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Chapter 163

Intergovernmental Programs

Part II

Growth Policy; County and Municipal Planning; Land Development Regulation

Enforceable Policies

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Chapter 163 Intergovernmental Programs Part II: Growth Policy; County and Municipal Planning; Land Development Regulation

[1]163.081 Financing qualifying improvements to residential property.—

(1) RESIDENTIAL PROPERTY PROGRAM AUTHORIZATION.—

(a) A program administrator may only offer a program for financing qualifying improvements to residential property within the jurisdiction of a county or municipality if the county or municipality has authorized by ordinance or resolution the program administrator to administer the program for financing qualifying improvements to residential property. The authorized program must, at a minimum, meet the requirements of this section.

(b) Pursuant to this section or as otherwise provided by law or pursuant to a county's or municipality's home rule power, a county or municipality may enter into an interlocal agreement providing for a partnership between one or more counties or municipalities for the purpose of facilitating a program to finance qualifying improvements to residential property located within the jurisdiction of the counties or municipalities that are party to the agreement.

(c) A county or municipality may deauthorize a program administrator through repeal of the ordinance or resolution adopted pursuant to paragraph (a) or other action. Any recorded financing agreements at the time of deauthorization shall continue, except any financing agreement for which the provisions of s. 163.086 apply.

(d) An authorized program administrator may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(e) An authorized program administrator may levy non-ad valorem assessments to facilitate repayment of financing qualifying improvements. Costs incurred by the program administrator for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 of each year in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and program administrator agree. The program administrator shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments, not to exceed 2 percent of the amount collected and remitted.

(f) A program administrator may incur debt for the purpose of providing financing for qualifying improvements, which debt is payable from revenues received from the improved property or any other available revenue source authorized by law.

(2) APPLICATION.—The owner of record of the residential property within the jurisdiction of an authorized program may apply to the authorized program administrator to finance a qualifying improvement. The program administrator may only enter into a financing agreement with the property owner.

(3) FINANCING AGREEMENTS.—

(a) Before entering into a financing agreement, the program administrator must make each of the following findings based on a review of public records derived from a commercially accepted source and the property owner's statements, records, and credit reports:
1. There are sufficient resources to complete the project.
2. The total amount of any non-ad valorem assessment for a residential property under this section does not exceed 20 percent of the just value of the property as determined by the property appraiser. The total amount may exceed this limitation upon written consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the residential property.
3. The financing agreement does not utilize a negative amortization schedule, a balloon payment, or prepayment fees or fines other than nominal administrative costs. Capitalized interest included in the original balance of the assessment financing agreement does not constitute negative amortization.
4. All property taxes and any other assessments, including non-ad valorem assessments, levied on the same bill as the property taxes are current and have not been delinquent for the preceding 3 years, or the property owner's period of ownership, whichever is less.
5. There are no outstanding fines or fees related to zoning or code enforcement violations issued by a county or municipality, unless the qualifying improvement will remedy the zoning or code violation.
6. There are no involuntary liens, including, but not limited to, construction liens on the residential property.
7. No notices of default or other evidence of property-based debt delinquency have been recorded and not released during the preceding 3 years or the property owner's period of ownership, whichever is less.
8. The property owner is current on all mortgage debt on the residential property.
9. The property owner has not been subject to a bankruptcy proceeding within the last 5 years unless it was discharged or dismissed more than 2 years before the date on which the property owner applied for financing.
10. The residential property is not subject to an existing home equity conversion mortgage or reverse mortgage product.
11. The term of the financing agreement does not exceed the weighted average useful life of the qualified improvements to which the greatest portion of funds disbursed under the assessment contract is attributable, not to exceed 20 years. The program administrator shall determine the useful life of a qualifying improvement using established standards, including certification criteria from government agencies or nationally recognized standards and testing organizations.
12. The total estimated annual payment amount for all financing agreements entered into under this section on the residential property does not exceed 10 percent of the property owner's annual household income. Income must be confirmed using reasonable evidence and not solely by a property owner's statement.
13. If the qualifying improvement is for the conversion of an onsite sewage treatment and disposal system to a central sewerage system, the property owner has utilized all available local government funding for such conversions and is unable to obtain

financing for the improvement on more favorable terms through a local government program designed to support such conversions.
(b) Before entering into a financing agreement, the program administrator must determine if there are any current financing agreements on the residential property and if the property owner has obtained or sought to obtain additional qualifying improvements on the same property which have not yet been recorded. The existence of a prior qualifying improvement non-ad valorem assessment or a prior financing agreement is not evidence that the financing agreement under consideration is affordable or meets other program requirements.
(c) Findings satisfying paragraphs (a) and (b) must be documented, including supporting evidence relied upon, and provided to the property owner prior to a financing agreement being approved and recorded. The program administrator must retain the documentation for the duration of the financing agreement.
(d) If the qualifying improvement is estimated to cost $10,000 or more, before entering into a financing agreement the program administrator must advise the property owner in writing that the best practice is to obtain estimates from more than one unaffiliated, registered qualifying improvement contractor for the qualifying improvement and notify the property owner in writing of the advertising and solicitation requirements of s. 163.085.
(e) A property owner and the program administrator may agree to include in the financing agreement provisions for allowing change orders necessary to complete the qualifying improvement. Any financing agreement or contract for qualifying improvements which includes such provisions must meet the requirements of this paragraph. If a proposed change order on a qualifying improvement will increase the original cost of the qualifying improvement by 20 percent or more or will expand the scope of the qualifying improvement by more than 20 percent, before the change order may be executed which would result in an increase in the amount financed through the program administrator for the qualifying improvement, the program administrator must notify the property owner, provide an updated written disclosure form as described in subsection (4) to the property owner, and obtain written approval of the change from the property owner.
(f) A financing agreement may not be entered into if the total cost of the qualifying improvement, including program fees and interest, is less than $2,500.
(g) A financing agreement may not be entered into for qualifying improvements in buildings or facilities under new construction or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.
(4) DISCLOSURES.—
(a) In addition to the requirements imposed in subsection (3), a financing agreement may not be executed unless the program administrator first provides, including via electronic means, a written financing estimate and disclosure to the property owner which includes all of the following, each of which must be individually acknowledged in writing by the property owner:
1. The estimated total amount to be financed, including the total and itemized cost of the qualifying improvement, program fees, and capitalized interest;
2. The estimated annual non-ad valorem assessment;

3. The term of the financing agreement and the schedule for the non-ad valorem assessments;
4. The interest charged and estimated annual percentage rate;
5. A description of the qualifying improvement;
6. The total estimated annual costs that will be required to be paid under the assessment contract, including program fees;
7. The total estimated average monthly equivalent amount of funds that would need to be saved in order to pay the annual costs of the non-ad valorem assessment, including program fees;
8. The estimated due date of the first payment that includes the non-ad valorem assessment;
9. A disclosure that the financing agreement may be canceled within 3 business days after signing the financing agreement without any financial penalty for doing so;
10. A disclosure that the property owner may repay any remaining amount owed, at any time, without penalty or imposition of additional prepayment fees or fines other than nominal administrative costs;
11. A disclosure that if the property owner sells or refinances the residential property, the property owner may be required by a mortgage lender to pay off the full amount owed under each financing agreement under this section;
12. A disclosure that the assessment will be collected along with the property owner's property taxes, and will result in a lien on the property from the date the financing agreement is recorded;
13. A disclosure that potential utility or insurance savings are not guaranteed, and will not reduce the assessment amount; and
14. A disclosure that failure to pay the assessment may result in penalties; fees, including attorney fees; court costs; and the issuance of a tax certificate that could result in the property owner losing the property and a judgment against the property owner, and may affect the property owner's credit rating.

(b) Prior to the financing agreement being approved, the program administrator must conduct an oral, recorded telephone call with the property owner during which the program administrator must confirm each finding or disclosure required in subsection (3) and this section.

(5) NOTICE TO LIENHOLDERS AND SERVICERS.—At least 5 business days before entering into a financing agreement, the property owner must provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the residential property a written notice of the owner's intent to enter into a financing agreement together with the maximum amount to be financed, including the amount of any fees and interest, and the maximum annual assessment necessary to repay the total. A verified copy or other proof of such notice must be provided to the program administrator. A provision in any agreement between a mortgagor or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is unenforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to pay the annual assessment.

(6) CANCELLATION.—A property owner may cancel a financing agreement on a form established by the program administrator within 3 business days after signing the financing agreement without any financial penalty for doing so.
(7) RECORDING.—Any financing agreement executed pursuant to this section, or a summary memorandum of such agreement, shall be submitted for recording in the public records of the county within which the residential property is located by the program administrator within 10 business days after execution of the agreement and the 3-day cancellation period. The recorded agreement must provide constructive notice that the non-ad valorem assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation. A notice of lien for the full amount of the financing may be recorded in the public records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.
(8) SALE OF RESIDENTIAL PROPERTY.—At or before the time a seller executes a contract for the sale of any residential property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which must be set forth in the contract or in a separate writing:
QUALIFYING IMPROVEMENTS.—The property being purchased is subject to an assessment on the property pursuant to s. 163.081, Florida Statutes. The assessment is for a qualifying improvement to the property and is not based on the value of the property. You are encouraged to contact the property appraiser's office to learn more about this and other assessments that may be provided by law.
(9) DISBURSEMENTS.—Before disbursing final funds to a qualifying improvement contractor for a qualifying improvement on residential property, the program administrator shall confirm that the applicable work or service has been completed or, as applicable, that the final permit for the qualifying improvement has been closed with all permit requirements satisfied or a certificate of occupancy or similar evidence of substantial completion of construction or improvement has been issued.
(10) CONSTRUCTION.—This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.
History.—s. 2, ch. 2024-273.
1Note.—Section 9, ch. 2024-273, provides that "[a] current contract, agreement, authorization, or interlocal agreement between a county or municipality and a program administrator entered into before July 1, 2024, shall continue without additional action by the county or municipality. However, the program administrator must comply with this act, and any contract, agreement, authorization, or interlocal agreement must be amended to comply with this act."

163.082 Financing qualifying improvements to commercial property.—
(1) COMMERCIAL PROPERTY PROGRAM AUTHORIZATION.—
(a) A program administrator may only offer a program for financing qualifying improvements to commercial property within the jurisdiction of a county or municipality if the county or municipality has authorized by ordinance or resolution the program

administrator to administer the program for financing qualifying improvements to commercial property. The authorized program must, at a minimum, meet the requirements of this section.

(b) Pursuant to this section or as otherwise provided by law or pursuant to a county's or municipality's home rule power, a county or municipality may enter into an interlocal agreement providing for a partnership between one or more counties or municipalities for the purpose of facilitating a program for financing qualifying improvements to commercial property located within the jurisdiction of the counties or municipalities that are party to the agreement.

(c) A county or municipality may deauthorize a program administrator through repeal of the ordinance or resolution adopted pursuant to paragraph (a) or other action. Any recorded financing agreements at the time of deauthorization shall continue, except any financing agreement for which the provisions of s. 163.086 apply.

(d) A program administrator may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(e) An authorized program administrator may levy non-ad valorem assessments to facilitate repayment of financing or refinancing qualifying improvements. Costs incurred by the program administrator for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), is not subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 of each year in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and program administrator agree. The program administrator shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments, not to exceed 2 percent of the amount collected and remitted.

(f) A program administrator may incur debt for the purpose of providing financing for qualifying improvements, which debt is payable from revenues received from the improved property or any other available revenue source authorized by law.

(2) APPLICATION.—The owner of record of the commercial property within the jurisdiction of the authorized program may apply to the program administrator to finance a qualifying improvement and enter into a financing agreement with the program administrator to make such improvement. The program administrator may only enter into a financing agreement with a property owner.

(3) CONSENT OF LIENHOLDERS AND SERVICERS.—The program administrator must receive the written consent of the current holders or loan servicers of any mortgage that encumbers or is otherwise secured by the commercial property or that will otherwise be secured by the property before a financing agreement may be executed.

(4) FINANCING AGREEMENTS.—

(a) A program administrator offering a program for financing qualifying improvements to commercial property must maintain underwriting criteria sufficient to determine the financial feasibility of entering into a financing agreement. To enter into a financing

agreement, the program administrator must, at a minimum, make each of the following findings based on a review of public records derived from a commercially accepted source and the statements, records, and credit reports of the commercial property owner:

1. There are sufficient resources to complete the project.

2. All property taxes and any other assessments, including non-ad valorem assessments, levied on the same bill as the property taxes are current.

3. There are no involuntary liens greater than $5,000, including, but not limited to, construction liens on the commercial property.

4. No notices of default or other evidence of property-based debt delinquency have been recorded and not been released during the preceding 3 years or the property owner's period of ownership, whichever is less.

5. The property owner is current on all mortgage debt on the commercial property.

6. The term of the financing agreement does not exceed the weighted average useful life of the qualified improvements to which the greatest portion of funds disbursed under the assessment contract is attributable, not to exceed 30 years. The program administrator shall determine the useful life of a qualifying improvement using established standards, including certification criteria from government agencies or nationally recognized standards and testing organizations.

7. The property owner is not currently the subject of a bankruptcy proceeding.

(b) Before entering into a financing agreement, the program administrator shall determine if there are any current financing agreements on the commercial property and whether the property owner has obtained or sought to obtain additional qualifying improvements on the same property which have not yet been recorded. The existence of a prior qualifying improvement non-ad valorem assessment or a prior financing agreement is not evidence that the financing agreement under consideration is affordable or meets other program requirements.

(c) The program administrator shall document and retain findings satisfying paragraphs (a) and (b), including supporting evidence relied upon, which were made prior to the financing agreement being approved and recorded, for the duration of the financing agreement.

(d) A property owner and the program administrator may agree to include in the financing agreement provisions for allowing change orders necessary to complete the qualifying improvement. Any financing agreement or contract for qualifying improvements which includes such provisions must meet the requirements of this paragraph. If a proposed change order on a qualifying improvement will increase the original cost of the qualifying improvement by 20 percent or more or will expand the scope of the qualifying improvement by 20 percent or more, before the change order may be executed which would result in an increase in the amount financed through the program administrator for the qualifying improvement, the program administrator must notify the property owner, provide an updated written disclosure form as described in subsection (5) to the property owner, and obtain written approval of the change from the property owner.

(e) A financing agreement may not be entered into if the total cost of the qualifying improvement, including program fees and interest, is less than $2,500.

(5) DISCLOSURES.—In addition to the requirements imposed in subsection (4), a financing agreement may not be executed unless the program administrator provides, whether on a separate document or included with other disclosures or forms, a financing estimate and disclosure to the property owner which includes all of the following:
(a) The estimated total amount to be financed, including the total and itemized cost of the qualifying improvement, program fees, and capitalized interest;
(b) The estimated annual non-ad valorem assessment;
(c) The term of the financing agreement and the schedule for the non-ad valorem assessments;
(d) The interest charged and estimated annual percentage rate;
(e) A description of the qualifying improvement;
(f) The total estimated annual costs that will be required to be paid under the assessment contract, including program fees;
(g) The estimated due date of the first payment that includes the non-ad valorem assessment; and
(h) A disclosure of any prepayment penalties, fees, or fines as set forth in the financing agreement.
(6) RECORDING.—Any financing agreement executed pursuant to this section or a summary memorandum of such agreement must be submitted for recording in the public records of the county within which the commercial property is located by the program administrator within 10 business days after execution of the agreement. The recorded agreement must provide constructive notice that the non-ad valorem assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation. A notice of lien for the full amount of the financing may be recorded in the public records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.
(7) SALE OF COMMERCIAL PROPERTY.—At or before the time a seller executes a contract for the sale of any commercial property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which must be set forth in the contract or in a separate writing:
QUALIFYING IMPROVEMENTS.—The property being purchased is subject to an assessment on the property pursuant to s. 163.082, Florida Statutes. The assessment is for a qualifying improvement to the property and is not based on the value of the property. You are encouraged to contact the property appraiser’s office to learn more about this and other assessments that may be provided for by law.
(8) COMPLETION CERTIFICATE.—Upon disbursement of all financing and completion of installation of qualifying improvements financed, the program administrator shall retain a certificate that the qualifying improvements have been installed and are in good working order.
(9) CONSTRUCTION.—This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.
History.—s. 3, ch. 2024-273.

163.083 Qualifying improvement contractors.—

(1) A county or municipality shall establish a process, or approve a process established by a program administrator, to register contractors for participation in a program authorized by a county or municipality pursuant to s. 163.081. A qualifying improvement contractor may only perform such work that the contractor is appropriately licensed, registered, and permitted to conduct. At the time of application to participate and during participation in the program, contractors must:

(a) Hold all necessary licenses or registrations for the work to be performed which are in good standing. Good standing includes no outstanding complaints with the state or local government which issues such licenses or registrations.

(b) Comply with all applicable federal, state, and local laws and regulations, including obtaining and maintaining any other permits, licenses, or registrations required for engaging in business in the jurisdiction in which it operates and maintaining all state-required bond and insurance coverage.

(c) File with the program administrator a written statement in a form approved by the county or municipality that the contractor will comply with applicable laws and rules and qualifying improvement program policies and procedures, including those on advertising and marketing.

(2) A third-party administrator or a program administrator, either directly or through an affiliate, may not be registered as a qualifying improvement contractor.

(3) A program administrator shall establish and maintain:

(a) A process to monitor qualifying improvement contractors for performance and compliance with requirements of the program and must conduct regular reviews of qualifying improvement contractors to confirm that each qualifying improvement contractor is in good standing.

(b) Procedures for notice and imposition of penalties upon a finding of violation, which may consist of placement of the qualifying improvement contractor in a probationary status that places conditions for continued participation, suspension, or termination from participation in the program.

(c) An easily accessible page on its website that provides information on the status of registered qualifying improvement contractors, including any imposed penalties, and the names of any qualifying improvement contractors currently on probationary status or that are suspended or terminated from participation in the program.

History.—s. 4, ch. 2024-273.

163.084 Third-party administrator for financing qualifying improvements programs.—

(1)(a) A program administrator may contract with one or more third-party administrators to administer a program authorized by a county or municipality pursuant to s. 163.081 or s. 163.082 on behalf of and at the discretion of the program administrator.

(b) The third-party administrator must be independent of the program administrator and have no conflicts of interest between managers or owners of the third-party administrator and program administrator managers, owners, officials, or employees with oversight over the contract. A program administrator, either directly or through an affiliate, may not act as a third-party administrator for itself or for another program

administrator. However, this paragraph does not apply to a third-party administrator created by an entity authorized in law pursuant to s. 288.9604.
(c) The contract must provide for the entity to administer the program according to the requirements of s. 163.081 or s. 163.082 and the ordinance or resolution adopted by the county or municipality authorizing the program. However, only the program administrator may levy or administer non-ad valorem assessments.
(2) A program administrator may not contract with a third-party administrator that, within the last 3 years, has been:
(a) Prohibited, after notice and a hearing, from serving as a third-party administrator for another program administrator for program or contract violations in this state; or
(b) Found by a court of competent jurisdiction to have substantially violated state or federal laws related to the administration of ss. 163.081-163.086 or a similar program in another jurisdiction.
(3) The program administrator must include in any contract with the third-party administrator the right to perform annual reviews of the administrator to confirm compliance with ss. 163.081-163.086, the ordinance or resolution adopted by the county or municipality, and the contract with the program administrator. If the program administrator finds that the third-party administrator has committed a violation of ss. 163.081-163.086, the adopted ordinance or resolution, or the contract with the program administrator, the program administrator shall provide the third-party administrator with notice of the violation and may, as set forth in the adopted ordinance or resolution or the contract with the third-party administrator:
(a) Place the third-party administrator in a probationary status that places conditions for continued operations.
(b) Impose any fines or sanctions.
(c) Suspend the activity of the third-party administrator for a period of time.
(d) Terminate the agreement with the third-party administrator.
(4) A program administrator may terminate the agreement with a third-party administrator, as set forth by the county or municipality in its adopted ordinance or resolution or the contract with the third-party administrator, if the program administrator makes a finding that:
(a) The third-party administrator has violated the contract with the program administrator. The contract may set forth substantial violations that may result in contract termination and other violations that may provide for a period of time for correction before the contract may be terminated.
(b) The third-party administrator, or an officer, a director, a manager or a managing member, or a control person of the third-party administrator, has been found by a court of competent jurisdiction to have violated state or federal laws related to the administration of a program authorized of the provisions of ss. 163.081-163.086 or a similar program in another jurisdiction within the last 5 years.
(c) Any officer, director, manager or managing member, or control person of the third-party administrator has been convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication has been withheld, a crime related to administration of a program authorized of the provisions of ss. 163.081-163.086 or a similar program in another jurisdiction within the last 10 years.

(d) An annual performance review reveals a substantial violation or a pattern of violations by the third-party administrator.
(5) Any recorded financing agreements at the time of termination or suspension by the program administrator shall continue, except any financing agreement for which the provisions of s. 163.086 apply.
History.—s. 5, ch. 2024-273.

163.085 Advertisement and solicitation for financing qualifying improvements programs under s. 163.081 or s. 163.082.—
(1) When communicating with a property owner, a program administrator, qualifying improvement contractor, or third-party administrator may not:
(a) Suggest or imply:
1. That a non-ad valorem assessment authorized under s. 163.081 or s. 163.082 is a government assistance program;
2. That qualifying improvements are free or provided at no cost, or that the financing related to a non-ad valorem assessment authorized under s. 163.081 or s. 163.082 is free or provided at no cost; or
3. That the financing of a qualifying improvement using the program authorized pursuant to s. 163.081 or s. 163.082 does not require repayment of the financial obligation.
(b) Make any representation as to the tax deductibility of a non-ad valorem assessment. A program administrator, qualifying improvement contractor, or third-party administrator may encourage a property owner to seek the advice of a tax professional regarding tax matters related to assessments.
(2) A program administrator or third-party administrator may not provide to a qualifying improvement contractor any information that discloses the amount of financing for which a property owner is eligible for qualifying improvements or the amount of equity in a residential property or commercial property.
(3) A qualifying improvement contractor may not advertise the availability of financing agreements for, or solicit program participation on behalf of, the program administrator unless the contractor is registered by the program administrator to participate in the program and is in good standing with the program administrator.
(4) A program administrator or third-party administrator may not provide any payment, fee, or kickback to a qualifying improvement contractor for referring property owners to the program administrator or third-party administrator. However, a program administrator or third-party administrator may provide information to a qualifying improvement contractor to facilitate the installation of a qualifying improvement for a property owner.
(5) A program administrator or third-party administrator may not reimburse a qualifying improvement contractor for its expenses in advertising and marketing campaigns and materials.
(6) A qualifying improvement contractor may not provide a different price for a qualifying improvement financed under s. 163.081 than the price that the qualifying improvement contractor would otherwise provide if the qualifying improvement was not being financed through a financing agreement. Any contract between a property owner and a qualifying improvement contractor must clearly state all pricing and cost

provisions, including any process for change orders which meet the requirements of s. 163.081(3)(d).
(7) A program administrator, qualifying improvement contractor, or third-party administrator may not provide any direct cash payment or other thing of material value to a property owner which is explicitly conditioned upon the property owner entering into a financing agreement. However, a program administrator or third-party administrator may offer programs or promotions on a nondiscriminatory basis that provide reduced fees or interest rates if the reduced fees or interest rates are reflected in the financing agreements and are not provided to the property owner as cash consideration.
History.—s. 6, ch. 2024-273.

