1) The Resilient Florida Trust Fund is created within the Department of Environmental Protection.

(2) Moneys deposited in the fund are available as a funding source for the department for the Resilient Florida Grant Program and the Statewide Flooding and Sea-Level Rise Resilience Plan, including costs to operate the grant program, to develop the plan, and



to provide grants to regional resilience coalitions pursuant to s. 380.093. The department may also use moneys deposited in the fund for administrative and operational costs of the Florida Flood Hub for Applied Research and Innovation pursuant to s. 380.0933 and coastal resilience initiatives.

(3) In accordance with s. 19(f)(2), Art. III of the State Constitution, the Resilient Florida Trust Fund shall, unless terminated sooner, be terminated on July 1, 2025. Before its scheduled termination, the fund shall be reviewed as provided in s. 215.3206(1) and (2). History.—s. 1, ch. 2021-29.

**Chapter 381**  
**Public Health; General Provisions**  
**Enforceable Policies**

Any additions are underlined and any deletes are struck-through.

381.001	Public health system.
381.0011	Duties and powers of the Department of Health.
381.0012	Enforcement authority.
381.006	Environmental health.
381.0061	Administrative fees.
381.0065	Onsite sewage treatment and disposal systems; regulation.
381.00651	Periodic evaluation and assessment of onsite sewage treatment and disposal systems.
381.0066	Onsite sewage treatment and disposal systems; fees
381.0067	Corrective orders; private and certain public water systems and onsite sewage treatment and disposal systems.
<u>381.735*</u>	<u>Office of Minority Health and Health Equity</u>

\*Section 381.735 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 381--Public Health: General Provisions

### **381.735 Office of Minority Health and Health Equity.—**

(1) The Office of Minority Health and Health Equity established under s. 20.43(9) shall develop and promote the statewide implementation of policies, programs, and practices that increase health equity in this state, including, but not limited to, increased access to and quality of health care services for racial and ethnic minority populations. One representative from each county health department shall serve as a minority health liaison to assist the office in implementing this section. The office shall use all available resources and pursue opportunities for increased funding to achieve the purpose of this section.

(2) The office shall coordinate with agencies, organizations, and providers across this state to do all of the following:

(a) Gather and analyze data regarding disparities in health status, health outcomes, quality of health care, and access to health care services for racial and ethnic minority populations in this state.

(b) Develop mechanisms that support better information dissemination and education about health disparities which lead to improved access to and delivery of health care services to racial and ethnic minority populations in this state.

(c) Support minority health liaisons by facilitating access to and the exchange of information related to health promotion, preventive health services, and education in the appropriate use of care.

(d) Develop and promote synergistic initiatives between programs, including, but not limited to, programs related to maternal and child health and human immunodeficiency virus and acquired immune deficiency syndrome, to mitigate health disparities for racial and ethnic minority populations in this state.

(e) Promote evaluations of demonstration projects and disseminate the evaluation findings to enhance the success and sustainability of policies, programs, and practices that increase health equity in this state.

(f) Promote the use of community health workers to improve the cultural competency of services and build individual and community self-sufficiency.

(g) Promote the development of programs that improve access to health care services for individuals with limited proficiency in the English language, including individuals with disabilities.

(3) The Department of Health shall maintain all of the following on its website, updated at least annually:

(a) Current data on health disparities and issues affecting racial and ethnic minority populations in this state.

(b) Information about and links to resources available to racial and ethnic minority populations in this state.

(c) Resources for providers who wish to improve cultural competency, understand health disparities, and increase the quality of and access to health care services for racial and ethnic minority populations in this state. These resources must include, but need not be limited to, minority health literature, research, and referrals; capacity-building and technical assistance services; and training materials for implementing

nationally recognized evidence-based practices for culturally and linguistically appropriate health care services.

(d) Contact information for local minority health liaisons.

(4) The office shall serve as a liaison to and assist the federal Offices of Minority Health and Regional Health Operations, as appropriate.

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

History.—s. 1, ch. 2021-117.