163.086 Unenforceable financing agreements for qualifying improvements programs under s. 163.081 or s. 163.082; attachment; fraud.—
(1) A recorded financing agreement may not be removed from attachment to a residential property or commercial property if the property owner fraudulently obtained funding pursuant to s. 163.081 or s. 163.082.
(2) A financing agreement may not be enforced, and a recorded financing agreement may be removed from attachment to a residential property or commercial property and deemed null and void, if:
(a) The property owner applied for, accepted, and canceled a financing agreement within the 3-business-day period pursuant to s. 163.081(6). A qualifying improvement contractor may not begin work under a canceled contract.
(b) A person other than the property owner obtained the recorded financing agreement. The court may enter an order which holds that person or persons personally liable for the debt.
(c) The program administrator, third-party administrator, or qualifying improvement contractor approved or obtained funding through fraudulent means and in violation of ss. 163.081-163.085, or this section for qualifying improvements on the residential property or commercial property.
(3) If a qualifying improvement contractor has initiated work on residential property or commercial property under a contract deemed unenforceable under this section, the qualifying improvement contractor:
(a) May not receive compensation for that work under the financing agreement.
(b) Must restore the residential property or commercial property to its original condition at no cost to the property owner.
(c) Must immediately return any funds, property, and other consideration given by the property owner. If the property owner provided any property and the qualifying improvement contractor does not or cannot return it, the qualifying improvement contractor must immediately return the fair market value of the property or its value as designated in the contract, whichever is greater.
(4) If the qualifying improvement contractor has delivered chattel or fixtures to residential property or commercial property pursuant to a contract deemed unenforceable under this section, the qualifying improvement contractor has 90 days after the date on which the contract was executed to retrieve the chattel or fixtures, provided that:

(a) The qualifying improvement contractor has fulfilled the requirements of paragraphs (3)(a) and (b).
(b) The chattel and fixtures can be removed at the qualifying improvement contractor's expense without damaging the residential property or commercial property.
(5) If a qualifying improvement contractor fails to comply with this section, the property owner may retain any chattel or fixtures provided pursuant to a contract deemed unenforceable under this section.
(6) A contract that is otherwise unenforceable under this section remains enforceable if the property owner waives his or her right to cancel the contract or cancels the financing agreement pursuant to s. 163.081(6) but allows the qualifying improvement contractor to proceed with the installation of the qualifying improvement.
History.—s. 7, ch. 2024-273.

163.087 Reporting for financing qualifying improvements programs under s. 163.081 or s. 163.082.—
(1) Each program administrator that is authorized to administer a program for financing qualifying improvements to residential property or commercial property under s. 163.081 or s. 163.082 shall post on its website an annual report within 45 days after the end of its fiscal year containing the following information from the previous year for each program authorized under s. 163.081 or s. 163.082:
(a) The number and types of qualifying improvements funded.
(b) The aggregate, average, and median dollar amounts of annual non-ad valorem assessments and the total number of non-ad valorem assessments collected pursuant to financing agreements for qualifying improvements.
(c) The total number of defaulted non-ad valorem assessments, including the total defaulted amount, the number and dates of missed payments, and the total number of parcels in default and the length of time in default.
(d) A summary of all reported complaints received by the program administrator related to the program, including the names of the third-party administrator, if applicable, and qualifying improvement contractors and the resolution of each complaint.
(2) The Auditor General must conduct an operational audit of each program administrator authorized under s. 163.081 or s. 163.082, including any third-party administrators, for compliance with the provisions of ss. 163.08-163.086 and any adopted ordinance at least once every 3 years. The Auditor General may stagger evaluations; however, every program must be evaluated at least once by September 1, 2028. The Auditor General shall adopt rules pursuant to s. 218.39 requiring each program administrator to report whether it offers a program authorized pursuant to s. 163.081 or s. 163.082, and other pertinent information. Each program administrator and, if applicable, third-party administrator, must post the most recent report on its website.
History.—s. 8, ch. 2024-273.

163.3184 Process for adoption of comprehensive plan or plan amendment.—
(1) DEFINITIONS.—As used in this section, the term:
(a) "Affected person" includes the affected local government; persons owning property, residing, or owning or operating a business within the boundaries of the local

government whose plan is the subject of the review; owners of real property abutting real property that is the subject of a proposed change to a future land use map; and adjoining local governments that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within their jurisdiction. Each person, other than an adjoining local government, in order to qualify under this definition, shall also have submitted oral or written comments, recommendations, or objections to the local government during the period of time beginning with the transmittal hearing for the plan or plan amendment and ending with the adoption of the plan or plan amendment.

(b) "In compliance" means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, with the appropriate strategic regional policy plan, and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(c) "Reviewing agencies" means:

1. The state land planning agency;
2. The appropriate regional planning council;
3. The appropriate water management district;
4. The Department of Environmental Protection;
5. The Department of State;
6. The Department of Transportation;
7. In the case of plan amendments relating to public schools, the Department of Education;
8. In the case of plans or plan amendments that affect a military installation listed in s. 163.3175, the commanding officer of the affected military installation;
9. In the case of county plans and plan amendments, the Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services; and
10. In the case of municipal plans and plan amendments, the county in which the municipality is located.

(2) COMPREHENSIVE PLANS AND PLAN AMENDMENTS.—

(a) Plan amendments adopted by local governments shall follow the expedited state review process in subsection (3), except as set forth in paragraphs (b) and (c).

(b) Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187.

(c) Plan amendments that are in an area of critical state concern designated pursuant to s. 380.05; propose a rural land stewardship area pursuant to s. 163.3248; propose a sector plan pursuant to s. 163.3245 or an amendment to an adopted sector plan; update a comprehensive plan based on an evaluation and appraisal pursuant to s. 163.3191; propose a development that is subject to the state coordinated review process pursuant to s. 380.06; or are new plans for newly incorporated municipalities adopted pursuant to s. 163.3167, must follow the state coordinated review process in subsection (4).

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.—

(a) The process for amending a comprehensive plan described in this subsection shall apply to all amendments except as provided in paragraphs (2)(b) and (c) and shall be applicable statewide.
(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body.
2. The reviewing agencies and any other local government or governmental agency specified in subparagraph 1. may provide comments regarding the amendment or amendments to the local government. State agencies shall only comment on important state resources and facilities that will be adversely impacted by the amendment if adopted. Comments provided by state agencies shall state with specificity how the plan amendment will adversely impact an important state resource or facility and shall identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. Such comments, if not resolved, may result in a challenge by the state land planning agency to the plan amendment. Agencies and local governments must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments. Reviewing agencies shall also send a copy of their comments to the state land planning agency.
3. Comments to the local government from a regional planning council, county, or municipality shall be limited as follows:
a. The regional planning council review and comments shall be limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A regional planning council may not review and comment on a proposed comprehensive plan amendment prepared by such council unless the plan amendment has been changed by the local government subsequent to the preparation of the plan amendment by the regional planning council.
b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.
c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.
d. Military installation comments shall be provided in accordance with s. 163.3175.
4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:
a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.
b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.
d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.
e. The Department of Agriculture and Consumer Services shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.
f. The Department of Education shall limit its comments to the subject of public school facilities.
g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.
h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.
(c)1. The local government shall hold a ~~its~~ second public hearing, which shall be a hearing on whether to adopt one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails, within 180 days after receipt of agency comments, to hold the second public hearing, and to adopt the comprehensive plan amendments, the amendments are ~~shall be~~ deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.
2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the final adoption ~~second public~~ hearing to the state land planning agency and any other agency or local government that provided timely comments under subparagraph (b)2. If the local government fails to transmit the comprehensive plan amendments within 10 working days after the final adoption hearing, the amendments are deemed withdrawn.
3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of an amendment package. For purposes of completeness, an amendment shall be deemed complete if it contains a full, executed copy of:
a. The adoption ordinance or ordinances;
b. In the case of a text amendment, ~~a full copy of~~ the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;
c. In the case of a future land use map amendment, ~~a copy of~~ the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and
d. ~~a copy of~~ Any data and analyses the local government deems appropriate.
4. An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become

effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.
(4) STATE COORDINATED REVIEW PROCESS.—
(a) Coordination.—The state land planning agency shall only use the state coordinated review process described in this subsection for review of comprehensive plans and plan amendments described in paragraph (2)(c). Each comprehensive plan or plan amendment proposed to be adopted pursuant to this subsection shall be transmitted, adopted, and reviewed in the manner prescribed in this subsection. The state land planning agency shall have responsibility for plan review, coordination, and the preparation and transmission of comments, pursuant to this subsection, to the local governing body responsible for the comprehensive plan or plan amendment.
(b) Local government transmittal of proposed plan or amendment.—Each local governing body proposing a plan or plan amendment specified in paragraph (2)(c) shall transmit the complete proposed comprehensive plan or plan amendment to the reviewing agencies within 10 working days after the first public hearing pursuant to subsection (11). The transmitted document shall clearly indicate on the cover sheet that this plan amendment is subject to the state coordinated review process of this subsection. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for the plan or plan amendment.
(c) Reviewing agency comments.—The agencies specified in paragraph (b) may provide comments regarding the plan or plan amendments in accordance with subparagraphs (3)(b)2.-4. However, comments on plans or plan amendments required to be reviewed under the state coordinated review process shall be sent to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment from the local government. If the state land planning agency comments on a plan or plan amendment adopted under the state coordinated review process, it shall provide comments according to paragraph (d). Any other unit of local government or government agency specified in paragraph (b) may provide comments to the state land planning agency in accordance with subparagraphs (3)(b)2.-4. within 30 days after receipt by the state land planning agency of the complete proposed plan or plan amendment. Written comments submitted by the public shall be sent directly to the local government.
(d) State land planning agency review.—
1. If the state land planning agency elects to review a plan or plan amendment specified in paragraph (2)(c), the agency shall issue a report giving its objections, recommendations, and comments regarding the proposed plan or plan amendment within 60 days after receipt of the proposed plan or plan amendment. Notwithstanding the limitation on comments in sub-subparagraph (3)(b)4.g., the state land planning agency may make objections, recommendations, and comments in its report regarding whether the plan or plan amendment is in compliance and whether the plan or plan amendment will adversely impact important state resources and facilities. Any objection regarding an important state resource or facility that will be adversely impacted by the adopted plan or plan amendment shall also state with specificity how the plan or plan amendment will adversely impact the important state resource or facility and shall

identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts. When a federal, state, or regional agency has implemented a permitting program, a local government is not required to duplicate or exceed that permitting program in its comprehensive plan or to implement such a permitting program in its land development regulations. This subparagraph does not prohibit the state land planning agency in conducting its review of local plans or plan amendments from making objections, recommendations, and comments regarding densities and intensities consistent with this part. In preparing its comments, the state land planning agency shall only base its considerations on written, and not oral, comments.

2. The state land planning agency review shall identify all written communications with the agency regarding the proposed plan amendment. The written identification must include a list of all documents received or generated by the agency, which list must be of sufficient specificity to enable the documents to be identified and copies requested, if desired, and the name of the person to be contacted to request copies of any identified document.

(e) Local government review of comments; adoption of plan or amendments and transmittal.—

1. The local government shall review the report submitted to it by the state land planning agency, if any, and written comments submitted to it by any other person, agency, or government. The local government shall, upon receipt of the report from the state land planning agency, ~~shall~~ hold its second public hearing~~, which shall be a hearing~~ to determine whether to adopt the comprehensive plan or one or more comprehensive plan amendments pursuant to subsection (11). If the local government fails to hold the second hearing and adopt the amendments within 180 days after receipt of the state land planning agency's report, the amendments shall be deemed withdrawn unless extended by agreement with notice to the state land planning agency and any affected person that provided comments on the amendment. The 180-day limitation does not apply to amendments processed pursuant to s. 380.06.

2. All comprehensive plan amendments adopted by the governing body, along with the supporting data and analysis, shall be transmitted within 10 working days after the final adoption ~~second public~~ hearing to the state land planning agency and any other agency or local government that provided timely comments under paragraph (c). If the local government fails to transmit the comprehensive plan amendments within 10 working days after the final adoption hearing, the amendments are deemed withdrawn.

3. The state land planning agency shall notify the local government of any deficiencies within 5 working days after receipt of a plan or plan amendment package. For purposes of completeness, a plan or plan amendment shall be deemed complete if it contains a full, executed copy of each of the following:

a. The adoption ordinance or ordinances;

b. In the case of a text amendment, ~~a full copy of~~ the amended language in legislative format with new words inserted in the text underlined, and words deleted stricken with hyphens;

c. In the case of a future land use map amendment, ~~a copy of~~ the future land use map clearly depicting the parcel, its existing future land use designation, and its adopted designation; and

d. ~~a copy of~~ Any data and analyses the local government deems appropriate.

4. After the state land planning agency makes a determination of completeness regarding the adopted plan or plan amendment, the state land planning agency shall have 45 days to determine whether ~~if~~ the plan or plan amendment is in compliance with this act. Unless the plan or plan amendment is substantially changed from the one commented on, the state land planning agency's compliance determination shall be limited to objections raised in the objections, recommendations, and comments report. During the period provided for in this subparagraph, the state land planning agency shall issue, through a senior administrator or the secretary, a notice of intent to find that the plan or plan amendment is in compliance or not in compliance. The state land planning agency shall post a copy of the notice of intent on the agency's Internet website. Publication by the state land planning agency of the notice of intent on the state land planning agency's Internet site is ~~shall be~~ prima facie evidence of compliance with the publication requirements of this subparagraph.

5. A plan or plan amendment adopted under the state coordinated review process shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(a) Any affected person as defined in paragraph (1)(a) may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendments are in compliance as defined in paragraph (1)(b). This petition must be filed with the division within 30 days after the local government adopts the amendment. The state land planning agency may not intervene in a proceeding initiated by an affected person.

(b) The state land planning agency may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57, with a copy served on the affected local government, to request a formal hearing to challenge whether the plan or plan amendment is in compliance as defined in paragraph (1)(b). The state land planning agency's petition must clearly state the reasons for the challenge. Under the expedited state review process, this petition must be filed with the division within 30 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (3)(c)3. Under the state coordinated review process, this petition must be filed with the division within 45 days after the state land planning agency notifies the local government that the plan amendment package is complete according to subparagraph (4)(e)3.

1. The state land planning agency's challenge to plan amendments adopted under the expedited state review process shall be limited to the comments provided by the reviewing agencies pursuant to subparagraphs (3)(b)2.-4., upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted by the adopted plan amendment. The state land planning agency's petition shall state with specificity how the plan amendment will adversely impact the important state resource or facility. The state land planning agency may challenge a plan amendment that has substantially changed from the version on which the agencies

provided comments but only upon a determination by the state land planning agency that an important state resource or facility will be adversely impacted.
2. If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Management Services, which shall conduct a proceeding under ss. 120.569 and 120.57 in the county of and convenient to the affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. No new issue may be alleged as a reason to find a plan or plan amendment not in compliance in an administrative pleading filed more than 21 days after publication of notice unless the party seeking that issue establishes good cause for not alleging the issue within that time period. Good cause does not include excusable neglect.
(c) An administrative law judge shall hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.
1. In challenges filed by an affected person, the comprehensive plan or plan amendment shall be determined to be in compliance if the local government's determination of compliance is fairly debatable.
2.a. In challenges filed by the state land planning agency, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct, and the local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance.
b. In challenges filed by the state land planning agency, the local government's determination that elements of its plan are related to and consistent with each other shall be sustained if the determination is fairly debatable.
3. In challenges filed by the state land planning agency that require a determination by the agency that an important state resource or facility will be adversely impacted by the adopted plan or plan amendment, the local government may contest the agency's determination of an important state resource or facility. The state land planning agency shall prove its determination by clear and convincing evidence.
(d) If the administrative law judge recommends that the amendment be found not in compliance, the judge shall submit the recommended order to the Administration Commission for final agency action. The Administration Commission shall make every effort to enter a final order expeditiously, but at a minimum within the time period provided by s. 120.569.
(e) If the administrative law judge recommends that the amendment be found in compliance, the judge shall submit the recommended order to the state land planning agency.
1. If the state land planning agency determines that the plan amendment should be found not in compliance, the agency shall make every effort to refer the recommended order and its determination expeditiously to the Administration Commission for final agency action, but at a minimum within the time period provided by s. 120.569.
2. If the state land planning agency determines that the plan amendment should be found in compliance, the agency shall make every effort to enter its final order expeditiously, but at a minimum within the time period provided by s. 120.569.

3. The recommended order submitted under this paragraph becomes a final order 90 days after issuance unless the state land planning agency acts as provided in subparagraph 1. or subparagraph 2. or all parties consent in writing to an extension of the 90-day period.
(f) Parties to a proceeding under this subsection may enter into compliance agreements using the process in subsection (6).
(g) The prevailing party in a challenge filed under this subsection is entitled to recover attorney fees and costs in challenging or defending a plan or plan amendment, including reasonable appellate attorney fees and costs.
(6) COMPLIANCE AGREEMENT.—
(a) At any time after the filing of a challenge, the state land planning agency and the local government may voluntarily enter into a compliance agreement to resolve one or more of the issues raised in the proceedings. Affected persons who have initiated a formal proceeding or have intervened in a formal proceeding may also enter into a compliance agreement with the local government. All parties granted intervenor status shall be provided reasonable notice of the commencement of a compliance agreement negotiation process and a reasonable opportunity to participate in such negotiation process. Negotiation meetings with local governments or intervenors shall be open to the public. The state land planning agency shall provide each party granted intervenor status with a copy of the compliance agreement within 10 days after the agreement is executed. The compliance agreement shall list each portion of the plan or plan amendment that has been challenged, and shall specify remedial actions that the local government has agreed to complete within a specified time in order to resolve the challenge, including adoption of all necessary plan amendments. The compliance agreement may also establish monitoring requirements and incentives to ensure that the conditions of the compliance agreement are met.
(b) Upon the filing of a compliance agreement executed by the parties to a challenge and the local government with the Division of Administrative Hearings, any administrative proceeding under ss. 120.569 and 120.57 regarding the plan or plan amendment covered by the compliance agreement shall be stayed.
(c) Before its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with the advertisement requirements of chapter 125 or chapter 166, as applicable.
(d) The local government shall hold a single public hearing for adopting remedial amendments.
(e) For challenges to amendments adopted under the expedited review process, if the local government adopts a comprehensive plan amendment pursuant to a compliance agreement, an affected person or the state land planning agency may file a revised challenge with the Division of Administrative Hearings within 15 days after the adoption of the remedial amendment.
(f) For challenges to amendments adopted under the state coordinated process, the state land planning agency shall issue a cumulative notice of intent addressing both the remedial amendment and the plan or plan amendment that was the subject of the

agreement within 20 days after receiving a complete plan or plan amendment adopted pursuant to a compliance agreement.
1. If the local government adopts a comprehensive plan or plan amendment pursuant to a compliance agreement and a notice of intent to find the plan amendment in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings and the administrative law judge shall realign the parties in the pending proceeding under ss. 120.569 and 120.57, which shall thereafter be governed by the process contained in paragraph (5)(a) and subparagraph (5)(c)1., including provisions relating to challenges by an affected person, burden of proof, and issues of a recommended order and a final order. Parties to the original proceeding at the time of realignment may continue as parties without being required to file additional pleadings to initiate a proceeding, but may timely amend their pleadings to raise any challenge to the amendment that is the subject of the cumulative notice of intent, and must otherwise conform to the rules of procedure of the Division of Administrative Hearings. Any affected person not a party to the realigned proceeding may challenge the plan amendment that is the subject of the cumulative notice of intent by filing a petition with the agency as provided in subsection (5). The agency shall forward the petition filed by the affected person not a party to the realigned proceeding to the Division of Administrative Hearings for consolidation with the realigned proceeding. If the cumulative notice of intent is not challenged, the state land planning agency shall request that the Division of Administrative Hearings relinquish jurisdiction to the state land planning agency for issuance of a final order.
2. If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent is issued that finds the plan amendment not in compliance, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings, which shall consolidate the proceeding with the pending proceeding and immediately set a date for a hearing in the pending proceeding under ss. 120.569 and 120.57. Affected persons who are not a party to the underlying proceeding under ss. 120.569 and 120.57 may challenge the plan amendment adopted pursuant to the compliance agreement by filing a petition pursuant to paragraph (5)(a).
(g) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those that are the subject of a challenge. However, such amendments to the plan may not be inconsistent with the compliance agreement.
(h) This subsection does not require settlement by any party against its will or preclude the use of other informal dispute resolution methods in the course of or in addition to the method described in this subsection.
(7) MEDIATION AND EXPEDITIOUS RESOLUTION.—
(a) At any time after the matter has been forwarded to the Division of Administrative Hearings, the local government proposing the amendment may demand formal mediation or the local government proposing the amendment or an affected person who is a party to the proceeding may demand informal mediation or expeditious resolution of the amendment proceedings by serving written notice on the state land planning agency if a party to the proceeding, all other parties to the proceeding, and the administrative law judge.
(b) Upon receipt of a notice pursuant to paragraph (a), the administrative law judge shall set the matter for final hearing no more than 30 days after receipt of the notice.

Once a final hearing has been set, no continuance in the hearing, and no additional time for post-hearing submittals, may be granted without the written agreement of the parties absent a finding by the administrative law judge of extraordinary circumstances. Extraordinary circumstances do not include matters relating to workload or need for additional time for preparation, negotiation, or mediation.
(c) Absent a showing of extraordinary circumstances, the administrative law judge shall issue a recommended order, in a case proceeding under subsection (5), within 30 days after filing of the transcript, unless the parties agree in writing to a longer time.
(d) For a case following the procedures under this subsection, absent written consent of the parties or a showing of extraordinary circumstances, if the administrative law judge recommends that the amendment be found not in compliance, the Administration Commission shall issue a final order within 45 days after issuance of the recommended order. If the administrative law judge recommends that the amendment be found in compliance, the state land planning agency shall issue a final order within 45 days after issuance of the recommended order. If the state land planning agency fails to timely issue a final order, the recommended order finding the amendment to be in compliance immediately becomes the final order.
(8) ADMINISTRATION COMMISSION.—
(a) If the Administration Commission, upon a hearing pursuant to subsection (5), finds that the comprehensive plan or plan amendment is not in compliance with this act, the commission shall specify remedial actions that would bring the comprehensive plan or plan amendment into compliance.
(b) The commission may specify the sanctions provided in subparagraphs 1. and 2. to which the local government will be subject if it elects to make the amendment effective notwithstanding the determination of noncompliance.
1. The commission may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government is not eligible for grants administered under the following programs:
a. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.048.
b. The Florida Recreation Development Assistance Program, as authorized by chapter 375.
c. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, to the extent not pledged to pay back bonds.
2. If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the department considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

3. The sanctions provided by subparagraphs 1. and 2. do not apply to a local government regarding any plan amendment, except for plan amendments that amend plans that have not been finally determined to be in compliance with this part, and except as provided in this paragraph.
(9) GOOD FAITH FILING.—The signature of an attorney or party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the administrative law judge, upon motion or his or her own initiative, shall impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee.
(10) EXCLUSIVE PROCEEDINGS.—The proceedings under this section shall be the sole proceeding or action for a determination of whether a local government's plan, element, or amendment is in compliance with this act.
(11) PUBLIC HEARINGS.—
(a) The procedure for transmittal of a complete proposed comprehensive plan or plan amendment pursuant to subparagraph (3)(b)1. and paragraph (4)(b) and for adoption of a comprehensive plan or plan amendment pursuant to subparagraphs (3)(c)1. and (4)(e)1. shall be by affirmative vote of not less than a majority of the members of the governing body present at the hearing. The adoption of a comprehensive plan or plan amendment shall be by ordinance. For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.
(b) The local governing body shall hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment as follows:
1. The first public hearing shall be held at the transmittal stage. It shall be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 125 or chapter 166.
2. The second public hearing shall be held at the adoption stage. It shall be held on a weekday at least 5 days after the day that the second advertisement is published pursuant to the requirements of chapter 125 or chapter 166.
(c) Nothing in this part is intended to prohibit or limit the authority of local governments to require a person requesting an amendment to pay some or all of the cost of the public notice.
(12) CONCURRENT ZONING.—At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this section. Zoning changes approved by the local government are contingent upon the comprehensive plan or plan amendment transmitted becoming effective.
(13) AREAS OF CRITICAL STATE CONCERN.—No proposed local government comprehensive plan or plan amendment that is applicable to a designated area of

critical state concern shall be effective until a final order is issued finding the plan or amendment to be in compliance as defined in paragraph (1)(b).
History.—s. 9, ch. 75-257; s. 1, ch. 77-174; s. 4, ch. 77-331; s. 7, ch. 83-308; s. 8, ch. 84-254; s. 8, ch. 85-55; s. 9, ch. 86-191; s. 7, ch. 92-129; s. 77, ch. 92-279; s. 55, ch. 92-326; s. 10, ch. 93-206; s. 34, ch. 94-356; s. 1445, ch. 95-147; s. 5, ch. 95-181; s. 11, ch. 95-310; s. 2, ch. 95-322; s. 26, ch. 96-410; s. 16, ch. 97-99; s. 2, ch. 97-253; s. 3, ch. 98-146; s. 12, ch. 98-176; s. 15, ch. 2000-158; s. 34, ch. 2001-254; s. 7, ch. 2002-296; s. 2, ch. 2004-384; s. 6, ch. 2005-290; s. 19, ch. 2006-1; s. 3, ch. 2007-198; s. 7, ch. 2009-96; s. 6, ch. 2011-14; s. 17, ch. 2011-139; s. 15, ch. 2012-5; s. 1, ch. 2012-75; s. 8, ch. 2012-99; s. 3, ch. 2015-30; s. 3, ch. 2016-148; s. 1, ch. 2023-115; s. 3, ch. 2024-234.

163.3210 Natural gas resiliency and reliability infrastructure.—

(1) It is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable fuel sources for public utilities. The resiliency and reliability of fuel sources for public utilities is critical to the state's economy; the ability of the state to recover from natural disasters; and the health, safety, welfare, and quality of life of the residents of the state.

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

(a) "Natural gas" means all forms of fuel commonly or commercially known or sold as natural gas, including compressed natural gas and liquefied natural gas.

(b) "Natural gas reserve" means a facility that is capable of storing and transporting and, when operational, actively stores and transports a supply of natural gas.

(c) "Public utility" has the same meaning as defined in s. 366.02.

(d) "Resiliency facility" means a facility owned and operated by a public utility for the purposes of assembling, creating, holding, securing, or deploying natural gas reserves for temporary use during a system outage or natural disaster.

(3) A resiliency facility is a permitted use in all commercial, industrial, and manufacturing land use categories in a local government comprehensive plan and all commercial, industrial, and manufacturing districts. A resiliency facility must comply with the setback and landscape criteria for other similar uses. A local government may adopt an ordinance specifying buffer and landscaping requirements for resiliency facilities, provided such requirements do not exceed the requirements for similar uses involving the construction of other facilities that are permitted uses in commercial, industrial, and manufacturing land use categories and zoning districts.

(4) After July 1, 2024, a local government may not amend its comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with a resiliency facility's classification as a permitted and allowable use, including, but not limited to, an amendment that causes a resiliency facility to be a nonconforming use, structure, or development.

History.—s. 1, ch. 2024-186.

Chapter 253

State Lands

Enforceable Policies

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

253.001	Board of Trustees of the Internal Improvement Trust Fund; duty to hold lands in trust.
253.002	Department of Environmental Protection, water management districts, Fish and Wildlife Conservation Commission, and Department of Agriculture and Consumer Services; duties with respect to state lands.
253.01*	Internal Improvement Trust Fund established.
253.02	Board of trustees; powers and duties.
253.025	Acquisition of state lands.
253.0251*	Alternatives to fee simple acquisition.
253.027*	Emergency archaeological property acquisition.
253.03	Board of trustees to administer state lands; lands enumerated.
253.031*	Land office; custody of documents concerning land; moneys; plats.
253.0325	Modernization of state lands records.
253.033	Inter-American Center property; transfer to board; continued use for government purposes.
253.034*	State-owned lands; uses.
253.0341	Surplus of state-owned lands.
253.0345	Special events; submerged land leases.
253.0346	Lease of sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers.
253.0347	Lease of sovereignty submerged lands for private residential docks and piers.
253.035	Coastal anchorage areas.
253.036	Forest management.
253.037	Use of state-owned land for correctional facilities.
253.04	Duty of board to protect, etc., state lands; state may join in any action brought.
253.05	Prosecuting officers to assist in protecting state lands.
253.111	Riparian owners of land.
253.115	Public notice and hearings.
253.12	Title to tidal lands vested in state.
253.121	Conveyances of such lands heretofore made, ratified, confirmed, and validated.
253.1221	Bulkhead lines; reestablishment.
253.1241	Studies.
253.1252	Citation of rule.
253.126	Legislative intent.
253.127	Enforcement.

*Sections 235.01, .0251, .027, .031, .034, .61(1)(d), .7824, .7828, .87 and .90, F.S., are not considered enforceable policies for federal consistency purposes.

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

(1) The Board of Trustees of the Internal Improvement Trust Fund may police; protect; conserve; improve; and prevent trespass, damage, or depredation upon the lands and the products thereof, on or under the same, owned by the state as set forth in s. 253.03. The board may bring in the name of the board all suits in ejectment, suits for damage, and suits in trespass which in the judgment of the board may be necessary to the full protection and conservation of such lands, or it may take such other action or do such other things as may in its judgment be necessary for the full protection and conservation of such lands; and the state may join with the board in any action or suit, or take part in any proceeding, when it may deem necessary, in the name of this state through the Department of Legal Affairs.

(2) In lieu of seeking monetary damages pursuant to subsection (1) against any person or the agent of any person who has been found to have willfully damaged lands of the state, the ownership or boundaries of which have been established by the state, to have willfully damaged or removed products thereof in violation of state or federal law, to have knowingly refused to comply with or willfully violated the provisions of this chapter, or to have failed to comply with an order of the board to remove or alter any structure or vessel that is not in compliance with applicable rules or with conditions of authorization to locate such a structure or vessel on state-owned land, the board may impose a fine for each offense in an amount up to $10,000 to be fixed by rule and imposed and collected by the board in accordance with the provisions of chapter 120. Each day during any portion of which such violation occurs constitutes a separate offense. This subsection does not apply to any act or omission which is currently subject to litigation wherein the state or any agency of the state is a party as of October 1, 1984, or to any person who holds such lands under color of title. Nothing contained herein impairs the rights of any person to obtain a judicial determination in a court of competent jurisdiction of such person’s interest in lands that are the subject of a claim or proceeding by the department under this subsection.

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

1. “Seagrass” means Cuban shoal grass (Halodule wrightii), turtle grass (Thalassia testudinum), manatee grass (Syringodium filiforme), star grass (Halophila engelmannii), paddle grass (Halophila decipiens), Johnson’s seagrass (Halophila johnsonii), or widgeon grass (Ruppia maritima).

2. “Seagrass scarring” means destruction of seagrass roots, shoots, or stems that results in tracks on the substrate commonly referred to as prop scars or propeller scars caused by the operation of a motorized vessel in waters supporting seagrasses.
(b) Any violation under paragraph (a) is a violation of the vessel laws of this state and shall be charged on a uniform boating citation as provided in s. 327.74. Any person who refuses to post a bond or accept and sign a uniform boating citation commits a misdemeanor of the second degree, as provided in s. 327.73(3), punishable as provided in s. 775.082 or s. 775.083.
(4) Whenever any person or the agent of any person knowingly refuses to comply with or willfully violates any of the provisions of this chapter so that such person causes damage to the lands of the state or products thereof, including removal of those products, such violator is liable for such damage. Whenever two or more persons or their agents cause damage, and if such damage is indivisible, each violator is jointly and severally liable for such damage; however, if such damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage and subject to the fine attributable to his or her violation.
(5) If a person or the person’s agent as described in subsection (2) fails to comply with an order of the board to remove or alter a structure on state-owned land, the board may alter or remove the structure and recover the cost of the removal or alteration from such person.
(6) All fines imposed and damages awarded pursuant to this section are a lien upon the real and personal property of the violator or violators, enforceable by the Department of Environmental Protection as are statutory liens under chapter 85.
(7) All moneys collected pursuant to fines imposed or damages awarded pursuant to this section shall be deposited into the Internal Improvement Trust Fund created by s. 253.01 and used for the purposes defined in that section.
History.—s. 2, ch. 15642, 1931; CGL 1936 Supp. 1446(14); s. 11, ch. 25035, 1949; s. 2, ch. 61-119; ss. 11, 27, 35, ch. 69-106; s. 11, ch. 84-79; s. 2, ch. 89-174; s. 10, ch. 89-175; s. 2, ch. 91-175; s. 15, ch. 91-286; s. 70, ch. 94-356; s. 844, ch. 95-148; ss. 3, 59, ch. 2009-86; s. 1, ch. 2024-180.

Chapter 258

State Parks and Preserves

Enforceable Policies

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

258.001*	Park regions.
258.004*	Duties of division.
258.007	Powers of division.
258.008	Prohibited activities; penalties.
258.014*	Use of state parks; fees for use; campsite reservations.
258.0142*	Foster and adoptive family state park fee discounts.
258.0145*	Military, law enforcement, and firefighter state park fee discounts.
258.015*	Citizen support organizations; use of property; audit.
258.016*	Senior/disabled citizen camping permit.
258.0165*	Defibrillators in state parks.
258.017*	Dedication of state park lands for public use.
258.021*	Power of eminent domain; procedure.
258.027*	Division to take over certain functions.
258.034*	State Park Trust Fund created.
258.037	Policy of division.
258.041*	Cooperation of division with counties, etc.
258.08	Guide meridian and base parallel park located.
258.081*	Stephen Foster State Folk Culture Center.
258.083	John Pennekamp Coral Reef State Park; taking or damaging of coral prohibited.
258.09*	Rauscher Park designated.
258.10	Division of Recreation and Parks to supervise and maintain Rauscher Park.
258.11*	Land ceded for Royal Palm State Park; proviso.
258.12*	Additional lands ceded for Royal Palm State Park.
258.14*	Royal Palm State Park and endowment lands exempt from taxation.
258.15*	St. Michael’s Cemetery designated a state park.
258.156	Savannas State Reserve.
258.157	Prohibited acts in Savannas State Reserve.
258.158*	Exemption from s. 588.15.
258.35*	Short title; ss. 258.35-258.394 and 258.40-258.46.
258.36*	Legislative intent.
258.37	Definitions.
258.38*	Types of aquatic preserves.
258.39	Boundaries of preserves.
258.391	Cockroach Bay Aquatic Preserve.
258.392	Gasparilla Sound-Charlotte Harbor Aquatic Preserve.
258.3925	Lemon Bay Aquatic Preserve.

*Sections 285.001, .004, .014, .0142, .0145, .015, .016, .0165, .017, .021, .027, .034, .041, .081, .09, .11, .12, .14, .15, .158, .35, .36, .38, .43, .435, .46 and .601, F.S., are not considered enforceable policies for federal consistency purposes.

258.39 Boundaries of preserves.—
The submerged lands included within the boundaries of Nassau, Duval, St. Johns, Flagler, Volusia, Brevard, Indian River, St. Lucie, Charlotte, Pinellas, Martin, Palm Beach, Miami-Dade, Monroe, Collier, Lee, Citrus, Franklin, Gulf, Bay, Okaloosa, Marion, Santa Rosa, Hernando, and Escambia Counties, as hereinafter described, with the exception of privately held submerged lands lying landward of established bulkheads and of privately held submerged lands within Monroe County where the establishment of bulkhead lines is not required, are hereby declared to be aquatic preserves. Such aquatic preserve areas include:
(1) The Fort Clinch State Park Aquatic Preserve, as described in the Official Records of Nassau County in Book 108, pages 343-346, and in Book 111, page 409.
(2) Nassau River-St. Johns River Marshes Aquatic Preserve, as described in the Official Records of Duval County in Volume 3183, pages 547-552, and in the Official Records of Nassau County in Book 108, pages 232-237.
(3) Pellicer Creek Aquatic Preserve, as described in the Official Records of St. Johns County in Book 181, pages 363-366, and in the Official Records of Flagler County in Book 33, pages 131-134.
(4) Tomoka Marsh Aquatic Preserve, as described in the Official Records of Flagler County in Book 33, pages 135-138, and in the Official Records of Volusia County in Book 1244, pages 615-618.
(5) Mosquito Lagoon Aquatic Preserve, as described in the Official Records of Volusia County in Book 1244, pages 619-623, and in the Official Records of Brevard County in Book 1143, pages 190-194.
(6) Banana River Aquatic Preserve, as described in the Official Records of Brevard County in Book 1143, pages 195-198, and the sovereignty submerged lands lying within the following described boundaries: BEGIN at the intersection of the westerly ordinary high water line of Newfound Harbor with the North line of Section 12, Township 25 South, Range 36 East, Brevard County: Thence proceed northeasterly crossing Newfound Harbor to the intersection of the South line of Section 31, Township 24 South, Range 37 East, with the easterly ordinary high water line of said Newfound Harbor; thence proceed northerly along the easterly ordinary high water line of Newfound Harbor to its intersection with the easterly ordinary high water line of Sykes Creek; thence proceed northerly along the easterly ordinary high water line of said creek to its intersection with the southerly right-of-way of Hall Road; thence proceed westerly along said right-of-way to the westerly ordinary high water line of Sykes Creek; thence southerly along said ordinary high water line to its intersection with the ordinary high water line of Newfound Harbor; thence proceed southerly along the westerly ordinary high water line of Newfound Harbor to the POINT OF BEGINNING.
(7)(a) Indian River-Malabar to Vero Beach Aquatic Preserve, as described in the Official Records of Brevard County in Book 1143, pages 199-202, and in the Official Records of Indian River County in Book 368, pages 5-8 and the sovereignty submerged lands lying within the following described boundaries, excluding those lands contained within the corporate boundary of the City of Vero Beach as of the effective date of this act: Commence at the intersection of the north line of Section 31, Township 28 South,

Range 38 East, and the westerly mean high water line of Indian River for a point of beginning; thence from the said point of beginning proceed northerly, westerly, and easterly along the mean high water line of Indian River and its navigable tributaries to an intersection with the north line of Section 24, Township 28 South, Range 37 East; thence proceed easterly, to a point on the easterly mean high water line of Indian River at its intersection with the north line of Section 20, Township 28 South, Range 38 East; thence proceed southerly, along the easterly mean high water line of Indian River to the most westerly tip of Blue Fish Point in said Section 20, thence proceed southwesterly to the intersection of the westerly mean high water line of Indian River with the north line of Section 31, Township 28 South, Range 38 East and the point of beginning: And also commence at the intersection of the northern Vero Beach city limits line in Section 25, Township 32 South, Range 39 East, and the westerly mean high water line of Indian River for the point of beginning: Thence from the said point of beginning proceed northerly, along the westerly mean high water line of Indian River and its navigable tributaries to an intersection with the south line of Section 14, Township 30 South, Range 38 East; thence proceed easterly, along the easterly projection of the south line of said Section 14, to an intersection with the easterly right-of-way line of the Intracoastal Waterway; thence proceed southerly, along the easterly right-of-way line of the Intracoastal Waterway, to an intersection with the northerly line of the Pelican Island National Wildlife Refuge; thence proceed easterly, along the northerly line of the Pelican Island National Wildlife Refuge, to an intersection with the easterly mean high water line of Indian River; thence proceed southerly along the easterly mean high water line of Indian River and its tributaries, to an intersection with the northern Vero Beach city limits line in Section 30, Township 32 South, Range 40 East; thence proceed westerly and southerly, along the northern Vero Beach city limits line to an intersection with the easterly mean high water line of Indian River and the point of beginning.

(b) For purposes of the Indian River-Malabar to Vero Beach Aquatic Preserve, a lease of sovereign submerged lands for a noncommercial dock may be deemed to be in the public interest when the noncommercial dock constitutes a reasonable exercise of riparian rights and is consistent with the preservation of the exceptional biological, aesthetic, or scientific values which the aquatic preserve was created to protect.

(8) Indian River-Vero Beach to Fort Pierce Aquatic Preserve, as described in the Official Records of Indian River County in Book 368, pages 9-12, and in the Official Records of St. Lucie County in Book 187, pages 1083-1086. More specifically, within that description, the southern corporate line of Vero Beach refers to the southerly corporate boundary line of Vero Beach as it existed on June 3, 1970, which is also a westerly projection of the south boundary of “Indian Bay” subdivision as recorded in Plat Book 3, page 43, Docket No. 59267, Public Records of Indian River County, and State Road A1A refers to State Road A1A, North Beach Causeway, located north of Fort Pierce Inlet.

(9) Jensen Beach to Jupiter Inlet Aquatic Preserve, as described in the Official Records of St. Lucie County in Book 218, pages 2865-2869. More specifically, within that description, the southerly corporate line of the City of Fort Pierce refers to the southerly corporate boundary line of the City of Fort Pierce as it existed in 1969; and the western boundary of the preserve as it crosses the St. Lucie River is more specifically described as a line which connects the intersection point of the westerly mean high-

water line of the Indian River and the northerly mean high-water line of the St. Lucie River to the intersection point of the intersection of the westerly mean high-water line of the Intracoastal Waterway and the southerly mean high-water line of the St. Lucie River, lands within this preserve are more particularly described as lying and being in Sections 12, 13, 26, 35, and 36, Township 35 South, Range 40 East, and Sections 18, 19, 29, 30, and 32, Township 35 South, Range 41 East, and Sections 1 and 12, Township 36 South, Range 40 East, and Sections 5, 7, 8, 9, 16, 17, 18, 19, 20, 22, 27, 29, 32, and 34, Township 36 South, Range 41 East, and Sections 2, 3, 4, 9, 10, 11, 13, 14, 15, 22, 23, 24, 26, 35, and 36, Township 37 South, Range 41 East, and Sections 19, 30, 31, and 32, Township 37 South, Range 42 East, and Sections 1 and 12, Township 38 South, Range 41 East, and Sections 5, 6, 8, 16, 17, 19, 20, 21, 28, 29, 32, and 33, Township 38 South, Range 42 East, including the eastern portion of the Hanson Grant, east of Rocky Point Cove, and west of St. Lucie Inlet State Park, and portions of the Gomez Grant lying adjacent to Peck Lake and South Jupiter Narrows, and Sections 25, 26, 35, and 36, Township 39 South, Range 42 East, and Sections 1, 12, and 13, Township 40 South, Range 42 East, and Sections 7, 18, 19, 30, 31, and 32, Township 40 South, Range 43 East.

(10) Loxahatchee River-Lake Worth Creek Aquatic Preserve, as described in the Official Records of Martin County in Book 320, pages 193-196, and in the Official Records of Palm Beach County in Volume 1860, pages 806-809, and the sovereignty submerged lands lying within the following described boundaries: Begin at the intersection of the easterly mean high water line of the North Fork of the Loxahatchee River with the northerly mean high water line of the Loxahatchee River, being in Section 36, Township 40 South, Range 43 East, Palm Beach County: Thence proceed easterly along the northerly mean high water line of the Loxahatchee River to the westerly right-of-way of U.S. Highway 1; thence proceed southerly along said right-of-way to the southerly mean high water line of said river; thence proceed easterly along the southerly mean high water line of said river to its intersection with the easterly mean high water line of the Lake Worth Creek; thence proceed northwesterly crossing the Loxahatchee River to the point of beginning: And also: Commence at the southwest corner of Section 16, Township 40 South, Range 42 East Martin County; thence proceed north along the west line of Section 16 to the mean high water line of the Loxahatchee River being the point of beginning: Thence proceed southerly along the easterly mean high water line of said river and its tributaries to a point of nonnavigability; thence proceed westerly to the westerly mean high water line of said river; thence proceed northerly along the westerly mean high water line of said river and its tributaries to its intersection with the westerly line of Section 16, Township 40 South, Range 42 East; thence proceed southerly along the said westerly section line to the point of beginning: And also begin where the southerly mean high water line of the Southwest Fork of the Loxahatchee River intersects the westerly line of Section 35, Township 40 South, Range 42 East: Thence proceed southwesterly along the southerly mean high water line of the Southwest Fork to the northeasterly face of structure #46; thence proceed northwesterly along the face of said structure to the northerly mean high water line of the Southwest Fork; thence proceed northeasterly along said mean high water line to its intersection with the westerly line of Section 35, Township 40 South, Range 42 East; thence proceed southerly along westerly line of said section to the point of beginning.

(11) Biscayne Bay-Cape Florida to Monroe County Line Aquatic Preserve, as described in the Official Records of Miami-Dade County in Book 7055, pages 852-856, less, however, those lands and waters as described in s. 258.397.
(12) North Fork, St. Lucie Aquatic Preserve, as described in the Official Records of Martin County in Book 337, pages 2159-2162, and in the Official Records of St. Lucie County in Book 201, pages 1676-1679.
(13) Yellow River Marsh Aquatic Preserve, as described in the Official Records of Santa Rosa County in Book 206, pages 568-571.
(14) Fort Pickens State Park Aquatic Preserve, as described in the Official Records of Santa Rosa County in Book 220, pages 60-63, and in the Official Records of Escambia County in Book 518, pages 659-662.
(15) Rocky Bayou State Park Aquatic Preserve, as described in the Official Records of Okaloosa County in Book 593, pages 742-745.
(16) St. Andrews State Park Aquatic Preserve, as described in the Official Records of Bay County in Book 379, pages 547-550.
(17) St. Joseph Bay Aquatic Preserve, as described in the Official Records of Gulf County in Book 46, pages 73-76.
(18) Apalachicola Bay Aquatic Preserve, as described in the Official Records of Gulf County in Book 46, pages 77-81, and in the Official Records of Franklin County in Volume 98, pages 102-106.
(19) Alligator Harbor Aquatic Preserve, as described in the Official Records of Franklin County in Volume 98, pages 82-85.
(20) St. Martins Marsh Aquatic Preserve, as described in the Official Records of Citrus County in Book 276, pages 238-241.
(21) Matlacha Pass Aquatic Preserve, as described in the Official Records of Lee County in Book 800, pages 725-728.
(22) Pine Island Sound Aquatic Preserve, as described in the Official Records of Lee County in Book 648, pages 732-736.
(23) Cape Romano-Ten Thousand Islands Aquatic Preserve, as described in the Official Records of Collier County in Book 381, pages 298-301.
(24) Lignumvitae Key Aquatic Preserve, as described in the Official Records of Monroe County in Book 502, pages 139-142.
(25) Coupon Bight Aquatic Preserve, as described in the Official Records of Monroe County in Book 502, pages 143-146.
(26) Lake Jackson Aquatic Preserve, as established by chapter 73-534, Laws of Florida, and defined as authorized by law.
(27) Pinellas County Aquatic Preserve, as established by chapter 72-663, Laws of Florida; Boca Ciega Aquatic Preserve, as established by s. 258.396; and the Biscayne Bay Aquatic Preserve, as established by s. 258.397. If any provision of this act is in conflict with an aquatic preserve established by s. 258.396, chapter 72-663, Laws of Florida, or s. 258.397, the stronger provision for the maintenance of the aquatic preserve shall prevail.
(28) Estero Bay Aquatic Preserve, the boundaries of which are generally: All of those sovereignty submerged lands located bayward of the mean high-water line being in Sections 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 35, and 36, Township 46 South, Range 24 East; and in Sections 19, 20, 28, 29, and 34, Township 46 South,

Range 24 East, lying north and east of Matanzas Pass Channel; and in Sections 19, 30, and 31, Township 46 South, Range 25 East; and in Sections 6, 7, 17, 18, 19, 20, 29, 30, 31, and 32, Township 47 South, Range 25 East; and in Sections 1, 2, 3, 11, 12, 13, 14, 24, and 25, Township 47 South, Range 24 East, in Lee County, Florida. Any and all submerged lands conveyed by the Trustees of the Internal Improvement Trust Fund prior to October 12, 1966, and any and all uplands now in private ownership are specifically exempted from this preserve.