**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 procedures.
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 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	<u>Applicability of rules when reclaimed water is injected into specified receiving groundwater</u>
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*	Wastewater grant program
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.
403.075	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, ocean outfall, inland outfall, or disposal well waste treatment.
403.0855	Biosolids management
403.086	Sewage disposal facilities; advanced and secondary waste treatment.
403.08601*	Leah Schadt 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; procedures; 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	"Keep Florida Beautiful, Incorporated"; placement of signs.
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.
403.504	Department of Environmental Protection; powers and duties enumerated.
403.5055	Application for permits pursuant to s. 403.0885.
403.506	Applicability and certification.
403.5063	Notice of intent to file application.
403.5064	Distribution of application; schedules.
403.5065	Appointment of administrative law judge.
403.5066	Determination of completeness.
403.50663*	Informational public meetings.
403.50665	Land use consistency.
403.507	Preliminary statements of issues, reports, and studies.
403.508	Land use and certification proceedings, 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.
403.5115	Notice; costs of proceeding.
403.5116	County and municipal authority unaffected by ch.75-22.
403.512	Revocation of 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	Fee; 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.
403.523	Department of Environmental Protection; powers and duties.
403.524	Applicability and certification.
403.525	Appointment of administrative law judge.
403.5251	Distribution of application; schedules.
403.5252	Determination of completeness.
403.526	Preliminary statements of issues, reports, and studies.
403.527	Notice, proceedings, parties, participants.
403.5271	Alternate corridors.
403.5272	Local governments; 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	Recording 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.
403.7055	Methane capture.
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.
403.706	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**	Landfill management escrow account.
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	Department to adopt rules.
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.
403.73	Trade secrets; confidentiality.
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.
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.
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.
403.873*	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*	Stormwater management; wastewater management; and Water Restoration Grant Program.
403.890	Water Protection and Sustainability Program; intent; goals; purposes.
403.891	Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection.
403.892***	<u>Incentives for the use of graywater technologies</u>
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***	<u>Wastewater services projections</u>
403.9302***	<u>Stormwater management projections</u>
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.
403.93345	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.
403.9401	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; comprehensive plan amendments.

\*Sections 403.061(40); .0616, .0617, .0671, .0673, .0675, .076, .078, .08601, .0874, .1832, .414, .50663; .70611, .709, .7095, .7264, .763, .805, .8055, .871, .873, .874, .885, .928, and .941, F.S., are not considered enforceable policy for federal consistency purposes.

\*\*Section 403.7125(2) and (3), F.S., are not approved as enforceable policy.

\*\*\*Sections 403.892, .9301 and 403.9302 are not proposed as enforceable policies for federal consistency purposes

## Chapter 403--Environmental Control

### **403.0643 Applicability of rules when reclaimed water is injected into specified receiving groundwater.—**

To further promote the reuse of reclaimed water for irrigation purposes, the rules that apply when reclaimed water is injected into a receiving groundwater that has 1,000 to 3,000 mg/L total dissolved solids are applicable to reclaimed water aquifer storage and recovery wells injecting into a receiving groundwater of less than 1,000 mg/L total dissolved solids if the applicant demonstrates that it is injecting into a confined aquifer, that there are no potable water supply wells within 3,500 feet of the aquifer storage and recovery wells, that it has implemented institutional controls to prevent the future construction of potable water supply wells within 3,500 feet of the aquifer storage and recovery wells, and that the recovered water is being used for irrigation purposes. The injection of reclaimed water that meets the requirements of this section is not potable reuse. This section may not be construed to exempt the reclaimed water aquifer storage and recovery wells from requirements that prohibit the causing of or contribution to violations of water quality standards in surface waters, including groundwater discharges that flow by interflow and affect water quality in surface waters.

History.—s. 3, ch. 2021-168.

### **403.892 Incentives for the use of graywater technologies.—**

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

(a) “Developer” has the same meaning as in s. 380.031(2).

(b) “Graywater” has the same meaning as in s. 381.0065(2)(e).

(2) To promote the beneficial reuse of water in the state, a county, municipality, or special district shall:

(a) Authorize the use of residential graywater technologies in their respective jurisdictions which meet the requirements of this section, the Florida Building Code, and applicable requirements of the Department of Health and for which a developer or homebuilder has received all applicable regulatory permits or authorizations.

(b) Provide a 25-percent density or intensity bonus to a developer or homebuilder if at least 75 percent of a proposed or existing development will have a graywater system installed or a 35-percent bonus if 100 percent of a proposed or an existing development will have a graywater system installed. The bonus under this paragraph is in addition to any bonus provided by a county, municipality, or special district ordinance in effect on July 1, 2021.

(3) To qualify for the incentives under subsection (2), the developer or homebuilder must certify to the applicable governmental entity as part of its application for development approval or amendment of a development order that all of the following conditions are met:

(a) The proposed or existing development has at least 25 single-family residential homes that are either detached or multifamily dwellings. This paragraph does not apply to multifamily projects over five stories in height.

(b) Each single-family residential home or residence will have its own residential graywater system that is dedicated for its use.

(c) The developer or homebuilder has submitted a manufacturer's warranty or data providing reasonable assurance that the residential graywater system will function as designed and includes an estimate of anticipated potable water savings for each system. A submission of the manufacturer's warranty or data from a building code official, governmental entity, or research institute that has monitored or measured the residential graywater system that is proposed to be installed for such development shall be accepted as reasonable assurance, and no further information or assurance is needed.