(29) Cape Haze Aquatic Preserve, the boundaries of which are generally: That part of Gasparilla Sound, Catfish Creek, Whiddon Creek, "The Cutoff," Turtle Bay, and Charlotte Harbor lying within the following described limits: Northerly limits: Commence at the northwest corner of Section 18, Township 42 South, Range 21 East, thence south along the west line of said Section 18 to its intersection with the Government Meander Line of 1843-1844, and the point of beginning, thence southeasterly along said meander line to the northwesterly shoreline of Catfish Creek, thence northeasterly along said shoreline to the north line of said Section 18, thence east along said north line to the easterly shoreline of Catfish Creek, thence southeasterly along said shoreline to the east line of said Section 18, thence south along said east line, crossing an arm of said Catfish Creek to the southerly shoreline of said creek, thence westerly along said southerly shoreline and southerly along the easterly shoreline of Catfish Creek to said Government Meander Line, thence easterly and southeasterly along said meander line to the northerly shoreline of Gasparilla Sound in Section 21, Township 42 South, Range 21 East, thence easterly along said northerly shoreline and northeasterly along the westerly shoreline of Whiddon Creek to the east west quarter line in Section 16, Township 42 South, Range 21 East, thence east along said quarter line and the quarter Section line of Section 15, Township 42 South, Range 21 East to the easterly shoreline of Whiddon Creek, thence southerly along said shoreline to the northerly shoreline of "The Cutoff," thence easterly along said shoreline to the westerly shoreline of Turtle Bay, thence northeasterly along said shoreline to its intersection with said Government Meander Line in Section 23, Township 42 South, Range 21 East, thence northeasterly along said meander line to the east line of Section 12, Township 42 South, Range 21 East, thence north along the east line of said Section 12, and the east line of Section 1, Township 42 South, Range 21 East to the northwest corner of Section 6, Township 42 South, Range 22 East, thence east along the north line and extension thereof of said Section 6 to a point 2,640 feet east of the westerly shoreline of Charlotte Harbor and the end of the northerly limits. Easterly limits: Commence at the northwest corner of Section 6, Township 42 South, Range 22 East, thence east along the north line of said Section 6 and extension thereof to a point 2,640 feet east of the westerly shoreline of Charlotte Harbor and the point of beginning, thence southerly along a line 2,640 feet easterly of and parallel with the westerly shoreline of Charlotte Harbor and along a southerly extension of said line to the line dividing Charlotte and Lee Counties and the end of the easterly limits. Southerly limits: Begin at the point of ending of the easterly limits, above described, said point being in the line dividing Charlotte and Lee Counties, thence southwesterly along a straight line to the most southerly point of Devil Fish Key, thence continue along said line to the easterly right-of-way of the Intracoastal Waterway and the end of the southerly limits. Westerly limits: Begin at the point of ending of the southerly limits as described above, thence northerly along the easterly right-of-way line

of the Intracoastal Waterway to its intersection with a southerly extension of the west line of Section 18, Township 42 South, Range 21 East, thence north along said line to point of beginning.
(30) Wekiva River Aquatic Preserve, the boundaries of which are generally: All the state-owned sovereignty lands lying waterward of the ordinary high-water mark of the Wekiva River and the Little Wekiva River and their tributaries lying and being in Lake, Seminole, and Orange counties and more particularly described as follows:
(a) In Sections 15, 16, 17, 20, 21, 22, 27, 28, 29, and 30, Township 20 South, Range 29 East. These sections are also depicted on the Forest City Quadrangle (U.S.G.S. 7.5 minute series-topographic) 1959 (70PR); and
(b) In Sections 3, 4, 8, 9, and 10, Township 20 South, Range 29 East and in Sections 21, 28, and 33, Township 19 South, Range 29 East lying north of the right-of-way for the Atlantic Coast Line Railroad and that part of Section 33, Township 19 South, Range 29 East lying between the Lake and Orange County lines and the right-of-way of the Atlantic Coast Line Railroad. These sections are also depicted on the Sanford SW Quadrangle (U.S.G.S. 7.5 minute series-topographic) 1965 (70-1); and
(c) All state-owned sovereignty lands, public lands, and lands whether public or private below the ordinary high-water mark of the Wekiva River and the Little Wekiva and their tributaries within the Peter Miranda Grant in Lake County lying below the 10 foot m.s.l. contour line nearest the meander line of the Wekiva River and all state-owned sovereignty lands, public lands, and lands whether public or private below the ordinary high-water mark of the Wekiva River and the Little Wekiva and their tributaries within the Moses E. Levy Grant in Lake County below the 10 foot m.s.l. contour line nearest the meander lines of the Wekiva River and Black Water Creek as depicted on the PINE LAKES 1962 (70-1), ORANGE CITY 1964 (70PR), SANFORD 1965 (70-1), and SANFORD S.W. 1965 (70-1) QUADRANGLES (U.S.G.S. 7.5 minute topographic); and
(d) All state-owned sovereignty lands, public lands, and lands whether public or private below the ordinary high-water mark of the Wekiva River and the Little Wekiva River and their tributaries lying below the 10 foot m.s.l. contour line nearest the meander line of the Wekiva and St. Johns Rivers as shown on the ORANGE CITY 1964 (70PR), SANFORD 1965 (70-1), and SANFORD S.W. 1965 (70-1) QUADRANGLES (U.S.G.S. 7.5 minute topographic) within the following described property: Beginning at a point on the south boundary of the Moses E. Levy Grant, Township 19 South, Range 29 East, at its intersection with the meander line of the Wekiva River; thence south 601/2 degrees east along said boundary line 4,915.68 feet; thence north 291/2 degrees east 15,516.5 feet to the meander line of the St. Johns River; thence northerly along the meander line of the St. Johns River to the mouth of the Wekiva River; thence southerly along the meander line of the Wekiva River to the beginning; and
(e) All state-owned sovereignty lands, public lands, and lands whether public or private below the ordinary high-water mark of the Wekiva River and the Little Wekiva River and their tributaries within the Peter Miranda Grant lying east of the Wekiva River, less the following:
1. State Road 46 and all land lying south of said State Road No. 46.
2. Beginning 15.56 chains West of the Southeast corner of the SW 1/4 of the NE 1/4 of Section 21, Township 19 South, Range 29 East, run east 600 feet; thence north 960

feet; thence west 340 feet to the Wekiva River; thence southwesterly along said Wekiva River to point of beginning.
3. That part of the east 1/4 of the SW 1/4 of Section 22, Township 19 South, Range 29 East, lying within the Peter Miranda Grant east of the Wekiva River.
(f) All the sovereignty submerged lands lying within the following described boundaries: Begin at the intersection of State Road 44 and the westerly ordinary high water line of the St. Johns River, Section 22, Township 17 South, Range 29 East, Lake County: Thence proceed southerly along the westerly ordinary high water line of said river and its tributaries to the intersection of the northerly right-of-way of State Road 400; thence proceed northeasterly along said right-of-way to the easterly ordinary high water line of the St. Johns River; thence proceed northerly along said ordinary high water line of the St. Johns River and its tributaries to its intersection with the easterly ordinary high water line of Lake Beresford; thence proceed northerly along the ordinary high water line of said lake to its intersection with the westerly line of Section 24, Township 17 South, Range 29 East; thence proceed northerly to the southerly right-of-way of West New York Avenue; thence proceed westerly along the southerly right-of-way of said avenue to its intersection with the southerly right-of-way line of State Road 44; thence proceed southwesterly along said right-of-way to the point of beginning.
(31) Rookery Bay Aquatic Preserve, the boundaries of which are generally: All of the state-owned sovereignty lands lying waterward of the mean high-water line in Rookery Bay and in Henderson Creek and the tributaries thereto in Collier County, Florida. Said lands are more particularly described as lying and being in Sections 27, 34, 35, and 36, Township 50 South, Range 25 East; in Section 31, Township 50 South, Range 26 East; in Sections 1, 2, 3, 10, 11, 12, 13, 14, 23, 24, and 25, Township 51 South, Range 25 East; and in Sections 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 30, and 31, Township 51 South, Range 26 East, Collier County, Florida, and all the sovereignty submerged lands lying within the following described boundaries: Begin at the southwest corner of Section 30, Township 52 South, Range 27 East, Collier County: Thence proceed easterly along the southerly line of said Section 30 to the southwest corner of Section 29, Township 52 South, Range 27 East; proceed thence northerly along the westerly lines of Sections 29, 20 and 17 to the northwest corner of said Section 17; thence proceed westerly along the northerly line of Section 18 to the southeast corner of Section 12, Township 52 South, Range 26 East; thence proceed northerly along the easterly lines of Sections 12, 1, 36 and 25 to the northeast corner of said Section 25, Township 51 South, Range 26 East; thence proceed westerly along the northerly lines of Sections 25 and 26 to the northwest corner of said Section 26; thence proceed northerly to northeast corner of said Section 22; thence proceed westerly along the northerly lines of Sections 22 and 21 to the northwest corner of said Section 21; thence proceed southerly to the southwest corner of said Section 21; thence proceed westerly along the northerly line of Section 29 to the northwest corner thereof; thence proceed southerly along the westerly lines of Sections 29 and 32 to the southwest corner of said Section 32; thence proceed westerly to the northwest corner of Section 6, Township 52 South, Range 26 East; thence proceed southerly along a projection of Range line 25 East to its intersection with a line which runs westerly from the southwest corner of Cape Romano - Ten Thousand Islands Aquatic Preserve; thence proceed easterly to the southwest corner of Cape Romano - Ten Thousand Islands Aquatic Preserve; thence

proceed northerly to the point of beginning. Less and except: Begin at the southeast corner of Section 21, Township 52 South, Range 26 East; thence proceed northerly along the easterly lines of Sections 21 and 16 to the northeast corner of said Section 16, thence proceed northerly to the thread of John Stevens Creek; thence proceed northwesterly along the thread of said creek to its intersection with the thread of Marco River; thence proceed northwesterly and westerly along the thread of said river to its intersection with the thread of Big Marco Pass; thence proceed southwesterly along the thread of Big Marco Pass to its intersection with Range line 25 East; thence proceed southerly along Range line 25 East to a point which is west from the point of beginning: Thence proceed easterly to the point of beginning.

(32) Rainbow Springs Aquatic Preserve, the boundaries of which are generally: Commencing at the intersection of Blue Run with the Withlacoochee River in Section 35, Township 16 South, Range 18 East; thence run southeasterly and easterly along said Blue Run to the east boundary of said Section 35; thence continue easterly and northerly along said Blue Run through Section 36, Township 16 South, Range 18 East, to the north boundary of said Section 36; thence continue northerly and northeasterly along said Blue Run in Section 25, Township 16 South, Range 18 East, to the north boundary of the city limits of Dunnellon, Florida; thence from the north boundary of the city limits of Dunnellon, Florida, in Section 25, Township 16 South, Range 18 East; thence run easterly along said Blue Run to its intersection with the east boundary line of said Section 25; thence continue easterly along said Rainbow River (Blue Run) into Section 30, Township 16 South, Range 19 East, thence northerly along said Rainbow River (Blue Run) through Sections 30 and 19, Township 16 South, Range 19 East, to a point on the north boundary of the northwest 1/4 of Section 18; thence continue to run northwesterly to the head of Rainbow Springs in Section 12, Township 16 South, Range 18 East.

(33) Kristin Jacobs Coral Reef Ecosystem Conservation Area, as designated by chapter 2021-107, Laws of Florida, the boundaries of which consist of the sovereignty submerged lands and waters of the state offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from the St. Lucie Inlet to the northern boundary of the Biscayne National Park.

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

History.—s. 1, ch. 75-172; s. 1, ch. 76-109; s. 1, ch. 76-211; s. 84, ch. 77-104; s. 1, ch. 83-62; s. 2, ch. 84-312; s. 1, ch. 85-345; s. 6, ch. 86-186; s. 3, ch. 89-25; s. 1, ch. 91-35; s. 7, ch. 91-221; s. 51, ch. 2008-4; s. 2, ch. 2024-180.

Chapter 260

Florida Greenways and Trails Act

Enforceable Policies

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

260.0145* Local Trail Management Grant Program.

*Section 260.0145, F.S., is not proposed as an enforceable policy for federal consistency purposes.

260.0145 Local Trail Management Grant Program.—

(1) The Local Trail Management Grant Program is created within the department to assist local governments with costs associated with the operation and maintenance of trails within the Florida Greenways and Trails System. Funding for the program is subject to appropriation.

(2) A local government may receive multiple grant awards per application cycle.

(3) The department shall give priority to each of the following:

(a) A local government that provides cost share for the costs associated with the operation and maintenance of the trails, except for trails within fiscally constrained counties or rural areas of opportunity.

(b) Trails within the Florida wildlife corridor as defined in s. 259.1055.

(4) A local government may only use grant funds for the operation and maintenance of trails, including, but not limited to, the purchase of equipment and capital assets; the funding of necessary repairs to ensure the safety of trail users; and other necessary maintenance, such as pressure washing, bush pruning, and clearing debris. A local government may not use grant funds for the planning, design, or construction of trails.

(5) Beginning January 15, 2025, and each January 15 thereafter, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives in accordance with s. 286.001 listing the grants awarded pursuant to this section. The report must include the following information for each grant award: the grant recipient's name, a description of the individual components of the trail, a description of the maintenance activities funded, the total management cost for the trail components, and the cost share, if any, provided by the recipient.

History.—s. 2, ch. 2024-58.

Chapter 267

Historical Resources

Enforceable Policies

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

267.011*	Short title.
267.021	Definitions.
267.031	Division of Historical Resources; powers and duties.
267.061	Historic properties; state policy, responsibilities.
267.0612*	Florida Historical Commission; creation; membership; powers and duties.
267.0617*	Historic Preservation Grant Program.
267.062*	Naming of state buildings and other facilities.
267.0625*	Abrogation of offensive and derogatory geographic place names.
267.071*	Historical museums.
267.0721*	Museum of Florida History and programs; other historical museums.
267.0722	Florida Museum of Black History.
267.0723*	Property loaned to or abandoned at museums; obligations to lenders; notice; loan termination; acquisition of title; liens; conservation or disposal.
267.0724**	Florida African American Heritage Preservation Network.
267.0731*	Great Floridians Program.
267.074*	State Historical Marker Program.
267.0743*	State Historical Marker Council.
267.075*	The Grove Advisory Council; creation; membership; purposes.
267.076*	Confidentiality of certain donor information related to publicly owned house museums designated as National Historic Landmarks.
267.081*	Publications.
267.11	Designation of archaeological sites.
267.115	Objects of historical or archaeological value.
267.12	Research permits; procedure.
267.13	Prohibited practices; penalties.
267.135	Location of archaeological sites.
267.14	Legislative intent.
267.145*	Florida network of public archaeology centers.
267.17*	Citizen support organizations; use of state administrative services and property; audit.
267.172*	Tallahassee; Florida Keys; contracts for historic preservation.
267.173*	Historic preservation in West Florida; goals; contracts for historic preservation; powers and duties.
267.1732*	Direct-support organization.
267.1735*	Historic preservation in St. Augustine; goals; contracts for historic preservation; powers and duties.
267.1736*	Direct-support organization.
267.21	Historic Cemeteries Program.

267.22 Historic Cemeteries Program Advisory Council.

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

**Section 267.0724 is not proposed as an enforceable policy for federal consistency purposes.

267.0724 Florida African American Heritage Preservation Network.—
Subject to the appropriation of funds by the Legislature, the Department of State shall, in accordance with s. 267.071, partner with the Florida African American Heritage Preservation Network to preserve the history, culture, and contributions of Florida's black and African-American residents. Such preservation efforts must include, but are not limited to, providing funding to support member museums and affiliates and institutions served; supporting galleries and archives; providing funding in the areas of technology, equipment acquisition, content and exhibit development, fabrication, and installation; preserving documents and artifacts; providing professional and resource development services, including conducting conferences and workshops; and providing funding for training and technical assistance. The Florida African American Heritage Preservation Network shall submit a list of member museums to the department, and the department shall independently verify that such museums are members of the Florida African American Heritage Preservation Network. The department and the Florida African American Heritage Preservation Network shall determine other eligible expenditures related to the partnership's stated mission and goals, which may include providing funding for an internship, field training sessions, virtual communication methods to maintain connectivity among the museums, traveling exhibits, and living history presentations.
History.—s. 1, ch. 2024-75.

Chapter 288

Commercial Developments and Capital Improvements

Enforceable Policies

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

288.036*	Ocean economy development.
288.102*	Supply Chain Innovation Grant Program.
288.972	Legislative intent.
288.975	Military base reuse plans.

*Sections 288.036 and .102 are not proposed as enforceable policies for federal consistency purposes.

288.036 Ocean economy development.—

(1) For purposes of this section, the term:

(a) "Ocean economy" means the economic uses of ocean and coastal resources with a focus on sustainable practices that benefit the long-term outlook of relevant industry sectors and the competitive positioning of the state in a global economy, including, but not limited to, ocean industries, such as shipyards, marinas, marine terminals, piers, fishing, aquaculture, seafood processing, commercial diving, and marine transportation; floating and amphibious housing; tourism; and outdoor recreational activities, including, but not limited to, boating and industry sectors dependent on such activities.

(b) "Office" means the Office of Ocean Economy.

(2) The Office of Ocean Economy is created within the State University System to be housed at Florida Atlantic University. The office is created to connect the state's ocean and coastal resources to economic development strategies that grow, enhance, or contribute to the ocean economy.

(3) The Office of Ocean Economy shall:

(a) Develop and undertake activities and strategies with a focus on research and development, technological innovation, emerging industries, strategic business recruitment, public and private funding opportunities, and workforce training and education to promote and stimulate the ocean economy.

(b)1. Foster relationships and coordinate with state universities, private universities, and Florida College System institutions, including periodically surveying the development of academic research relating to the ocean economy across all disciplines and facilitating the transfer of innovative technology into marketable goods and services. The office shall encourage collaboration between state universities and Florida College System institutions that have overlapping areas of academic research.

2. Include and update on the office's website information related to:

a. An inventory of current research and current collaborations, including contact information; and

b. Any available resources for research and technology development, including financial opportunities.

(c) Collaborate with relevant industries to identify economic challenges that may be solved through innovation in the ocean economy, including commercializing or otherwise facilitating public access to academic research and resources, removing governmental barriers, and maximizing access to financial or other opportunities for growth and development.

(d) Develop and facilitate a pipeline for innovative ideas and strategies to be created, developed, researched, commercialized, and financed. This includes promotion and coordination of industry collaboration, academic research, accelerator programs, training and technical assistance, and startup or second-stage funding opportunities.

(e) Maintain and update on the office's website reports and data on the number, growth, and average wages of jobs included in the ocean economy; the impacts on the number, growth, and development of businesses in the ocean economy; and the collaboration, transition, or adoption of innovation and research into new, viable ideas employed in the ocean economy.

(f) Educate other state and local entities on the interests of the ocean economy and how such entities may positively address environmental issues while simultaneously considering the economic impact of their policies.
(g) Communicate the state's role as an integral component of the ocean economy by promoting the state on national and international platforms and other appropriate forums as the premier destination for convening on pertinent subject matters.
(4) By August 1, 2025, and each August 1 thereafter, the office shall provide to the Board of Governors, the Governor, the President of the Senate, and the Speaker of the House of Representatives and post on its website a detailed report demonstrating the economic benefits of the office and the development of emerging ocean economy industries.
History.—s. 5, ch. 2024-101.

288.102 Supply Chain Innovation Grant Program.—
(1) The Supply Chain Innovation Grant Program is created within the department to fund, subject to appropriation by the Legislature, proposed projects that support supply chain innovation.
(2) The department shall accept applications from ports listed in s. 311.09(1); class I, II, or III freight railroads; public airports as defined in s. 330.27; and intermodal logistics centers or inland ports as defined in s. 311.101(2).
(3)(a) The department shall collaborate with the Department of Transportation 1to review applications submitted and select projects for awards which create strategic investments in infrastructure to increase capacity and address freight mobility to meet the economic development goals of the state.
(b) Priority must be given to projects with innovative plans, advanced technologies, and development strategies that focus on future growth and economic prosperity of the supply chain across the state.
(c) The department, in consultation with the Department of Transportation, must adopt selection criteria that include, but are not limited to, consideration of the project's:
1. Consistency with plans and studies produced by the department, the Department of Transportation, or another state entity.
2. Direct increase in efficiency in the delivery of goods.
3. Improvement of freight mobility access while reducing congestion. This may include overnight truck parking at rest areas, weigh stations, and intermodal logistics centers.
4. Increase of fuel storage and distribution capacity across the state, including, but not limited to, petroleum, hydrogen, ethanol, and natural gas located at seaports and spaceports.
5. Ability to secure a sustainable logistics transportation network throughout this state.
6. Development of connections to multimodal transportation systems.
7. Ability to address emerging supply chain and transportation industry challenges.
(d) A public or private entity seeking to develop and establish vertiports in this state may also apply to the department for funding. For purposes of this subsection, the term "vertiport" means a system or infrastructure with supporting services and equipment used for landing, ground handling, and takeoff of manned or unmanned vertical takeoff and landing (VTOL) aircraft.

(4) A minimum of a one-to-one match of nonstate resources, including local, federal, or private funds, to the state contribution is required. An award may not be made for a project that is receiving or using state funding from another state source or statutory program, including tax credits. The one-to-one match requirement is waived for a public entity located in a fiscally constrained county as defined in s. 218.67(1).
(5) Applicants may seek funding for capital expenditures and operations, but grant funding awarded under this section may not be used to pay salary and benefits or general business or office expenses. A project may not be awarded the entirety of any appropriation in a fiscal year.
(6) The Department of Transportation and the Department of Commerce shall jointly select projects for award. Grants awarded under this program shall be administered by the department.
(7) The Department of Commerce, in conjunction with the Department of Transportation, shall annually provide a list of each project awarded, the benefit of each project in meeting the goals and objectives of the program, and the current status of each project. The department shall include such information in its annual incentives report required under 2s. 20.0065.
(8) The department may adopt rules to implement this section.
(9) This section expires June 30, 2034.
History.—s. 9, ch. 2024-234.
1Note.—The word “to” was inserted by the editors to facilitate correct interpretation.
2Note.—Section 20.0065 does not exist. The intended reference may be to s. 288.0065, which provides for the department’s annual incentives report.

Chapter 334

Transportation Administration

Enforceable Policies

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

334.61* Traffic lane repurposing.

*Section 334.61 is not proposed as an enforceable policy for federal consistency purposes.

334.61 Traffic lane repurposing.—

(1) When a governmental entity proposes any project that will repurpose one or more existing traffic lanes, the governmental entity shall include a traffic study to address any potential adverse impacts of the project, including, but not limited to, changes in traffic congestion and impacts on safety.

(2) If, following the study required by subsection (1), the governmental entity elects to continue with the design of the project, it must notify all affected property owners, impacted municipalities, and the counties in which the project is located at least 180 days before the design phase of the project is completed. The notice must provide a written explanation regarding the need for the project and information on how to review the traffic study required by subsection (1), and must indicate that all affected parties will be given an opportunity to provide comments to the proposing entity regarding potential impacts of the change.

(3) The governmental entity shall hold at least one public meeting, with at least 30 days prior notice, before completing the design phase of the project in the jurisdiction where the project is located. At the public meeting, the governmental entity shall explain the purpose of the project and receive public input, including possible alternatives, to determine the manner in which the project will affect the community.

(4) The governmental entity shall review all comments from the public meeting and take the comments and any alternatives presented during the meeting into consideration in the final design of the project.

History.—s. 5, ch. 2024-57.

Chapter 339

Transportation Finance and Planning

Enforceable Policies

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

339.175 Metropolitan planning organization.
339.241 Florida Junkyard Control Law.
339.28201 Local Agency Program.

339.28201 Local Agency Program.—

(1) There is created within the department a Local Agency Program for the purpose of providing assistance to subrecipient agencies, which include counties, municipalities, intergovernmental agencies, and other eligible governmental entities, to develop, design, and construct transportation facilities using funds allocated by federal agencies to the department which are then suballocated by the department to local agencies.

(2) The department is responsible for oversight of funded projects on behalf of the Federal Highway Administration. The department shall update the project cost estimate in the year the project is granted to the local agency and shall include a contingency amount as part of the project cost estimate.

(3) Local agencies shall prioritize and budget local projects through their respective metropolitan planning organizations or governing boards that are eligible for reimbursement for the services provided to the traveling public through compliance with applicable federal statutes, rules, and regulations.

(4) Federal-aid highway funds are available only to local agencies that are certified by the department based on their qualifications, experience, ability to comply with federal requirements, and ability to undertake and satisfactorily complete the work.

(5) At a minimum, such local agencies shall include in their contracts to develop, design, or construct transportation facilities the department's Division I General Requirements and Covenants for local agencies and a contingency amount in the project cost to account for unforeseen conditions.

History.—s. 13, ch. 2024-173.

Chapter 373

Water Resources

Enforceable Policies

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

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

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

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

*Sections 373.037, .044, .0465, .0466, .103, .1135, .171, .246, .308, .41365, .4143, .4144, .4146, .459, .4598, .4599, .462, .463, .472, .475, .535, .536, .584, .59, .5905, .6075, .701, .703 and .813 are not considered enforceable policies for federal consistency purposes.

373.4131 Statewide environmental resource permitting rules.—
(1) The department shall initiate rulemaking to adopt, in coordination with the water management districts, statewide environmental resource permitting rules governing the construction, alteration, operation, maintenance, repair, abandonment, and removal of any stormwater management system, dam, impoundment, reservoir, appurtenant work, works, or any combination thereof, under this part.
(a) The rules must provide for statewide, consistent regulation of activities under this part and must include, at a minimum:
1. Criteria and thresholds for requiring permits.
2. Types of permits.
3. Procedures governing the review of applications and notices, duration and modification of permits, operational requirements, transfers of permits, provisions for emergencies, and provisions for abandonment and removal of systems.
4. Exemptions and general permits that do not allow significant adverse impacts to occur individually or cumulatively.
5. Conditions for issuance.
6. General permit conditions, including monitoring, inspection, and reporting requirements.
7. Standardized fee categories for activities under this part to promote consistency. The department and water management districts may amend fee rules to reflect the standardized fee categories but are not required to adopt identical fees for those categories.
8. Application, notice, and reporting forms. To the maximum extent practicable, the department and water management districts shall provide for electronic submittal of forms and notices.
9. An applicant's handbook that, at a minimum, contains general program information, application and review procedures, a specific discussion of how environmental criteria are evaluated, and discussion of stormwater quality and quantity criteria.
(b) The rules must provide for a conceptual permit for a municipality or county that creates a stormwater management master plan for urban infill and redevelopment areas or community redevelopment areas created under chapter 163. Upon approval by the department or water management district, the master plan shall become part of the conceptual permit issued by the department or water management district. The rules must additionally provide for an associated general permit for the construction and operation of urban redevelopment projects that meet the criteria established in the conceptual permit. The following requirements must also be met:
1. The conceptual permit and associated general permit must not conflict with the requirements of a federally approved program pursuant to s. 403.0885 or with the implementation of s. 403.067(7) regarding total maximum daily loads and basin management action plans.
2. Before a conceptual permit is granted, the municipality or county must assert that stormwater discharges from the urban redevelopment area do not cause or contribute to violations of water quality standards by demonstrating a net improvement in the quality of the discharged water existing on the date the conceptual permit is approved.

3. The conceptual permit may not expire for at least 20 years unless a shorter duration is requested and must include an option to renew.
4. The conceptual permit must describe the rate and volume of stormwater discharges from the urban redevelopment area, including the maximum rate and volume of stormwater discharges as of the date the conceptual permit is approved.
5. The conceptual permit must contain provisions regarding the use of stormwater best management practices and must ensure that stormwater management systems constructed within the urban redevelopment area are operated and maintained in compliance with s. 373.416.
(c) The rules must rely primarily on the rules of the department and water management districts in effect immediately prior to the effective date of this section, except that the department may:
1. Reconcile differences and conflicts to achieve a consistent statewide approach.
2. Account for different physical or natural characteristics, including special basin considerations, of individual water management districts.
3. Implement additional permit streamlining measures.
(d) The application of the rules must continue to be governed by the first sentence of s. 70.001(12).
(2)(a) Upon adoption of the rules, the water management districts shall implement the rules without the need for further rulemaking pursuant to s. 120.54. The rules adopted by the department pursuant to this section shall also be considered the rules of the water management districts. The districts and local governments shall have substantive jurisdiction to implement and interpret rules adopted by the department under this part, consistent with any guidance from the department, in any license or final order pursuant to s. 120.60 or s. 120.57(1)(l).
(b)1. A county, municipality, or local pollution control program that has a delegation of the environmental resource permit program authority or proposes to be delegated such authority under s. 373.441 shall without modification incorporate by reference the rules adopted pursuant to this section.
2. A county, municipality, or local pollution control program that has a delegation of the environmental resource permit program authority under s. 373.441 must amend its local ordinances or regulations to incorporate by reference the applicable rules adopted pursuant to this section within 12 months after the effective date of the rules.
3. Consistent with s. 373.441, this section does not prohibit a county, municipality, or local pollution control program from adopting or implementing regulations that are stricter than those adopted pursuant to this section.
4. The department and each local program with the authority to implement or seeking to implement a delegation of environmental resource permit program authority under s. 373.441 shall identify and reconcile any duplicative permitting processes as part of the delegation.
(c) Until the rules adopted pursuant to this section become effective, existing rules adopted pursuant to this part remain in full force and effect. Existing rules that are superseded by the rules adopted pursuant to this section may be repealed without further rulemaking pursuant to s. 120.54 by publication of a notice of repeal in the Florida Administrative Register and subsequent filing of a list of the rules repealed with the Department of State.

(3)(a) The water management districts, with department oversight, may continue to adopt rules governing design and performance standards for stormwater quality and quantity, and the department may incorporate the design and performance standards by reference for use within the geographic jurisdiction of each district.
(b) If a stormwater management system is designed in accordance with the stormwater treatment requirements and criteria adopted by the department or a water management district under this part, the system design is presumed not to cause or contribute to violations of applicable state water quality standards.
(c) If a stormwater management system is constructed, operated, and maintained for stormwater treatment in accordance with a valid permit or exemption under this part, the stormwater discharged from the system is presumed not to cause or contribute to violations of applicable state water quality standards.
(4) Notwithstanding the adoption of rules pursuant to this section, the following activities shall continue to be governed by the rules adopted by the department, the water management districts, and delegated local programs under this part in effect before the effective date of the rules adopted pursuant to this section, unless the applicant elects review in accordance with the rules adopted pursuant to this section:
(a) The operation and maintenance of any stormwater management system, dam, impoundment, reservoir, appurtenant work, works, or any combination thereof legally in existence before the effective date of the rules adopted pursuant to this section if the terms and conditions of the permit, exemption, or other authorization for such activity continue to be met.
(b) The activities determined in writing by the department, a water management district, or a local government delegated local pollution control program authority under s. 373.441 to be exempt from the permitting requirements of this part, including self-certifications submitted to the department, a water management district, or a delegated local government before the effective date of the rules adopted pursuant to this section.
(c) The activities approved in a permit issued pursuant to this part and the review of activities proposed in a permit application that is complete before the effective date of the rules adopted pursuant to this section. This paragraph applies to any modification of the plans, terms, and conditions of the permit, including new activities, within the geographical area to which the permit applies and to any modification that lessens or does not increase impacts. However, this paragraph does not apply to a modification that is reasonably expected to lead to additional or substantially different impacts.
(5) To ensure consistent implementation and interpretation of the rules adopted pursuant to this section, the department shall conduct or oversee regular assessment and training of its staff and the staffs of the water management districts and local governments delegated local pollution control program authority under s. 373.441. The training must include field inspections of publicly and privately owned stormwater structural controls, such as stormwater retention and detention ponds.
(6) By January 1, 2021:
(a) The department and the water management districts shall initiate rulemaking to update the stormwater design and operation regulations, including updates to the Environmental Resource Permit Applicant’s Handbook, using the most recent scientific information available. As part of rule development, the department shall consider and address low-impact design best management practices and design criteria that increase

the removal of nutrients from stormwater discharges, and measures for consistent application of the net improvement performance standard to ensure significant reductions of any pollutant loadings to a water body.
(b) The department shall review and evaluate permits and inspection data by those entities that submit a self-certification under s. 403.814(12) for compliance with state water quality standards and provide the Legislature with recommendations for improvements to the self-certification process, including, but not limited to, additional staff resources for department review of portions of the process where high-priority water quality issues justify such action.
(7) The Legislature ratifies rule 62-330.010, Florida Administrative Code, titled "Purpose and Implementation," as filed for adoption with the Department of State pursuant to the certification package dated April 28, 2023, with the following changes:
(a) Section 3.1.2(e)3. of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to add, after the last sentence, the following: "Nothing in Section 3.1.2(e)3. shall eliminate any grandfather provisions in Section 1.4.2 and other grandfather provisions of Section 3.1.2 in existence prior to [effective date]. Projects listed in Section 3.1.2(e)3. shall use all forms in effect at the time the permit was originally issued, except for those subsequent permits to construct and operate the future phases consistent with an unexpired conceptual approval permit which shall use the following forms effective [effective date]: Form 62-330.301(26) Financial Capability Certification; Form 62-330.301(25) Dam System Information; Form 62-330.311(1) Operation and Maintenance Certification; and Form 62-330.311(3) Inspection Checklists, as applicable."
(b) Section 8.3.4(a)3. of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to read: "the post-development condition average annual loading, of those pollutants not meeting water quality standards, that is less than that of the predevelopment condition."
(c) Section 8.3.4(b)2. of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to read: "the post-development condition average annual loading, of those pollutants not meeting water quality standards, that is less than that of the predevelopment condition."
(d) Section 8.3.5 of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to read: "Stormwater treatment systems serving redevelopment activities shall either meet the requirements of Sections 8.3.2 through 8.3.4 or provide an alternate level of treatment sufficient to accomplish:
(a) an 80 percent reduction of the post-development average annual loading of TP and a 45 percent reduction of the post-development average annual loading of TN from the project area; and
(b) for stormwater systems located within a HUC 12 sub-watershed containing an OFW and located upstream of that OFW, a 90 percent reduction of the post-development average annual loading of TP and a 60 percent reduction of the post-development average annual loading of TN from the project area; and
(c) for stormwater treatment systems located within a HUC 12 sub-watershed which contains an impaired water and located upstream of that impaired water, a level of treatment sufficient to accomplish a post-development condition average annual

loading, of those pollutants not meeting water quality standards, that is less than that of the predevelopment condition."

(e) The first sentence of Section 12.5(a) of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to read: "All operation and maintenance entities, other than MS4 Entities, shall conduct and report inspections in accordance with this section; except that those specific activities and best management practices regulated by the South Florida Water Management District pursuant to Chapter 40E-63, F.A.C., or by the Department of Agriculture and Consumer Services pursuant to Title 5M, F.A.C., and Section 403.067(7)(c)2., F.S., shall be inspected in accordance with such applicable rules and laws."

(f) Section 8.2.2 of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to add, after the last sentence, the following: "When an applicant demonstrates that its designs and plans, including any supporting information, meet the performance standards of Sections 8.2.3 and 8.3 by performing the analysis specified in Section 9 and, if applicable, in Volume II or Appendix O of Volume I, employing the structural best management practices specified therein as needed, and provides the information required by such sections, the applicant shall have satisfied the conditions for issuance of rule 62-330.301(1)(e), F.A.C., and rule 62-330.301(3), F.A.C., if applicable, and is entitled to the presumption of Section 373.4131(3)(b), F.S."

(g) Section 8.3.1 of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to read: "Each applicant shall demonstrate, through modeling or calculations as described in Section 9, that their proposed stormwater management system is designed to discharge to the required treatment level based on the performance standards described in Sections 8.3.2 through 8.3.5 below. For the purposes of this section, annual loading from the proposed project refers to post-development loads before treatment, as calculated in Section 9 of this volume. Stormwater treatment systems shall be designed to achieve at least an 80 percent reduction of the average annual post-development total suspended solids (TSS) load, or 95 percent of the average annual post-development TSS load for those proposed projects located within a HUC 12 sub-watershed containing an Outstanding Florida Water (OFW) and located upstream of that OFW. There is a rebuttable presumption that this standard is met when structural stormwater best management practices (BMPs) are designed to meet the applicable design standards in Sections 8.3.2 through 8.3.5 below."

(h) Section 9.1 of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to read: "Applicants are required to provide nutrient load reduction calculations in their application. To calculate the required stormwater nutrient load reduction for a project, the applicant should:

1. Determine whether the site falls within the same HUC 12 sub-watershed as, and is upstream of, an OFW or impaired water, and select the corresponding performance standard from Section 8.3 of this volume;

2. Determine the pre-development average annual average mass loading of the project area for both total nitrogen (TN) and total phosphorus (TP) through modeling or as described in Section 9.2;

3. Calculate the project area's post-development annual average mass loading before treatment for both TN and TP through modeling or as described in Section 9.2;
4. Determine the percent TN and TP reduction needed as defined within Sections 8.3 and 9.3 of this volume. The greater percent load reduction will be the requirement for the project; and
5. Determine which BMPs, or other treatment and reduction options, will be used to meet the required TN and TP load reductions that are equivalent to, or which exceed, the applicable performance standards in Sections 8.2.3 through 8.3.6. Information on how to calculate nutrient load reduction for BMP Treatment Train is found in Section 9.5 of this volume.
When an applicant provides reasonable assurance that its modeling, calculations, and applicable supporting documentation satisfy the provisions described above, the applicant shall have demonstrated that it meets the performance standards specified under Sections 8.2.3 through 8.3.6 of this volume."
(i) Section 3.1.2(e)4. of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, is changed to read: "Projects or activities that are the subject of a general or individual permit application that is deemed complete on or before [effective date + 18 months] shall be exempt from the amendments to Chapter 62-330, F.A.C., and Volume I adopted on [effective date], and the corresponding amendments to the applicable Volume II."
(j) Section 3.1.2(f) shall be added to the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, and shall read: "Development or other construction projects for which stormwater management and design plans were submitted to a local or other government agency before January 1, 2024, shall be exempt from the amendments to Chapter 62-330, F.A.C., and Volume I adopted on [effective date], and the corresponding amendments to the applicable Volume II, for any of the following:
1. A project that was submitted as part of a local building permit or as part of an application for a site plan or subdivision plat approval.
2. An approved regional stormwater management system designed and permitted pursuant to an effective permit under part IV of chapter 373, F.S."
(k) Section 3.1.2(g) shall be added to the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, and shall read: "Stormwater management systems constructed in accordance with a binding ecosystem management agreement executed by the department pursuant to Section 403.0752, F.S., before January 1, 2024, are exempt from the amendments to chapter 62-330, Florida Administrative Code, the Applicant's Handbook Volume I adopted on [effective date], and corresponding amendments to the Applicant's Handbook Volume II."
(l) Section 3.1.2(h) shall be added to the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, and shall read: "Stormwater management and design plans for a valid development of regional impact, as defined in Section 380.06, F.S., with a development order, as defined pursuant to Section 380.031, F.S., issued before January 1, 2024, are exempt, until October 1, 2044, from the amendments to chapter 62-330, Florida Administrative Code, the Applicant's Handbook Volume I adopted on [effective date], and corresponding amendments to the Applicant's Handbook Volume II, except where there has been an official determination or

classification that an approved development of regional impact was essentially built out, as discussed in Section 380.06(4), F.S., after [effective date]."
(m) Section 3.1.2(i) shall be added to the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, and shall read: "Stormwater management and design plans for a planned unit development final development plan approved pursuant to a local ordinance, resolution, or other final action by a local governing body before January 1, 2024, are exempt, until October 1, 2034, from the amendments to chapter 62-330, Florida Administrative Code, the Applicant's Handbook Volume I adopted on [effective date], and corresponding amendments to the Applicant's Handbook Volume II."
Any future amendments to those portions of the Applicant's Handbook Volume I, incorporated in rule 62-330.010(4)(a), Florida Administrative Code, included in this subsection must be submitted in bill form to the Speaker of the House of Representatives and to the President of the Senate for their consideration and referral to the appropriate committees. Such amendments shall become effective only upon approval by act of the Legislature.
History.—s. 1, ch. 2012-94; s. 36, ch. 2013-14; s. 1, ch. 2013-176; s. 5, ch. 2020-150; s. 2, ch. 2024-275.

373.4134 Water quality enhancement areas.—
(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that:
(a) Water quality will be improved and adverse water quality impacts of activities regulated under this part may be addressed by the construction, operation, maintenance, and long-term management of water quality enhancement areas that provide offsite compensatory treatment.
(b) An expansion of existing authority for regional treatment to include offsite compensatory treatment in water quality enhancement areas to make enhancement credits available for purchase by an applicant or a governmental entity ~~entities~~ to address impacts regulated under ss. 373.403-373.443 ~~this part~~ is needed.
(c) The construction, operation, maintenance, and long-term management of water quality enhancement areas under this section will improve the certainty and long-term viability of water quality treatment systems.
(d) Water quality enhancement areas are a valuable tool to assist an applicant ~~governmental entities~~ in providing a ~~satisfying the~~ net improvement of the water quality in a receiving waterbody that does not meet standards or in satisfying the environmental resource permit performance standard under s. 373.414(1)(b)3. to ensure significant reductions of pollutant loadings.
(e) Water quality enhancement areas that provide water quality enhancement credits to applicants ~~governmental entities~~ seeking permits under ss. 373.403-373.443 ~~this part~~ and to governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan under s. 403.067 are considered an appropriate and permittable option.
(2) DEFINITIONS.—As used in this section, the term:
(a) "Applicant" means a governmental entity that seeks to purchase water quality enhancement credits to meet an assigned basin management action plan allocation or reasonable assurance plan or a governmental entity or a private sector entity that seeks

to purchase water quality enhancement credits for the purpose of achieving net improvement under s. 373.414(1)(b)3. or satisfying environmental resource permit performance standards.
(b) "Enhancement credit" means a standard unit of measure that represents a quantity of pollutant removed.
(c) "Governmental entity" means any political subdivision of the state, including any state agency, department, county, municipality, special district, school district, utility authority, or other authority or instrumentality, agency, unit, or department thereof.
(d) "Natural system" means an ecological system supporting aquatic and wetland-dependent natural resources, including fish and aquatic and wetland-dependent wildlife habitats.
(e) "Water quality enhancement area" means a natural system constructed, operated, managed, and maintained for the purpose of providing offsite regional treatment for which enhancement credits may be provided pursuant to a water quality enhancement area permit issued under this section.
(f) "Water quality enhancement area permit" means an environmental resource permit issued for a water quality enhancement area which authorizes the construction, operation, management, and maintenance of an enhancement area and the purchase and sale of enhancement credits.
(3) WATER QUALITY ENHANCEMENT AREAS.—
(a) The construction, operation, management, and maintenance of a water quality enhancement area must be approved through the environmental resource permitting process.
(b) Water quality enhancement credits may be sold ~~only~~ to governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan or to applicants for the purpose of achieving net improvement or meeting environmental resource permit performance standards under s. 373.414(1)(b)3. after ~~the governmental entity has provided~~ reasonable assurances have been provided for the ~~assurance of meeting department rules for~~ design and construction of all onsite stormwater management, as required by law.
(c) A water quality enhancement area must be used to address contributions of one or more pollutants or other constituents in the watershed, basin, sub-basin, targeted restoration area, waterbody, or section of waterbody, as determined by the department, in which the water quality enhancement area is located that do not meet applicable state water quality standards or environmental resource permit performance standards ~~criteria~~.
(d) A water quality enhancement area must be used to create, improve, or use natural systems to improve water quality.
(e) A governmental entity may use a water quality enhancement area for its own water quality needs. However, a governmental entity may not act as a sponsor to construct, operate, manage, or maintain a water quality enhancement area or market enhancement credits to third parties.
(f) A local government may not require a permit or otherwise impose regulations governing the operation of a water quality enhancement area.
(g) This section does not eliminate the obligation of an applicant for a water quality enhancement area permit or an applicant proposing to use enhancement credits to

comply with all requirements of this part pertaining to adverse impacts to water quality in receiving waters and adjacent lands or wetlands.
(4) WATER QUALITY ENHANCEMENT AREA PERMIT.—
(a) To obtain a water quality enhancement area permit, the applicant must provide reasonable assurances that the proposed water quality enhancement area will be used to:
1. Meet the requirements for issuance of an environmental resource permit;
2. Benefit water quality in the watershed in which the water quality enhancement area is located;
3. Meet defined performance or success criteria for the reduction of one or more pollutants or other constituents that prevent receiving waters from meeting applicable state water quality criteria;
4. Ensure long-term pollutant reduction through effective operation and maintenance in perpetuity by designation of a responsible long-term maintenance entity supported by an endowment or other long-term financial assurance sufficient to ensure perpetual operation and maintenance;
5. Demonstrate sufficient legal or equitable interest in the property to ensure access and perpetual protection and management of the land within the water quality enhancement area; and
6. Provide for permanent preservation of the water quality enhancement area that meets the requirements of s. 704.06.
(b) The water quality enhancement area permit must provide for the assessment, valuation, and award of credits based on units of pollutants removed.
(c) The department shall base its determination of the award of enhancement credits on standard numerical models or analytical tools that establish the ability of the water quality enhancement area to remove pollutants or constituents.
1. If a basin management action plan exists for the watershed in which the water quality enhancement area is located, the applicant must use the same numerical models or analytical tools used for that basin management action plan in the water quality enhancement area permit application.
2. If a basin management action plan does not exist for the watershed in which the water quality enhancement area is located, the applicant, with the approval of the department, may submit as part of the water quality enhancement area permit application model parameters and results used in a numerical model or an analytical tool used by the department to develop a basin management action plan for a watershed with similar physical characteristics and pollutants as the watershed in which the proposed water quality enhancement area is to be located.
3. If the department determines that its numerical model or analytical tool used for a basin management action plan is not appropriate for the proposed water quality enhancement area, the applicant must use a standard numerical model or analytical tool for the proposed water quality enhancement area.
4. To assist the department in evaluating and determining enhancement credits, a water quality enhancement area permit application must include the numerical model or analytical tool results used to establish the efficacy of the water quality enhancement area. Supporting information must include, but need not be limited to:

a. Rainfall data over the longest period of record available collected from the closest site to the proposed water quality enhancement area, preferably within the same drainage basin.
b. Anticipated average annual water quality and quantity inflows to the proposed water quality enhancement area, based on published local data collected over a period of record that most closely matches the rainfall data collected under this paragraph.
c. Site-specific conditions affecting the anticipated performance of the proposed water quality enhancement area, including the proposed treatment type and the anticipated associated reduction rates, as demonstrated by the performance of other areas where the treatment type has been established and operating over a minimum of two consecutive wet and dry seasons.
d. Data provided pursuant to sub-subparagraphs a. and b. must be from monitoring stations the department deems sufficient to determine flows and local water quality conditions.
(d) The issuance of a water quality enhancement area permit under this section does not preclude the responsibility of an applicant to obtain other applicable federal, state, and local permits for construction activities associated with the water quality enhancement area.
(5) WATER QUALITY ENHANCEMENT SERVICE AREA.—The department shall establish a water quality enhancement service area for each water quality enhancement area. Enhancement credits may be withdrawn and used only to address adverse impacts in the enhancement service area. The boundaries of the enhancement service area shall depend upon the geographic area in which the water quality enhancement area could reasonably be expected to address adverse impacts. Enhancement service areas may overlap, and enhancement service areas for two or more water quality enhancement areas may be approved for a regional watershed.
(6) MONITORING AND VERIFICATION.—
(a) An applicant for a water quality enhancement area permit must propose a performance and success criteria monitoring and verification plan, with protocols to be implemented once the water quality enhancement area is operational. The protocols must be appropriate for the water quality enhancement area and sufficient to demonstrate that the area is meeting defined performance or success criteria for the reduction of pollutants or contaminants for which credits are awarded by the department.
(b) If a permittee fails to comply with the conditions of a water quality enhancement area permit, the department must revoke the ability of the permittee to sell enhancement credits until the water quality enhancement area complies with the permit conditions.
(7) ENHANCEMENT CREDITS.—
(a) The department or water management district shall authorize the sale and use of enhancement credits to <u>applicants</u> ~~governmental entities~~ to address adverse water quality impacts of activities regulated under <u>ss. 373.403-373.443</u> ~~this part~~ or to assist governmental entities seeking to meet required nonpoint source contribution reductions assigned in a basin management action plan or reasonable assurance plan under s. 403.067.

(b) Before approving the use of enhancement credits, the department or water management district must determine that the enhancement credits used by an applicant seeking a permit under this part are appropriate for a specific permit use.
(c) Water quality improvement projects using natural systems or land use modifications, including, but not limited to, constructed wetlands or minor impoundments that reduce pollutants to a receiving water body, may be used by an applicant to generate enhancement credits if approved by the department. Water quality enhancement areas may not be located on lands purchased for conservation pursuant to the Florida Forever Act or the Florida Preservation 2000 Act.
(d) The department shall provide for and maintain a ledger to track the award, release, and use of enhancement credits.
1. A water management district that authorizes applicants seeking permits under this part to use enhancement credits to address water quality impacts must report to the department the amount of enhancement credits used by the applicants.
2. The operator of a water quality enhancement area shall notify the department of the amount of enhancement credits sold or used within 30 days after the date the enhancement credit transaction is completed.
(e) Reductions in pollutant loading required under any state regulatory program are not eligible to be considered as enhancement credits.
(f) Enhancement credits may not be used by point source dischargers to satisfy regulatory requirements other than those necessary to obtain an environmental resource permit for construction and operation of the surface water management system of the site.
(g) Use of enhancement credits made available by water quality enhancement areas is voluntary.
(h) Any landowner, discharger, or other responsible person regulated under this part or s. 403.067 implementing applicable management strategies specified in an adopted basin management action plan or reasonable assurance plan may not be required by any permit or other enforcement action to use enhancement credits to reduce pollutant loads to achieve the pollutant reductions established pursuant to s. 403.067.
(i) A local government may not deny the use of enhancement credits due to the location of the water quality enhancement area outside the jurisdiction of the local government.
(j) Notwithstanding any other law, this section does not limit or restrict the authority of the department to deny the use of enhancement credits when the department is not reasonably assured that the use of the credits will not cause or contribute to a violation of water quality standards, even if the project being implemented by the applicant ~~governmental entity~~ is within the enhancement service area. The department may allow the use of enhancement credits if the department receives a request for the use of enhancement credits and determines that such use will not cause or contribute to a violation of water quality standards.
(8) AUTHORITY.—The authority granted to the department under this section is supplemental to the authority granted under s. 403.067(8).
(9) RULES.—The department shall adopt rules to implement this section. This section may not be implemented until the department adopts such rules.
History.—s. 1, ch. 2022-215; s. 1, ch. 2024-144.