(d) The required maintenance of the graywater system will be the responsibility of the residential homeowner.

(e) An operation and maintenance manual for the graywater system will be supplied to the initial homeowner of each home. The manual shall provide a method of contacting the installer or manufacturer and shall include directions to the residential homeowner that the manual shall remain with the residence throughout the life cycle of the system.

(4) If the requirements of subsection (3) have been met, the county or municipality must include the incentives provided for in subsection (2) when it approves the development or amendment of a development order. The approval must also provide for the process that the developer or homebuilder will follow to verify that such systems have been purchased. Proof of purchase must be provided within 180 days after the issuance of a certificate of occupancy for single-family residential homes that are either detached or multifamily projects under five stories in height.

(5) The installation of residential graywater systems in a county or municipality in accordance with this section shall qualify as a water conservation measure in a public water utility's water conservation plan under s. 373.227. The efficiency of such measures shall be commensurate with the amount of potable water savings estimated for each system provided by the developer or homebuilder under paragraph (3)(c).

History.—s. 2, ch. 2021-168.

#### **403.9301 Wastewater services projections.—**

(1) The Legislature intends for each county, municipality, or special district providing wastewater services to create a 20-year needs analysis.

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

(a) "Domestic wastewater" has the same meaning as provided in s. 367.021.

(b) "Facility" means any equipment, structure, or other property, including sewerage systems and treatment works, used to provide wastewater services.

(c) "Treatment works" has the same meaning as provided in s. 403.031(11).

(d) "Wastewater services" means service to a sewerage system, as defined in s. 403.031(9), or service to domestic wastewater treatment works.

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing wastewater services shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the facilities used to provide wastewater services.

(b) The number of current and projected connections and residents served calculated in 5-year increments.

(c) The current and projected service area for wastewater services.



(d) The current and projected cost of providing wastewater services calculated in 5-year increments.

(e) The estimated remaining useful life of each facility or its major components.

(f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.

(g) The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.

(4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its service area is located. Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document.

The county shall file the compiled document with the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

(6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

History.—s. 4, ch. 2021-194.

#### **403.9302 Stormwater management projections.—**

(1) The Legislature intends for each county, municipality, or special district providing a stormwater management program or stormwater management system to create a 20-year needs analysis.

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

(a) "Facility" means any equipment, structure, or other property, including conveyance systems, used or useful in connection with providing a stormwater management program or stormwater management system.

(b) "Stormwater management program" has the same meaning as provided in s. 403.031(15).

(c) "Stormwater management system" has the same meaning as provided in s. 403.031(16).

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing a stormwater management program or stormwater management system shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the stormwater management program or stormwater management system and its facilities and projects.

(b) The number of current and projected residents served calculated in 5-year increments.

(c) The current and projected service area for the stormwater management program or stormwater management system.

(d) The current and projected cost of providing services calculated in 5-year increments.

(e) The estimated remaining useful life of each facility or its major components.

(f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.

(g) The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.

(4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its stormwater management program or stormwater management system is located. Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document. The county shall file the compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

(6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

History.—s. 5, ch. 2021-194.



**Chapter 597**  
**Aquaculture**  
**Enforceable Policies**

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

597.001*	Florida Aquaculture Policy Act; short title
597.0015	Definitions.
597.002	Legislative declaration of public policy respecting aquaculture.
597.0021*	Legislative intent.
597.003	Powers and duties of Department of Agriculture and Consumer Services.
597.004	Aquaculture certificate of registration.
597.0041	Prohibited acts; penalties.
<u>597.0042**</u>	<u>Public records exemptions; aquaculture records</u>
597.0045*	Cultured shellfish theft reward program.
597.005*	Aquaculture Review Council.
597.010	Shellfish regulation; leases.
597.020	Shellfish processors; regulation.

\*Sections 597.001, .0021, .0045, and .005, F.S., are not considered an enforceable policies for federal consistency purposes.

\*\*Section 597.0042 is not proposed as an enforceable policy for federal consistency purposes

## Chapter 597—Aquaculture

### **597.0042 Public records exemptions; aquaculture records.—**

(1) The following records held by the department are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Shellfish receiving and production records generated by shellfish processing facilities licensed pursuant to s. 597.020.

(b) Audit records and supporting documentation required for submerged land leases issued in accordance with chapter 253 or former chapter 370.

(c) Aquaculture production records and receipts generated by aquaculture facilities certified pursuant to s. 597.004.

(2) A record made confidential and exempt under subsection (1) may be disclosed to another governmental entity in the performance of its duties and responsibilities and may be disclosed pursuant to s. 474.2165.

(3) The exemption from public records requirements under subsection (1) applies to aquaculture records held before, on, or after July 1, 2021.

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

History.—s. 1, ch. 2021-59.