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 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.
377.2408	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.

377.814* Municipal Solid Waste-to-Energy Program.
377.815* Alternative fueling stations and electric vehicle charging stations.

*Sections 377.21, ..22, .2434, .2435, .6015, .707, .805, .810 and .814, F.S., are not considered enforceable policies for federal consistency purposes.

**Sections 377.06, .24(9) and .252(1)(a)5, F.S., are not included in the federally approved FCMP.

377.708 Wind energy.—

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

(a) "Coastline" means the established line of mean high water.

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

(c) "Offshore wind energy facility" means any wind energy facility located on waters of this state, including other buildings, structures, vessels, or electrical transmission cabling to be sited on waters of this state, or connected to corresponding onshore substations that are used to support the operation of one or more wind turbines sited or constructed on waters of this state and any submerged lands or territorial waters that are not under the jurisdiction of the state.

(d) "Real property" has the same meaning as provided in s. 192.001(12).

(e) "Vessel" has the same meaning as provided in s. 327.02.

(f) "Waters of this state" has the same meaning as provided in s. 327.02, except the term also includes all state submerged lands.

(g) "Wind energy facility" means an electrical wind generation facility or expansion thereof comprised of one or more wind turbines and including substations; meteorological data towers; aboveground, underground, and electrical transmission lines; and transformers, control systems, and other buildings or structures under common ownership or operating control used to support the operation of the facility the primary purpose of which is to offer electricity supply for sale.

(h) "Wind turbine" means a device or apparatus that has the capability to convert kinetic wind energy into rotational energy that drives an electrical generator, consisting of a tower body and rotator with two or more blades and capable of producing more than 10 kilowatts of electrical power. The term includes both horizontal and vertical axis turbines. The term does not include devices used to measure wind speed and direction, such as an anemometer.

(2) PROHIBITED ACTIVITIES; EXCEPTIONS.—

(a) Construction or expansion of the following is prohibited:

1. An offshore wind energy facility.

2. A wind turbine or wind energy facility on real property within 1 mile of coastline in this state.

3. A wind turbine or wind energy facility on real property within 1 mile of the Atlantic Intracoastal Waterway or Gulf Intracoastal Waterway.

4. A wind turbine or wind energy facility on waters of this state and any submerged lands.

(b) This subsection does not prohibit:

1. Affixation of a wind turbine directly to a vessel solely for the purpose of providing power to electronic equipment located onboard the vessel.

2. Operation of a wind turbine installed before July 1, 2024.

(3) REVIEW.—The department shall review all applications for federal wind energy leases in the territorial waters of the United States adjacent to waters of this state and shall signify its approval of or objection to each application.

(4) INJUNCTIVE RELIEF.—The department may bring an action for injunctive relief against any person who constructs or expands an offshore wind energy facility or a wind turbine in this state in violation of this section.

History.—s. 12, ch. 2024-186.

Chapter 379

Fish and Wildlife Conservation

Enforceable Policies

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

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379.102	Fish and Wildlife Conservation Commission.
379.1025	Powers, duties, and authority of commission; rules, regulations, and orders.
379.10255	Headquarters of commission.
379.1026*	Site-specific location information for endangered and threatened species; public records exemption.
379.103	Duties of executive director.
379.104	Right to hunt and fish.
379.105	Harassment of hunters, trappers, or fishers.
379.106	Administration of commission grant programs.
379.107*	Residential conservation programs.
379.201	Administrative Trust Fund.
379.203	Dedicated License Trust Fund.
379.204	Federal Grants Trust Fund.
379.205	Florida Panther Research and Management Trust Fund.
379.206*	Grants and Donations Trust Fund.
379.207*	Lifetime Fish and Wildlife Trust Fund.
379.208	Marine Resources Conservation Trust Fund; purposes.
379.209	Nongame Wildlife Trust Fund.
379.211	State Game Trust Fund.
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379.214*	Invasive Plant Control Trust Fund.
379.2201	Deposit of license fees; allocation of federal funds.
379.2202*	Expenditure of funds.
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379.2213	Management area permit revenues.
379.2222	Acquisition of state game lands.
379.2223	Control and management of state game lands.
379.2224	Preserves, refuges, etc., not tax-exempt.
379.2225	Everglades recreational sites; definitions.
379.223*	Citizen support organizations; use of state property; audit.
379.2231*	Additional assessment; Wildlife Alert Reward Association, Inc.
379.224	Memorandum of agreement relating to Fish and Wildlife Research Institute.
379.2251*	Agreements with Federal Government for the preservation of saltwater fisheries; authority of commission.

379.3711 License fee for private game preserves and farms.
379.3712 Private hunting preserve license fees; exception.
379.372 Capturing, keeping, possessing, transporting, or exhibiting venomous reptiles, reptiles of concern, conditional reptiles, or prohibited reptiles; license required.
379.373 License fee; renewal, revocation.
379.374 Bond required, amount.
379.3751 Taking and possession of alligators; trapping licenses; fees.
379.3752 Required tagging of alligators and hides; fees; revenues.
379.3761 Exhibition or sale of wildlife; fees; classifications.
379.3762 Personal possession of wildlife.
379.377 Tag fees for sale of Lake Okeechobee game fish.
379.401 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.
379.4015 Nonnative and captive wildlife penalties.
379.402 Definition; possession of certain licensed traps prohibited; penalties; exceptions; consent.
379.404 Illegal taking and possession of deer and wild turkey; evidence; penalty.
379.4041* Illegal taking, possession, and sale of bears.
379.40411** Taking of bears; use of lethal force in defense of person or certain property.
379.405 Illegal molestation of or theft from freshwater fishing gear.
379.406 Illegal possession or transportation of freshwater game fish in commercial quantities; penalty.
379.407 Administration; rules, publications, records; penalties; injunctions.
379.408 Forfeiture or denial of licenses and permits.
379.409 Illegal killing, possessing, or capturing of alligators or other crocodilia or eggs; confiscation of equipment.
379.411 Intentional killing or wounding of any species designated as endangered, threatened, or of special concern; penalties.
379.4115 Florida or wild panther; killing prohibited; penalty.
379.412 Penalties for feeding wildlife and freshwater fish.
379.413 Bonefish; penalties.
379.414 Additional penalties for saltwater products dealers violating records requirements.
379.501 Aquatic weeds and plants; prohibitions; violations; penalties; intent.
379.502 Enforcement; procedure; remedies.
379.503 Civil action.
379.504 Civil liability; joint and several liability.

*Sections 379.1026, .107, .206, .207, .212, .213, .214, .2202, .223, .2231, .2251, .2255, .2256, .2273, .2293, .2311, .2433, .359, .362 and .4041 are not considered enforceable policies for federal consistency purposes.

**Section 379.40411 is not proposed as an enforceable policy for federal consistency purposes.

379.233 Release of balloons.—
(1) The Legislature finds that the release into the atmosphere of large numbers of balloons inflated with lighter-than-air gases poses a danger and nuisance to the environment, particularly to wildlife and marine animals.
(2) It is unlawful for any person, firm, or corporation to intentionally release, organize the release of, or intentionally cause to be released ~~within a 24-hour period 10 or more~~ balloons inflated with a gas that is lighter than air except for any of the following:
(a) Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.~~;~~
(b) Hot air ~~that are~~ balloons recovered after launching.~~;~~
(c) Balloons released indoors~~; or~~
~~(d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act~~.
(3) Any person who violates subsection (2) commits ~~is guilty of~~ a noncriminal littering infraction, punishable as provided in s. 403.413(6)(a) ~~by a fine of $250~~.
(4) This section does not apply to a person 6 years of age or younger. ~~Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.~~
History.—s. 1, ch. 89-113; s. 186, ch. 99-245; s. 53, ch. 2008-247; s. 1, ch. 2024-263.
Note.—Former s. 372.995.

379.40411 Taking of bears; use of lethal force in defense of person or certain property.—
(1) A person is not subject to any administrative, civil, or criminal penalty for taking a bear with lethal force if:
(a) The person reasonably believed that his or her action was necessary to avoid an imminent threat of death or serious bodily injury to himself or herself or to another, an imminent threat of death or serious bodily injury to a pet, or substantial damage to a dwelling as defined in s. 776.013(5);
(b) The person did not lure the bear with food or attractants for an illegal purpose, including, but not limited to, training dogs to hunt bears;
(c) The person did not intentionally or recklessly place himself or herself or a pet in a situation in which he or she would be likely to need to use lethal force as described in paragraph (a); and
(d) The person notified the commission within 24 hours after he or she used lethal force to take the bear.

(2) A bear taken under this section must be disposed of by the commission. A person who takes a bear under this section may not possess, sell, or dispose of the bear or its parts.
(3) The commission shall adopt rules to implement this section.
History.—s. 2, ch. 2024-256.

Chapter 380

Land and Water Management

Enforceable Policies

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

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

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

*Sections 380.093, .0993, .0935, .23(3)(d) and .507 are not considered enforceable policies for federal consistency purposes.

**Section 380.095 is not proposed as an enforceable policy for federal consistency purposes.

[1]380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(1) SHORT TITLE.—This section may be cited as the “Florida Keys Area Protection Act.”
(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:
(a) Establish a land use management system that protects the natural environment of the Florida Keys.
(b) Establish a land use management system that conserves and promotes the community character of the Florida Keys.
(c) Establish a land use management system that promotes orderly and balanced growth in accordance with the capacity of available and planned public facilities and services.
(d) Provide affordable housing in close proximity to places of employment in the Florida Keys.
(e) Establish a land use management system that promotes and supports a diverse and sound economic base.
(f) Protect the constitutional rights of property owners to own, use, and dispose of their real property.
(g) Promote coordination and efficiency among governmental agencies that have permitting jurisdiction over land use activities in the Florida Keys.
(h) Promote an appropriate land acquisition and protection strategy for environmentally sensitive lands within the Florida Keys.
(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11), as applicable.
(j) Ensure that the population of the Florida Keys can be safely evacuated.
(3) RATIFICATION OF DESIGNATION.—The designation of the Florida Keys Area as an area of critical state concern, the boundaries of which are described in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, is hereby ratified.
(4) REMOVAL OF DESIGNATION.—
(a) The designation of the Florida Keys Area as an area of critical state concern under this section may be recommended for removal upon fulfilling the legislative intent under subsection (2) and completion of all the work program tasks specified in rules of the Administration Commission.
(b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the work program tasks specified in commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the commission if it determines that:
1. All of the work program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to s.

403.086(11) and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(l);
2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and
3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.
(c) After receipt of the state land planning agency report and recommendation, the Administration Commission shall determine whether the requirements have been fulfilled and may remove the designation of the Florida Keys as an area of critical state concern. If the commission removes the designation, it shall initiate rulemaking to repeal any rules relating to such designation within 60 days. If, after receipt of the state land planning agency's report and recommendation, the commission finds that the requirements for recommending removal of designation have not been met, the commission shall provide a written report to the local governments within 30 days after making such a finding detailing the tasks that must be completed by the local government.
(d) The Administration Commission's determination concerning the removal of the designation of the Florida Keys as an area of critical state concern may be reviewed pursuant to chapter 120. All proceedings shall be conducted by the Division of Administrative Hearings and must be initiated within 30 days after the commission issues its determination.
(e) After removal of the designation of the Florida Keys as an area of critical state concern, the state land planning agency shall review proposed local comprehensive plans, and any amendments to existing comprehensive plans, which are applicable to the Florida Keys Area, the boundaries of which were described in chapter 28-29, Florida Administrative Code, as of January 1, 2006, for compliance as defined in s. 163.3184. All procedures and penalties described in s. 163.3184 apply to the review conducted pursuant to this paragraph.
(f) The Administration Commission may adopt rules or revise existing rules as necessary to administer this subsection.
(5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5), (9)-(11), (15), (17), and (21) shall not apply to the area designated by this section for so long as the designation remains in effect. Except as otherwise provided in this section, s. 380.045 shall not apply to the area designated by this section. All other provisions of this chapter shall apply, including s. 380.07.
(6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the Florida Keys Area with the membership as specified in s. 380.045(2). Meetings shall be called as needed by the chair or on the demand of three or more members of the committee. The committee shall:
(a) Serve as a liaison between the state and local governments within Monroe County.
(b) Develop, with local government officials in the Florida Keys Area, recommendations to the state land planning agency as to the sufficiency of the Florida Keys Area's comprehensive plan and land development regulations.

(c) Recommend to the state land planning agency changes to state and regional plans and regulatory programs affecting the Florida Keys Area.
(d) Assist units of local government within the Florida Keys Area in carrying out the planning functions and other responsibilities required by this section.
(e) Review, at a minimum, all reports and other materials provided to it by the state land planning agency or other governmental agencies.
(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which is adopted and incorporated herein by reference. For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:
(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
(g) Protecting the historical heritage of the Florida Keys.
(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
1. The Florida Keys Aqueduct and water supply facilities;
2. Sewage collection, treatment, and disposal facilities;
3. Solid waste treatment, collection, and disposal facilities;
4. Key West Naval Air Station and other military facilities;
5. Transportation facilities;
6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; and other water quality and water supply projects, including direct and indirect potable reuse.
(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
(l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.
(8) COMPREHENSIVE PLAN ELEMENTS AND LAND DEVELOPMENT REGULATIONS.—The comprehensive plan elements and land development regulations approved pursuant to s. 380.05(6), (8), and (14) shall be the comprehensive plan elements and land development regulations for the Florida Keys Area.
(9) MODIFICATION TO PLANS AND REGULATIONS.—
(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:
1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.
2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. <u>For purposes of hurricane evacuation clearance time:</u>
<u>a. Mobile home residents are not considered permanent residents.</u>

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

(b) The state land planning agency, after consulting with the appropriate local government, may, no more than once per year, recommend to the Administration Commission the enactment, amendment, or rescission of a land development regulation or element of a local comprehensive plan. Within 45 days following the receipt of such recommendation, the commission shall reject the recommendation, or accept it with or without modification and adopt it by rule, including any changes. Such local development regulation or plan must be in compliance with the principles for guiding development.

History.—s. 6, ch. 79-73; s. 4, ch. 86-170; s. 1, ch. 89-342; s. 641, ch. 95-148; s. 3, ch. 2006-223; s. 34, ch. 2010-205; s. 26, ch. 2011-4; s. 7, ch. 2016-225; s. 39, ch. 2020-150; s. 1, ch. 2024-219.

1Note.—Section 7, ch. 2006-223, provides that "[i]f the designation of the Florida Keys Area as an area of critical state concern is removed, the state shall be liable in any inverse condemnation action initiated as a result of Monroe County land use regulations applicable to the Florida Keys Area as described in chapter 28-29, Florida Administrative Code, and adopted pursuant to instructions from the Administration Commission or pursuant to administrative rule of the Administration Commission, to the same extent that the state was liable on the date the Administration Commission determined that substantial progress had been made toward accomplishing the tasks of the work program as defined in s. 380.0552(4)(c), Florida Statutes. If, after the designation of the Florida Keys Area as an area of critical state concern is removed, an inverse condemnation action is initiated based upon land use regulations that were not adopted pursuant to instructions from the Administration Commission or pursuant to administrative rule of the Administration Commission and in effect on the date of the designation's removal, the state's liability in the inverse condemnation action shall be determined by the courts in the manner in which the state's liability is determined in areas that are not areas of critical state concern. The state shall have standing to appear in any inverse condemnation action."

380.0666 Powers of land authority.—

The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(1) To sue and be sued; to have a seal, to alter the same at pleasure, and to authorize the use of a facsimile thereof; and to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land authority.

(2) To undertake and carry out studies and analyses of county land planning needs within areas of critical state concern and ways of meeting those needs.

(3)(a) To acquire and dispose of real and personal property or any interest therein when such acquisition is necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas, provide affordable housing to families whose income does not exceed 160 percent of the median family income for the area, prevent or satisfy private property rights claims

resulting from limitations imposed by the designation of an area of critical state concern, or provide access to management of acquired lands; to acquire interests in land by means of land exchanges; to contribute tourist impact tax revenues received pursuant to s. 125.0108 to the county in which it is located and its most populous municipality or the housing authority of such county or municipality, at the request of the county commission or the commission or council of such municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern within such municipality or any other area of the county; to contribute funds to the Department of Environmental Protection for the purchase of lands by the department; and to enter into all alternatives to the acquisition of fee interests in land, including, but not limited to, the acquisition of easements, development rights, life estates, leases, and leaseback arrangements. However, the land authority shall make an acquisition or contribution only if:

1. Such acquisition or contribution is consistent with land development regulations and local comprehensive plans adopted and approved pursuant to this chapter;
2. The property acquired is within an area designated as an area of critical state concern at the time of acquisition or is within an area that was designated as an area of critical state concern for at least 20 consecutive years before removal of the designation;
3. The property to be acquired has not been selected for purchase through another local, regional, state, or federal public land acquisition program. Such restriction does not apply if the land authority cooperates with the other public land acquisition programs which listed the lands for acquisition, to coordinate the acquisition and disposition of such lands. In such cases, the land authority may enter into contractual or other agreements to acquire lands jointly or for eventual resale to other public land acquisition programs; and
4. The acquisition or contribution is not used to improve public transportation facilities or otherwise increase road capacity to reduce hurricane evacuation clearance times.

(b) To use revenues received pursuant to s. 125.0108 to pay costs related to affordable housing projects, including:

1. The cost of acquiring real property and any buildings thereon, including payments for contracts to purchase properties;
2. The cost of site preparation, demolition, environmental remediation that is not reimbursed by another governmental funding program, and development;
3. Professional fees in connection with the planning, design, and construction of the project, such as those of architects, engineers, attorneys, and accountants;
4. The cost of studies, surveys, and plans;
5. The cost of the construction, rehabilitation, and equipping of the project, excluding permit and impact fees and mitigation requirements;
6. The cost of on-site land improvements, such as landscaping, parking, and ingress and egress, excluding permit and impact fees and mitigation requirements; and
7. The cost of offsite access roads, except those required to meet hurricane evacuation clearance times.

(c) To assist the county in which it is located in the administration of state and federal grants awarded to the county for residential flood and sea-level rise mitigation projects, including grants for the elevation of structures above minimum flood elevations; the

demolition and reconstruction of structures above minimum flood elevations; and the acquisition of land with structures at risk of flooding.
(4) To borrow money through the issuance of bonds for the purposes provided in this act, to provide for and secure the payment thereof, and to provide for the rights of the holders thereof.
(5) To purchase bonds of the land authority out of any funds or moneys of the land authority available therefor and to hold, cancel, or resell such bonds.
(6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47, and in any authorized investments, if such investments are made on behalf of the land authority by the State Board of Administration or by another trustee appointed for that purpose.
(7) To contract for and to accept gifts, grants, loans, or other aid from the United States Government or any person or corporation, including gifts of real property or any interest therein.
(8) To insure and procure insurance against any loss in connection with any bonds of the land authority and the land authority's operations, including without limitation:
(a) The repayment of any loans to mortgage lenders or mortgage loans;
(b) Any project;
(c) Any bonds of the land authority;
in such amounts and from such insurers, including the Federal Government, as it may deem necessary or desirable and to pay any premiums therefor.
(9) To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice.
(10) To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the land authority under this act, including contracts with any person, firm, corporation, local government, or other entity; and all local governments established under the laws of the state are hereby authorized to enter into and do all things necessary to perform such contracts and otherwise cooperate with the land authority to facilitate the accomplishment of the purposes of this act.
(11) To undertake any actions necessary to conduct a feasibility and design study for a solid waste management facility in an area of critical state concern and, if such project is feasible, to carry out such project.
(12) To identify parcels of land within the area or areas of critical state concern that would be appropriate acquisitions by the state and recommend such acquisitions to the advisory council established pursuant to s. 259.035 or its successor.
(13) To do any and all things necessary or convenient to carry out the purposes of, and exercise the powers given and granted in, this act.
(14) For affordable housing homeownership units, to require compliance with the income requirements under paragraph (3)(a) at the time of conveyance each time a unit is conveyed. The original land authority funding or contribution shall be memorialized in a recordable perpetual deed restriction. If the purchase receives state or federal funding and that state or federal funding program requires a priority lien position over the land authority deed restriction, the land authority funding or contribution may be subordinate to a first purchase money mortgage and the state or federal funding lien.

History.—s. 1, ch. 86-170; s. 5, ch. 88-164; s. 3, ch. 88-376; s. 15, ch. 89-116; s. 10, ch. 92-288; s. 40, ch. 99-247; s. 4, ch. 2006-223; s. 38, ch. 2013-18; s. 31, ch. 2015-30; s. 63, ch. 2015-229; s. 8, ch. 2016-225; s. 6, ch. 2018-159; s. 1, ch. 2022-75; s. 2, ch. 2024-219.

380.095 Dedicated funding for conservation lands, resiliency, and clean water infrastructure.—

(1) LEGISLATIVE INTENT.—The Legislature recognizes that the conservation and preservation of the land and water resources of this state are essential to maintaining the quality of life enjoyed by Floridians and to sustaining and growing a thriving state economy, including legacy industries such as tourism, agriculture, and fishing.

(a) The Legislature recognizes that historic investments in land conservation have fostered and will continue to foster the preservation of Florida's heritage, allow for the strategic expansion and interconnectivity of the Florida wildlife corridor, and promote the protection of crucial habitat necessary for the survival, protection, and recovery of threatened and endangered native species, including the Florida panther.

(b) The Legislature further recognizes that as the state acquires land, the state needs to be a good steward of the land, which necessitates the need for a commitment to provide funding at levels sufficient to ensure the proper management of such lands. These investments provide opportunities for expanded public access to state lands, including state parks, the Florida Greenways and Trails System, and game lands, among others, for recreation; and promote opportunities to protect such lands from wildfire damage and the infiltration of dangerous nonnative plant and animal species, among other benefits.

(c) The Legislature finds that the state is particularly vulnerable to adverse impacts from increases in the frequency and duration of rainfall events and sea level rise. The consequences of such events not only endanger human lives and properties, but also threaten Florida's natural habitats and biodiversity. The Legislature further recognizes that enhancing the state's resiliency to storm events and sea level rise is essential to Florida's economic stability and growth.

(d) Furthermore, the Legislature recognizes the need for additional revenue sources to address the gap in funding that is necessary to address water quality impacts, and that the projections for significant population growth further exacerbate such need.

(e) Therefore, the Legislature finds that it is in the best interest of the residents of the State of Florida to dedicate revenues from the gaming compact between the Seminole Tribe of Florida and the State of Florida to acquire and manage conservation lands, and to make significant investments in resiliency efforts and clean water infrastructure.

(2) DISTRIBUTION.—Notwithstanding s. 285.710, the Department of Revenue shall, upon receipt, deposit 96 percent of any revenue share payment received under the compact as defined in s. 285.710 into the Indian Gaming Revenue Clearing Trust Fund within the Department of Financial Services. The funds deposited into the trust fund shall be distributed as follows:

(a) The lesser of 26.042 percent or $100 million each fiscal year to support the Florida wildlife corridor as defined in s. 259.1055, including the acquisition of lands or conservation easements within the Florida wildlife corridor. To be eligible for funding, the acquisition project must be included on a land acquisition priority list developed

pursuant to s. 259.035 or s. 570.71. The funds must be appropriated in Administered Funds each fiscal year. Eligible state agencies may, on a first-come, first-served basis, submit a budget amendment to request release of funds pursuant to chapter 216. Release is contingent upon approval, if required.

(b) The lesser of 26.042 percent or $100 million each fiscal year for the management of uplands and the removal of invasive species. From these funds, amounts shall be applied as follows:

1. The lesser of 36 percent or $36 million to the Department of Environmental Protection, of which:

a. The lesser of 88.889 percent of the funds available pursuant to this subparagraph or $32 million to the State Park Trust Fund within the department for land management activities within the state park system; and

b. The lesser of 11.111 percent of the funds available pursuant to this subparagraph or $4 million to the Internal Improvement Trust Fund within the department for the purpose of implementing the Local Trail Management Grant Program created pursuant to s. 260.0145.

2. The lesser of 32 percent or $32 million to the Incidental Trust Fund within the Department of Agriculture and Consumer Services for land management activities.

3. The lesser of 32 percent or $32 million to the State Game Trust Fund within the Fish and Wildlife Conservation Commission for land management activities, including management activities for gopher tortoises and Florida panthers.

For sub-subparagraph 1.a. and subparagraphs 2. and 3., a land manager may not use more than 25 percent of the distribution for operation capital outlay or capital assets.

(c) The lesser of 26.042 percent or $100 million each fiscal year to the Resilient Florida Trust Fund within the Department of Environmental Protection for the Statewide Flooding and Sea Level Rise Resilience Plan to be used in accordance with s. 380.093.

(d) After the distributions pursuant to paragraphs (a)-(c), the remainder each fiscal year to the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection for the Water Quality Improvement Grant Program, to be used in accordance with s. 403.0673.

Allocations to trust funds shall be transferred monthly by nonoperating authority to the named trust fund.

History.—s. 1, ch. 2024-58.

Chapter 381

Public Health: General Provisions

Enforceable Policies

Any additions are underlined, and any deletions 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 fines.
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.
381.4015*	Florida health care innovation.
381.4021*	Student loan repayment programs reporting.
381.814*	Sickle Cell Disease Research and Treatment Grant Program.
381.9855*	Dr. and Mrs. Alfonse and Kathleen Cinotti Health Care Screening and Services Grant Program; portal.
381.991*	Andrew John Anderson Pediatric Rare Disease Grant Program.

*Sections 381.4015, .4021, .814, .9855 and .991 are not proposed as enforceable policies for federal consistency purposes.

381.0061 Administrative fines.—
(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which may not exceed $500 for each violation, for a violation of s. 381.006(15) or~~, s. 381.0065, s. 381.0066,~~ s. 381.0072, ~~or part III of chapter 489,~~ for a violation of any rule adopted by the department under this chapter, or for a violation of chapter 386 not involving onsite sewage treatment and disposal systems. The department shall give an alleged violator a notice of intent to impose such fine ~~shall be given by the department to the alleged violator~~. Each day that a violation continues may constitute a separate violation.
(2) In determining the amount of fine to be imposed, if any, for a violation, the following factors shall be considered:
(a) The gravity of the violation, including the probability that death or serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the extent to which the provisions of the applicable statutes or rules were violated.
(b) Actions taken by the owner or operator to correct violations.
(c) Any previous violations.
(3) All amounts collected under this section shall be deposited into an appropriate trust fund of the department.
History.—s. 4, ch. 80-351; s. 2, ch. 85-300; s. 13, ch. 89-324; s. 22, ch. 91-297; s. 7, ch. 92-180; s. 11, ch. 99-397; s. 41, ch. 2020-150; s. 5, ch. 2024-180.
Note.—Former s. 381.112.

~~1~~381.0065 Onsite sewage treatment and disposal systems; regulation.—
(1) LEGISLATIVE INTENT.—
(a) It is the intent of the Legislature that proper management of onsite sewage treatment and disposal systems is paramount to the health, safety, and welfare of the public.
(b) It is the intent of the Legislature that where a publicly owned or investor-owned sewerage system is not available, the department shall issue permits for the construction, installation, modification, abandonment, or repair of onsite sewage treatment and disposal systems under conditions as described in this section and rules adopted under this section. It is further the intent of the Legislature that the installation and use of onsite sewage treatment and disposal systems not adversely affect the public health or significantly degrade the groundwater or surface water.
(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:
(a) "Available," as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:
1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure

or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.
2. For an establishment with an estimated sewage flow exceeding 1,000 gallons per day, a sewer line, force main, or lift station exists in a public easement or right-of-way that abuts the property of the establishment or is within 50 feet of the property line of the establishment as accessed via existing rights-of-way or easements.
3. For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.
4. For repairs or modifications within areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within 500 feet of an establishment's or residence's sewer stub-out as measured and accessed via existing rights-of-way or easements.
(b)1. "Bedroom" means a room that can be used for sleeping and that:
a. For site-built dwellings, has a minimum of 70 square feet of conditioned space;
b. For manufactured homes, is constructed according to the standards of the United States Department of Housing and Urban Development and has a minimum of 50 square feet of floor area;
c. Is located along an exterior wall;
d. Has a closet and a door or an entrance where a door could be reasonably installed; and
e. Has an emergency means of escape and rescue opening to the outside in accordance with the Florida Building Code.
2. A room may not be considered a bedroom if it is used to access another room except a bathroom or closet.
3. "Bedroom" does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.
(c) "Blackwater" means that part of domestic sewage carried off by toilets, urinals, and kitchen drains.
(d) "Department" means the Department of Environmental Protection.
(e) "Domestic sewage" means human body waste and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste, and other similar waste from appurtenances at a residence or establishment.
(f) "Enhanced nutrient-reducing onsite sewage treatment and disposal system" means an onsite sewage treatment and disposal system approved by the department as capable of meeting or exceeding a 50 percent total nitrogen reduction before disposal of wastewater in the drainfield, or at least 65 percent total nitrogen reduction combined from the onsite sewage tank or tanks and drainfield.
(g) "Graywater" means that part of domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.
(h) "Florida Keys" means those islands of the state located within the boundaries of Monroe County.

(i) “Injection well” means an open vertical hole at least 90 feet in depth, cased and grouted to at least 60 feet in depth which is used to dispose of effluent from an onsite sewage treatment and disposal system.
(j) “Innovative system” means an onsite sewage treatment and disposal system that, in whole or in part, employs materials, devices, or techniques that are novel or unique and that have not been successfully field-tested under sound scientific and engineering principles under climatic and soil conditions found in this state.
(k) “Lot” means a parcel or tract of land described by reference to recorded plats or by metes and bounds, or the least fractional part of subdivided lands having limited fixed boundaries or an assigned number, letter, or any other legal description by which it can be identified.
(l) “Mean annual flood line” means the elevation determined by calculating the arithmetic mean of the elevations of the highest yearly flood stage or discharge for the period of record, to include at least the most recent 10-year period. If at least 10 years of data is not available, the mean annual flood line shall be as determined based upon the data available and field verification conducted by a certified professional surveyor and mapper with experience in the determination of flood water elevation lines or, at the option of the applicant, by department personnel. Field verification of the mean annual flood line shall be performed using a combination of those indicators listed in subparagraphs 1.-7. that are present on the site, and that reflect flooding that recurs on an annual basis. In those situations where any one or more of these indicators reflect a rare or aberrant event, such indicator or indicators shall not be utilized in determining the mean annual flood line. The indicators that may be considered are:
1. Water stains on the ground surface, trees, and other fixed objects;
2. Hydric adventitious roots;
3. Drift lines;
4. Rafted debris;
5. Aquatic mosses and liverworts;
6. Moss collars; and
7. Lichen lines.
(m) “Onsite sewage treatment and disposal system” means a system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. The term includes any item placed within, or intended to be used as a part of or in conjunction with, the system. This term does not include package sewage treatment facilities and other treatment works regulated under chapter 403.
(n) “Permanent nontidal surface water body” means a perennial stream, a perennial river, an intermittent stream, a perennial lake, a submerged marsh or swamp, a submerged wooded marsh or swamp, a spring, or a seep, as identified on the most recent quadrangle map, 7.5 minute series (topographic), produced by the United States Geological Survey, or products derived from that series. “Permanent nontidal surface water body” shall also mean an artificial surface water body that does not have an

impermeable bottom and side and that is designed to hold, or does hold, visible standing water for at least 180 days of the year. However, a nontidal surface water body that is drained, either naturally or artificially, where the intent or the result is that such drainage be temporary, shall be considered a permanent nontidal surface water body. A nontidal surface water body that is drained of all visible surface water, where the lawful intent or the result of such drainage is that such drainage will be permanent, shall not be considered a permanent nontidal surface water body. The boundary of a permanent nontidal surface water body shall be the mean annual flood line.

(o) "Potable water line" means any water line that is connected to a potable water supply source, but the term does not include an irrigation line with any of the following types of backflow devices:

1. For irrigation systems into which chemicals are not injected, any atmospheric or pressure vacuum breaker or double check valve or any detector check assembly.
2. For irrigation systems into which chemicals such as fertilizers, pesticides, or herbicides are injected, any reduced pressure backflow preventer.

(p) "Septage" means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system.

(q) "Subdivision" means, for residential use, any tract or plot of land divided into two or more lots or parcels of which at least one is 1 acre or less in size for sale, lease, or rent. A subdivision for commercial or industrial use is any tract or plot of land divided into two or more lots or parcels of which at least one is 5 acres or less in size and which is for sale, lease, or rent. A subdivision shall be deemed to be proposed until such time as an application is submitted to the local government for subdivision approval or, in those areas where no local government subdivision approval is required, until such time as a plat of the subdivision is recorded.

(r) "Tidally influenced surface water body" means a body of water that is subject to the ebb and flow of the tides and has as its boundary a mean high-water line as defined by s. 177.27(15).

(s) "Toxic or hazardous chemical" means a substance that poses a serious danger to human health or the environment.

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

(a) Adopt rules to administer ss. 381.0065-381.0067, including definitions that are consistent with the definitions in this section, increases for the lot-flow allowance for performance-based systems, requirements for separation from water table elevation during the wettest season, requirements for the design and construction of any component part of an onsite sewage treatment and disposal system, application and permit requirements for persons who maintain an onsite sewage treatment and disposal system, requirements for maintenance and service agreements for aerobic treatment units and performance-based treatment systems, and recommended standards, including disclosure requirements, for voluntary system inspections to be performed by individuals who are authorized by law to perform such inspections and who shall inform a person having ownership, control, or use of an onsite sewage treatment and disposal system of the inspection standards and of that person's authority to request an inspection based on all or part of the standards.

(b) Perform application reviews and site evaluations, issue permits, and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day, or an estimated commercial sewage flow of 5,000 gallons or less per day, which is not currently regulated under chapter 403.
(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, sited, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination, including impacts from nutrient pollution, and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation, the Secretary of Environmental Protection, or his or her designee, shall timely assign a staff person to resolve the dispute.
(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section.
(e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section.
(f) Issue annual operating permits under this section.
(g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.
(h) Conduct enforcement activities in accordance with part I of chapter 403, ~~including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders~~ for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted by the department under this section, part I of chapter 386, or part III of chapter 489. All references to part I of chapter 386 in this section relate solely to nuisances involving improperly built or maintained septic tanks or other onsite sewage treatment and disposal systems, and untreated or improperly treated or transported waste from onsite sewage treatment and disposal systems. The department shall have all the duties and authorities of the Department of Health in part I of chapter 386 for nuisances involving onsite sewage treatment and disposal systems. The department's authority under part I of chapter 386 is in addition to and may be pursued independently of or simultaneously with the enforcement remedies provided under this section and chapter 403.
(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.
(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(k) must be used to develop and fund hands-on training centers designed to provide practical information about onsite sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of

onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be applicable to and reflect the soil conditions specific to this state. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in this state and that are principally located in this state.
(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.
(l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and disposal of byproducts from any system regulated under this chapter.
(m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations, and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.
(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.
(o) Adopt rules establishing and implementing a program of general permits for this section for projects, or categories of projects, which have, individually or cumulatively, a minimal adverse impact on public health or the environment. Such rules must:
1. Specify design or performance criteria which, if applied, would result in compliance with appropriate standards; and
2. Authorize a person who complies with the general permit eligibility requirements to use the permit 30 days after giving notice to the department without any agency action by the department. Within the 30-day notice period, the department shall determine whether the activity qualifies for a general permit. If the activity does not qualify or the notice does not contain all the required information, the department must notify the person.
(4) PERMITS; INSTALLATION; CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any required coastal construction control line permit from the department. A construction permit is valid for 18 months after the date of issuance and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after the date of issuance. An operating

permit must be obtained before the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(b) Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment system is available. This paragraph does not allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to former s. 381.00652. The rules must also allow a person to apply for and receive a variance from a rule requirement upon demonstration that the requirement would cause an undue hardship and granting the variance would not cause or contribute to the exceedance of a total maximum daily load.

(f) Onsite sewage treatment and disposal systems that are permitted before June 21, 2022, may not be placed closer than:

1. Seventy-five feet from a private potable well.
2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.
3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.
4. Fifty feet from any nonpotable well.
5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.
6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.
7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.
8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a

rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.
(g) This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:
1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.
2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:
a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.
b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.
(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:
a. The hardship was not caused intentionally by the action of the applicant;
b. A reasonable alternative, taking into consideration factors such as cost, does not exist for the treatment of the sewage; and
c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.
2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible.
a. The committee is composed ~~consists~~ of the following:
(I)~~a.~~ The Secretary of Environmental Protection or his or her designee.
(II)~~b.~~ A representative from the county health departments.
(III)~~c.~~ A representative from the home building industry recommended by the Florida Home Builders Association.
(IV)~~d.~~ A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.
(V)~~e.~~ A representative from the Department of Health.
(VI)~~f.~~ A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.
(VII)~~g.~~ A representative from the engineering profession recommended by the Florida Engineering Society.
b. Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.
3. The variance review and advisory committee is not responsible for reviewing water well permitting. However, the committee shall consider all requirements of law related to onsite sewage treatment and disposal systems when making recommendations on variance requests for onsite sewage treatment and disposal system permits.
(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage treatment systems to accept anything other than domestic wastewater.
1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may not grant approval when the

proposed use of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.
2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.
3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.
(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:
1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.
2. A person electing to use an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's

determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

5. The property owner shall obtain a biennial system operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(k) An innovative system may be approved in conjunction with an engineer-designed site-specific system that is certified by the engineer to meet the performance-based criteria adopted by the department.

(l) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities, and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of

treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:
a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
b. Suspended Solids of 10 mg/l.
c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.
d. Total Phosphorus, expressed as P, of 1 mg/l.
In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.
3. In areas not scheduled to be served by a central sewerage system, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.
4. In areas scheduled to be served by a central sewerage system by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewerage system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:
a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and
b. A sand-lined drainfield or injection well in accordance with department rule must be installed.
5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.
6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.
7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.
8. Notwithstanding any other law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewerage system until December 31, 2020.
(m) A product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.
(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such

evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(l). The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

(o) An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. Specific documentation of property ownership is not required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(p) The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before submission of an application for an onsite sewage treatment and disposal system.

(q) This section does not limit the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(r) In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(s) Notwithstanding subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

a. The lot is at least one-half acre in size;

b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

c. The applicant installs a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may not be permitted if

such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(t)1. The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(u) The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(v) Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution of 1885.

(w) A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment

system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012. Notwithstanding this paragraph, an engineer-designed performance-based treatment system may be used to meet the requirements of the variance review and advisory committee recommendations.

(x)1. An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and if the system was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if:

a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster;

b. The system is not a sanitary nuisance; and

c. The system has not been altered without prior authorization.

2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.

(y) If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(z) An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

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

(a) Department personnel who have reason to believe noncompliance exists, may at any reasonable time, enter the premises permitted under ss. 381.0065-381.0066, or the business premises of any septic tank contractor or master septic tank contractor registered under part III of chapter 489, or any premises that the department has reason to believe is being operated or maintained not in compliance, to determine compliance with the provisions of this section, part I of chapter 386, or part III of chapter 489 or rules or standards adopted under ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489. As used in this paragraph, the term “premises” does not include a residence or private building. To gain entry to a residence or private building, the department must obtain permission from the owner or occupant or secure an inspection warrant from a court of competent jurisdiction pursuant to the procedures of s. 403.091.

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

~~2. A citation must be in writing and must describe the particular nature of the violation, including specific reference to the provisions of law or rule allegedly violated.~~

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

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

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

~~6. Any person who willfully refuses to sign and accept a citation issued by the department commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

~~8. This section provides an alternative means of enforcing ss. 381.0065-381.0067, part I of chapter 386, and part III of chapter 489. This section does not prohibit the~~

~~department from enforcing ss. 381.0065-381.0067, part I of chapter 386, or part III of chapter 489, or its rules, by any other means. However, the department must elect to use only a single method of enforcement for each violation.~~

(6) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective January 1, 2016, the land application of septage from onsite sewage treatment and disposal systems is prohibited.

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

(8) PRIVATE PROVIDER INSPECTIONS.—

(a) Notwithstanding any other law, ordinance, or policy, the owner of an onsite sewage treatment and disposal system or a contractor upon the owner's written authorization may hire a private provider to perform an inspection that follows applicable regulatory requirements of the onsite sewage treatment and disposal system.

(b) An inspection of an onsite sewage treatment and disposal system required under this section may not be conducted by the private provider or authorized representative of the private provider that installed the onsite sewage treatment and disposal system.

(c) A private provider or an authorized representative of a private provider may perform onsite sewage treatment and disposal system inspections if they are:

1. An environmental health professional certified under s. 381.0101;
2. A master septic tank contractor registered under part III of chapter 489;
3. A professional engineer licensed under chapter 471 and have passed all parts of the Onsite Sewage Treatment and Disposal System Accelerated Certification Training; or
4. Working under the supervision of a licensed professional engineer and have passed all parts of the Onsite Sewage Treatment and Disposal System Accelerated Certification Training.

(d) An owner or authorized contractor using a private provider for an onsite sewage treatment and disposal system inspection must provide notice to the department at the time of permit application or by 2 p.m. local time, 2 business days before the first scheduled inspection by the department. The notice must include all of the following information:

1. For each private provider or authorized representative performing the inspection:
a. Name and firm name, address, telephone number, and e-mail address.
b. Professional license or certification number.
c. Qualification statement or résumé.
2. An acknowledgment from the owner in substantially the following form:

I HAVE ELECTED TO USE ONE OR MORE PRIVATE PROVIDERS TO PERFORM AN ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. I UNDERSTAND THAT THE DEPARTMENT OF ENVIRONMENTAL PROTECTION MAY NOT PERFORM THE

REQUIRED ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION TO DETERMINE COMPLIANCE WITH THE APPLICABLE CODES, EXCEPT TO THE EXTENT AUTHORIZED BY LAW. INSTEAD, THE INSPECTION WILL BE PERFORMED BY THE LICENSED OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION. BY EXECUTING THIS FORM, I ACKNOWLEDGE THAT I HAVE MADE INQUIRY REGARDING THE COMPETENCE OF THE LICENSED OR CERTIFIED PRIVATE PROVIDER AND AM SATISFIED THAT MY INTERESTS ARE ADEQUATELY PROTECTED. I AGREE TO INDEMNIFY, DEFEND, AND HOLD HARMLESS THE DEPARTMENT FROM ANY CLAIMS ARISING FROM MY USE OF THE LICENSED OR CERTIFIED PRIVATE PROVIDER IDENTIFIED IN THE APPLICATION TO PERFORM THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTION THAT IS THE SUBJECT OF THE ENCLOSED PERMIT APPLICATION. ADDITIONALLY, I UNDERSTAND THAT IN THE EVENT THE ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM DOES NOT COMPLY WITH APPLICABLE RULES AND LAW, I WILL BE RESPONSIBLE FOR REMEDIATING THE SYSTEM IN ACCORDANCE WITH EXISTING LAW.

If an owner or authorized contractor makes any changes to the listed private provider or the service to be performed by the private provider, the owner or the authorized contractor must update the notice to reflect the change within 1 business day after the change. The change of an authorized representative identified in the permit application does not require a revision of the permit, and the department may not charge a fee for making such change.

(e) The department may audit up to 25 percent of private providers each year to ensure the accurate performance of onsite sewage treatment and disposal system inspections. Work on an onsite sewage treatment and disposal system may proceed after inspection and approval by a private provider if the owner or authorized contractor has given notice of the inspection pursuant to paragraph (d), and, subsequent to such inspection and approval, such work may not be delayed for completion of an inspection audit by the department unless deficiencies are found in the audit.

(f) This subsection does not prevent the department from investigating complaints.

(g) By October 1, 2023, the department shall submit a report to the President of the Senate and the Speaker of the House of Representatives reviewing the use of private providers to perform onsite sewage treatment and disposal system inspections as authorized by this subsection. The report must include, at a minimum, the number of such inspections performed by private providers.

(h) The department shall adopt rules to implement this subsection and must initiate such rulemaking by August 31, 2022.

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

History.—ss. 1, 2, 3, 4, 5, 6, ch. 75-145; s. 72, ch. 77-147; s. 1, ch. 77-174; ss. 1, 2, ch. 77-308; s. 1, ch. 78-430; s. 1, ch. 79-45; s. 1, ch. 82-10; s. 37, ch. 83-218; ss. 43, 46, ch. 83-310; s. 1, ch. 84-119; s. 4, ch. 85-314; s. 5, ch. 86-220; s. 14, ch. 89-324; s. 26, ch. 91-297; ss. 1, 10, 11, ch. 93-151; s. 40, ch. 94-218; s. 352, ch. 94-356; s. 1033, ch. 95-148; ss. 1, 3, ch. 96-303; s. 116, ch. 96-410; s. 181, ch. 97-101; s. 21, ch. 97-237; s. 7, ch. 98-151; s. 2, ch. 98-420; s. 192, ch. 99-13; ss. 1, 7, ch. 99-395; s. 10, ch. 2000-

242; s. 19, ch. 2001-62; s. 1, ch. 2001-234; s. 7, ch. 2004-350; s. 48, ch. 2005-2; s. 4, ch. 2006-68; s. 1, ch. 2008-215; s. 19, ch. 2008-240; s. 35, ch. 2010-205; s. 1, ch. 2010-283; s. 28, ch. 2011-4; s. 3, ch. 2012-13; s. 32, ch. 2012-184; s. 67, ch. 2013-15; s. 1, ch. 2013-79; s. 7, ch. 2013-193; s. 10, ch. 2013-213; ss. 50, 51, ch. 2015-222; ss. 6, 7, 52, ch. 2020-150; s. 1, ch. 2022-105; s. 78, ch. 2023-8; s. 12, ch. 2023-9; s. 11, ch. 2023-169; s. 4, ch. 2024-143; s. 7, ch. 2024-180.

1Note.—Section 6, ch. 2024-180, provides:

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

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

"(2) When the Department of Environmental Protection begins implementing the program within a county, the Department of Health may no longer implement or collect fees for the program unless specified by separate delegation or contract with the Department of Environmental Protection."

Note.—Former s. 381.272.

[1]381.4015 Florida health care innovation.—

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

(a) "Council" means the Health Care Innovation Council.

(b) "Department" means the Department of Health.

(c) "Health care provider" means any person or entity licensed, certified, registered, or otherwise authorized by law to provide health care services in this state.

(2) LEGISLATIVE INTENT.—The Legislature intends to harness the innovation and creativity of entrepreneurs and businesses, together with the state's health care system and stakeholders, to lead the discussion and highlight advances and innovations that will address challenges in the health care system as they develop in real time and transform the delivery and strengthen the quality of health care in Florida. Innovative technologies, workforce pathways, service delivery models, or other solutions that improve the quality of care in measurable and sustainable ways, that can be replicated, and that will lower costs and allow that value to be passed on to health care consumers shall be highlighted for adoption across all neighborhoods and communities in this state.

(3) HEALTH CARE INNOVATION COUNCIL.—The Health Care Innovation Council, a council as defined in s. 20.03, is created within the department to tap into the best knowledge and experience available by regularly bringing together subject matter experts in a public forum to explore and discuss innovations in technology, workforce, and service delivery models that can be exhibited as best practices, implemented, or scaled in order to improve the quality and delivery of health care in this state in measurable, sustainable, and reproducible ways.

(a) Membership.—
1. The Lieutenant Governor shall serve as an ex officio, nonvoting member and shall act as the council chair.
2. The council shall be composed of the following voting members, to be appointed by July 1, 2024:
a. One member appointed by the President of the Senate and one member appointed by the Speaker of the House of Representatives. The appointing officers shall make appointments prioritizing members who have the following experience:
(I) A representative of the health care sector who has senior-level experience in reducing inefficiencies in health care delivery systems;
(II) A representative of the private sector who has senior-level experience in cybersecurity or software engineering in the health care sector;
(III) A representative who has expertise in emerging technology that can be used in the delivery of health care; or
(IV) A representative who has experience in finance or investment or in management and operation of early stage companies.
b. A physician licensed under chapter 458 or chapter 459, appointed by the Governor.
c. A nurse licensed under chapter 464, appointed by the Governor.
d. An employee of a hospital licensed under chapter 395 who has executive-level experience, appointed by the Governor.
e. A representative of the long-term care facility industry, appointed by the Governor.
f. An employee of a health insurer or health maintenance organization who has executive-level experience, appointed by the Governor.
g. A resident of this state who can represent the interest of health care patients in this state, appointed by the Governor.
3. The chair of the Council of Florida Medical School Deans shall serve as a voting member of the council.
4. The council shall be composed of the following ex officio, nonvoting members:
a. The State Surgeon General.
b. The Secretary of Health Care Administration.
c. The Secretary of Children and Families.
d. The director of the Agency for Persons with Disabilities.
e. The Secretary of Elderly Affairs.
5. Except for ex officio members, the term of all appointees shall be for 2 years unless otherwise specified. However, to achieve staggered terms, the appointees in sub-subparagraphs 2.a.-c. shall serve initial terms of 3 years. The appointees may be reappointed for no more than four consecutive terms.
6. Any vacancy occurring on the council must be filled in the same manner as the original appointment. Any member who is appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member’s predecessor.
7. Members whose terms have expired may continue to serve until replaced or reappointed. However, members whose terms have expired may not serve longer than 6 months after the expiration of their terms.
8. Members shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

9. Members may be removed for cause by the appointing entity.
10. Each member of the council who is not otherwise required to file a financial disclosure statement pursuant to s. 8, Art. II of the State Constitution or s. 112.3144 must file a disclosure of financial interests pursuant to s. 112.3145.
(b) Meetings.—The council shall convene its first organizational meeting by September 1, 2024. Thereafter, the council shall meet as necessary, but at least quarterly, at the call of the chair. In order to provide an opportunity for the broadest public input, the chair shall ensure that a majority of the meetings held in a year are geographically dispersed within this state. As feasible, meetings are encouraged to provide an opportunity for presentation or demonstration of innovative solutions in person. A majority of the members of the council constitutes a quorum, and a meeting may not be held with less than a quorum present. In order to establish a quorum, the council may conduct its meetings through teleconference or other electronic means. The affirmative vote of a majority of the members of the council present is necessary for any official action by the council.
(c) Conflicts of interest.—
1. A council member may not vote on any matter that would provide:
a. Direct financial benefit to the member;
b. Financial benefit to a relative of the member, including an entity of which a relative is an officer, partner, director, or proprietor or in which the relative has a material interest; or
c. Financial benefit to a person or entity with whom the member has a business relationship.
2. With respect to the revolving loan program established in subsection (7):
a. Council members may not receive loans under the program; and
b. A person or entity that has a conflict-of-interest relationship with a council member as described in sub-subparagraph 1.b. or sub-subparagraph 1.c. may not receive a loan under the program unless that council member recused himself or herself from consideration of the person's or entity's application.
3. For purposes of this paragraph, the term:
a. "Business relationship" means an ownership or controlling interest, an affiliate or subsidiary relationship, a common parent company, or any mutual interest in any limited partnership, limited liability partnership, limited liability company, or other entity or business association.
b. "Relative" means a father, mother, son, daughter, husband, wife, brother, sister, grandparent, father-in-law, mother-in-law, son-in-law, or daughter-in-law of a person.
(d) Public meetings and records.—The council and any subcommittees it forms are subject to the provisions of chapter 119 relating to public records and the provisions of chapter 286 relating to public meetings.
(4) HEALTH CARE INNOVATION COUNCIL DUTIES.—In order to facilitate and implement this section, the council shall:
(a) By February 1, 2025, adopt and update as necessary a document that sets forth and describes a mission statement, goals, and objectives for the council to function and meet the purposes of this section.
(b) Facilitate public meetings across this state at which innovators, developers, and implementers of technologies, workforce pathways, service delivery models, and other

solutions may present information and lead discussions on concepts that address challenges to the health care system as they develop in real time and advance the delivery of health care in this state through technology and innovation.
1. Consideration must be given to how such concepts increase efficiency in the health care system in this state, reduce strain on the state's health care workforce, improve patient outcomes, expand public access to health care services in this state, or reduce costs for patients and the state without reducing the quality of patient care.
2. Exploration and discussion of concepts may include how concepts can be supported, cross-functional, or scaled to meet the needs of health care consumers, including employers, payors, patients, and the state.
3. The council may coordinate with the Small Business Development Center Network, the Florida Opportunity Fund, the Institute for Commercialization of Florida Technology, and other business incubators, development organizations, or institutions of higher education to include emerging and early stage innovators, developers, and implementers of technology, models, or solutions in health care in the exploration and discussion of concepts and breakthrough innovations.
4. To support adoption and implementation of innovations and advancements, specific meetings may be held which bring together technical experts, such as those in system integration, cloud computing, artificial intelligence, and cybersecurity, to lead discussions on recommended structures and integrations of information technology products and services and propose solutions that can make adoption and implementation efficient, effective, and economical.
5. The council may also highlight broad community or statewide issues or needs of providers and users of health care delivery and may facilitate public forums in order to explore and discuss the range of effective, efficient, and economical technology and innovative solutions that can be implemented.
(c) Annually distinguish the most impactful concepts by recognizing the innovators, developers, and implementers whose work is helping Floridians to live brighter and healthier lives. In seeking out projects, initiatives, and concepts that are having a positive impact in Florida, have huge potential to scale that impact throughout this state through growth or replication, or are cutting-edge advancements, programs, or other innovations that have the capability to accelerate transformation of health care in this state, the council may issue awards to recognize these strategic and innovative thinkers who are helping Floridians live brighter and healthier lives. The council may develop a logo for the award for use by awardees to advertise their achievements and recognition.
(d) Consult with and solicit input from health care experts, health care providers, and technology and manufacturing experts in the health care or related fields, users of such innovations or systems, and the public to develop and update:
1. Best practice recommendations that will lead to the continuous modernization of the health care system in this state and make the Florida system a nationwide leader in innovation, technology, and service. At a minimum, recommendations must be made for how to explore implementation of innovations, how to implement new technologies and strategies, and health care service delivery models. As applicable, best practices must be distinguished by practice setting and with an emphasis on increasing efficiency in the delivery of health care, reducing strain on the health care workforce, increasing public access to health care, improving patient outcomes, reducing unnecessary emergency

room visits, and reducing costs for patients and the state without reducing the quality of patient care. Specifically for information technology, best practices must also recommend actions to guide the selection of technologies and innovations, which may include, but need not be limited to, considerations for system-to-system integration, consistent user experiences for health care workers and patients, and patient education and practitioner training.

2. A list of focus areas in which to advance the delivery of health care in this state through innovative technologies, workforce pathways, or service delivery models. The focus areas may be broad or specific, but must, at a minimum, consider all of the following topics:

a. The health care workforce. This topic includes, but is not limited to, all of the following:

(I) Approaches to cultivate interest and growth in the workforce, including concepts resulting in increases in the number of providers.

(II) Efforts to improve the use of the workforce, whether through techniques, training, or devices to increase effectiveness or efficiency.

(III) Educational pathways that connect students with employers or result in attainment of cost-efficient and timely degrees or credentials.

(IV) Use of technology to reduce the burden on the workforce during decisionmaking processes such as triage, but which leaves all final decisions to the health care practitioner.

b. The provision of patient care in the most appropriate setting and reduction of unnecessary emergency room visits. These topics include, but are not limited to, all of the following:

(I) Use of advanced technologies to improve patient outcomes, provide patient care, or improve patient quality of life.

(II) The use of early detection devices, including remote communications devices and diagnostic tools engineered for early detection and patient engagement.

(III) At-home patient monitoring devices and measures.

(IV) Advanced at-home health care.

(V) Advanced adaptive equipment.

c. The delivery of primary care through methods, practices, or procedures that increase efficiencies.

d. The technical aspects of the provision of health care. These aspects include, but are not limited to, all of the following:

(I) Interoperability of electronic health records systems and the impact on patient care coordination and administrative costs for health care systems.

(II) Cybersecurity and the protection of health care data and systems.

(e) Identify and recommend any changes to Florida law or changes that can be implemented without legislative action which are necessary to:

1. Advance, transform, or innovate in the delivery and strengthen the quality of health care in Florida, including removal or update of any regulatory barriers or governmental inefficiencies.

2. Implement the council's duties or recommendations.

(f) Recommend criteria for awarding loans as provided in subsection (7) to the department and review loan applications.

(g) Annually submit by December 1 a report of council activities and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the report must include an update on the status of the delivery of health care in this state; information on implementation of best practices by health care industry stakeholders in this state; and highlights of exploration, development, or implementation of innovative technologies, workforce pathways, service delivery models, or other solutions by health care industry stakeholders in this state.

(5) AGENCY COOPERATION.—All state agencies and statutorily created state entities shall assist and cooperate with the council as requested.

(6) DEPARTMENT DUTIES.—The department shall, at a minimum, do all of the following to facilitate implementation of this section:

(a) Provide reasonable and necessary support staff and materials to assist the council in the performance of its duties.

(b) Maintain on the homepage of the department a link to a website dedicated to the council on which the department shall post information related to the council, including the outcomes of the duties of the council and annual reports as described in subsection (4).

(c) Identify and publish on its website a list of any sources of federal, state, or private funding available for implementation of innovative technologies and service delivery models in health care, including the details and eligibility requirements for each funding opportunity. Upon request, the department shall provide technical assistance to any person wanting to apply for such funding. If the entity with oversight of the funding opportunity provides technical assistance, the department may foster working relationships that allow the department to refer the person seeking funding to the appropriate contact for such assistance.

(d) Incorporate recommendations of the council into the department's duties or as part of the administration of this section, or update administrative rules or procedures as appropriate based upon council recommendations.

(7) REVOLVING LOAN PROGRAM.—The department shall administer a revolving loan program for applicants seeking to implement innovative solutions in this state.

(a) Administration.—The council may make recommendations to the department for the administration of the loans. The department shall adopt rules:

1. Establishing an application process to submit and review funding proposals for loans. Such rules must also include the process for the council to review applications to ensure compliance with applicable laws, including those related to discrimination and conflicts of interest. If a council member participated in the vote of the council recommending an award for a proposal with which the council member has a conflict of interest, the division may not award the loan to that entity.

2. Establishing eligibility criteria to be applied by the council in recommending applications for the award of loans which:

a. Incorporate the recommendations of the council. The council shall recommend to the department criteria based upon input received and the focus areas developed. The council may recommend updated criteria as necessary, based upon the most recent input, best practice recommendations, or focus areas list.

b. Determine which proposals are likely to provide the greatest return to the state if funded, taking into consideration, at a minimum, the degree to which the proposal would increase efficiency in the health care system in this state, reduce strain on the state's health care workforce, improve patient outcomes, increase public access to health care in this state, or provide cost savings to patients or the state without reducing the quality of patient care.

3. It deems necessary to administer the program, including, but not limited to, rules for application requirements, the ability of the applicant to properly administer funds, the professional excellence of the applicant, the fiscal stability of the applicant, the state or regional impact of the proposal, matching requirements for the proposal, and other requirements to further the purposes of the program.

(b) Eligibility.—

1. The following entities may apply for a revolving loan:

a. Entities licensed, registered, or certified by the Agency for Health Care Administration as provided under s. 408.802, except for those specified in s. 408.802(1), (3), (13), (23), or (25).

b. An education or clinical training provider in partnership with an entity under sub-subparagraph a.

2.a. Council members may not receive loans under the program.

b. An entity that has a conflict-of-interest relationship with a council member as described in sub-subparagraph (3)(c)1.b. or sub-subparagraph (3)(c)1.c. may not receive a loan under the program unless that council member recused himself or herself from consideration of the entity's application.

3. Priority must be given to applicants located in a rural or medically underserved area as designated by the department which are:

a. Rural hospitals as defined in s. 395.602(2).

b. Nonprofit entities that accept Medicaid patients.

4. The department may award a loan for up to 50 percent of the total projected implementation costs, or up to 80 percent of total projected implementation costs for an applicant under subparagraph 3. The applicant must demonstrate the source of funding it will use to cover the remainder of the total projected implementation costs, which funding must be from nonstate sources.

(c) Applications.—

1. The department shall set application periods to apply for loans. The department may set multiple application periods in a fiscal year, with up to four periods per year. The department shall coordinate with the council when establishing application periods to establish separate priority, in addition to eligibility, within the loan applications for defined categories based on the current focus area list. The department shall publicize the availability of loans under the program to stakeholders, education or training providers, and others.

2. Upon receipt of an application, the department shall determine whether the application is complete and the applicant has demonstrated the ability to repay the loan. Within 30 days after the close of the application period, the department shall forward all completed applications to the council for consideration.

3. The council shall review applications for loans under the criteria and pursuant to the processes and format adopted by the department. The council shall submit to the

department for approval lists of applicants that it recommends for funding, arranged in order of priority and as required for the application period.
4. A loan applicant must demonstrate plans to use the funds to implement one or more innovative technologies, workforce pathways, service delivery models, or other solutions in order to fill a demonstrated need; obtain or upgrade necessary equipment, hardware, and materials; adopt new technologies or systems; or a combination thereof which will improve the quality and delivery of health care in measurable and sustainable ways and which will lower costs and allow savings to be passed on to health care consumers.
(d) Awards.—
1. The amount of each loan must be based upon demonstrated need and availability of funds. The department may not award more than 10 percent of the total allocated funds for the fiscal year to a single loan applicant.
2. The interest rate for each loan may not exceed 1 percent.
3. The term of each loan is up to 10 years.
4. In order to equitably distribute limited state funding, applicants may apply for and be awarded only one loan per fiscal year. If a loan recipient has one or more outstanding loans at any time, the recipient may apply for funding for a new loan if the current loans are in good standing.
(e) Written agreement.—
1. Each loan recipient must enter into a written agreement with the department to receive the loan. At a minimum, the agreement with the applicant must specify all of the following:
a. The total amount of the award.
b. The performance conditions that must be met, based upon the submitted proposal and the defined category or focus area, as applicable.
c. The information to be reported on actual implementation costs, including the share from nonstate resources.
d. The schedule for payment.
e. The data and progress reporting requirements and schedule.
f. Any sanctions that would apply for failure to meet performance conditions.
2. The department shall develop uniform data reporting requirements for loan recipients to evaluate the performance of the implemented proposals. Such data must be shared with the council.
3. If requested, the department shall provide technical assistance to loan recipients under the program.
(f) Loan repayment.—Loans become due and payable in accordance with the terms of the written agreement. All repayments of principal received by the department in a fiscal year shall be returned to the revolving loan fund and made available for loans to other applicants.
(g) Revolving loan fund.—The department shall create and maintain a separate account in the Grants and Donations Trust Fund within the department as a fund for the program. All repayments of principal must be returned to the revolving loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the revolving loan program are not subject to reversion. The department may contract with a third-party administrator to administer the program, including loan servicing, and manage the revolving loan fund. A contract for a third-party

administrator which includes management of the revolving loan fund must, at a minimum, require maintenance of the revolving loan fund to ensure that the program may operate in a revolving manner.
(8) REPORTING.—The department shall publish on its website information related to loan recipients, including the written agreements, performance conditions and their status, and the total amount of loan funds disbursed to date. The department shall update the information annually on the award date. The department shall, beginning on September 1, 2025, and annually thereafter, post on its website a report on this section for the previous fiscal year which must include all of the following information:
(a) A summary of the adoption and implementation of recommendations of the council during the previous fiscal year.
(b) An evaluation of actions and related activities to meet the purposes set forth in this section.
(c) Consolidated data based upon the uniform data reporting by funding recipients and an evaluation of how the provision of the loans has met the purposes set forth in this section.
(d) The number of applications for loans, the types of proposals received, and an analysis on the relationship between the proposals and the purposes of this section.
(e) The amount of funds allocated and awarded for each loan application period, as well as any funds not awarded in that period.
(f) The amount of funds paid out during the fiscal year and any funds repaid or unused.
(g) The number of persons assisted and outcomes of any technical assistance requested for loans and any federal, state, or private funding opportunities.
(9) EVALUATION.—
(a) Beginning October 1, 2029, and every 5 years thereafter, the Office of Economic and Demographic Research (EDR) shall develop and present to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive financial and economic evaluation of the innovative solutions undertaken by the revolving loan program administered under this section. The evaluation must include, but need not be limited to, separate calculations of the state's return and the economic value to residents of this state, as well as the identification of any cost savings to patients or the state and the impact on the state's health care workforce.
(b) Beginning October 1, 2030, and every 5 years thereafter, the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, and the Speaker of the House of Representatives an evaluation of the administration and efficiency of the revolving loan program administered under this section. The evaluation must include, but need not be limited to, the degree to which the collective proposals increased efficiency in the health care system in this state, improved patient outcomes, increased public access to health care, and achieved the cost savings identified in paragraph (a) without reducing the quality of patient care.
(c) Both the EDR and OPPAGA shall include recommendations for consideration by the Legislature. The EDR and OPPAGA must be given access to all data necessary to

complete the evaluation, including any confidential data. The offices may collaborate on data collection and analysis.
(10) RULES.—The department shall adopt rules to implement this section.
(11) EXPIRATION.—This section expires July 1, 2043.
History.—s. 1, ch. 2024-16.
[1]Note.—
A. Section 2, ch. 2024-16, provides that "[t]he Department of Health shall, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing s. 381.4015, Florida Statutes. Notwithstanding any other law, emergency rules adopted pursuant to this section are effective for 6 months after adoption and may be renewed during the pendency of the procedure to adopt permanent rules addressing the subject of the emergency rules."
B. Section 3(3), ch. 2024-16, provides that "[b]y August 1 of each year, beginning in the 2024-2025 fiscal year through the 2033-2034 fiscal year, the Chief Financial Officer shall transfer $50 million in nonrecurring funds from the General Revenue Fund to the Grants and Donations Trust Fund within the Department of Health. Each year, beginning in the 2024-2025 fiscal year through the 2033-2034 fiscal year, the nonrecurring sum of $50 million is appropriated from the Grants and Donations Trust Fund to the Department of Health for the revolving loan fund created in s. 381.4015, Florida Statutes. The department may use up to 3 percent of the appropriated funds for administrative costs to implement the revolving loan program."

381.4021 Student loan repayment programs reporting.—
(1) For the student loan repayment programs established in ss. 381.4019 and 381.402, the department shall annually provide a report, beginning July 1, 2024, to the Governor, the President of the Senate, and the Speaker of the House of Representatives which, at a minimum, details all of the following:
(a) The number of applicants for loan repayment.
(b) The number of loan payments made under each program.
(c) The amounts for each loan payment made.
(d) The type of practitioner to whom each loan payment was made.
(e) The number of loan payments each practitioner has received under either program.
(f) The practice setting in which each practitioner who received a loan payment practices.
(2)(a) The department shall contract with an independent third party to develop and conduct a design study to evaluate the impact of the student loan repayment programs established in ss. 381.4019 and 381.402, including, but not limited to, the effectiveness of the programs in recruiting and retaining health care professionals in geographic and practice areas experiencing shortages. The department shall begin collecting data for the study by January 1, 2025, and shall submit the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2030.
(b) The department shall participate in a provider retention and information system management multistate collaborative that collects data to measure outcomes of education debt support-for-service programs.

(3) This section is repealed on July 1, 2034.
History.—s. 3, ch. 2024-15.

381.814 Sickle Cell Disease Research and Treatment Grant Program.—
The Sickle Cell Disease Research and Treatment Grant Program is created within the Department of Health.
(1) As used in this section, the term:
(a) "Center of excellence" means a health care facility dedicated to the treatment of patients with sickle cell disease which provides evidence-based, comprehensive, patient-centered coordinated care.
(b) "Department" means the Department of Health.
(c) "Health care practitioner" has the same meaning as provided in s. 456.001.
(d) "Program" means the Sickle Cell Disease Research and Treatment Grant Program.
(e) "Sickle cell disease" means the group of hereditary blood disorders caused by an abnormal type of hemoglobin resulting in malformed red blood cells with impaired function. The term includes both symptomatic manifestations of sickle cell disease and asymptomatic sickle cell trait.
(2) The purpose of the program is to fund projects that improve the quality and accessibility of health care services available for persons living with sickle cell disease in this state as well as to advance the collection and analysis of comprehensive data to support research of sickle cell disease. The long-term goals of the program are to:
(a) Improve the health outcomes and quality of life for Floridians with sickle cell disease.
(b) Expand access to high-quality, specialized care for sickle cell disease.
(c) Improve awareness and understanding among health care practitioners of current best practices for the treatment and management of sickle cell disease.
(3) Funds appropriated to the program shall be awarded by the Office of Minority Health and Health Equity, within the department, to community-based sickle cell disease medical treatment and research centers operating in this state.
(4) The Office of Minority Health and Health Equity shall award grants under the program to community-based sickle cell disease medical treatment and research centers to fund projects specific to sickle cell disease in the following project areas:
(a) Sickle cell disease workforce development and education.—Such projects shall include, but need not be limited to, facility-based education programs, continuing education curriculum development, and outreach and education activities with the local health care practitioner community. Workforce development and education projects must be based on current evidence-based clinical practice guidelines for sickle cell disease.
(b) Sickle Cell Disease Treatment Centers of Excellence.—Such projects shall include, but need not be limited to, operational support for existing centers of excellence, facility enhancement of existing centers of excellence, and the establishment of new centers of excellence.
(5) The department shall:
(a) By July 15, 2024, publicize the availability of funds, establish an application process for submitting a grant proposal, and initiate a call for applications.

(b) Develop uniform data reporting requirements for the purpose of evaluating the performance of the grant recipients and demonstrating improved health outcomes.
(c) Develop a monitoring process to evaluate progress towards meeting grant objectives.
(6) The department shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the State Surgeon General by March 1 and publish the report on the department's website. The report shall include the status and progress for each project supported by the program during the previous calendar year. The report shall include, at a minimum, recommendations for improving the program and the following components for each project supported by the program:
(a) A summary of the project and the project outcomes or expected project outcomes.
(b) The status of the project, including whether it is completed or the estimated date of completion.
(c) The amount of the grant awarded and the estimated or actual cost of the project.
(d) The source and amount of any federal, state, or local government grants or donations or private grants or donations funding the project.
(e) A list of all entities involved in the project.
(7) The department may adopt rules as necessary to implement the provisions of this section.
(8) The recipient of a grant awarded under the program may not use more than 5 percent of grant funds for administrative expenses. Notwithstanding s. 216.301 and pursuant to s. 216.351, the balance of any appropriation from the General Revenue Fund for the program which is not disbursed but which is obligated pursuant to contract or committed to be expended by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.
History.—s. 1, ch. 2024-225.

381.9855 Dr. and Mrs. Alfonse and Kathleen Cinotti Health Care Screening and Services Grant Program; portal.—
(1)(a) The Department of Health shall implement the Dr. and Mrs. Alfonse and Kathleen Cinotti Health Care Screening and Services Grant Program. The purpose of the program is to expand access to no-cost health care screenings or services for the general public facilitated by nonprofit entities. The department shall do all of the following:
1. Publicize the availability of funds and enlist the aid of county health departments for outreach to potential applicants at the local level.
2. Establish an application process for submitting a grant proposal and criteria an applicant must meet to be eligible.
3. Develop guidelines a grant recipient must follow for the expenditure of grant funds and uniform data reporting requirements for the purpose of evaluating the performance of grant recipients. The guidelines must require grant funds to be spent on screenings, including referrals for treatment, if appropriate, or related services for one or more of the following:
a. Hearing.
b. Vision.

c. Dental.
d. Cancer.
e. Diabetes.
f. Renal disease.
g. Chronic obstructive pulmonary disease.
h. Hypertension.
i. Heart disease.
j. Stroke.
k. Scoliosis.
(b) A nonprofit entity may apply for grant funds in order to implement new health care screening or services programs that the entity has not previously implemented.
(c) A nonprofit entity that has previously implemented a specific health care screening or services program at one or more specific locations may apply for grant funds in order to provide the same or similar screenings or services at new locations or through a mobile health clinic or mobile unit in order to expand the program's delivery capabilities.
(d) An entity that receives a grant under this section must:
1. Follow Department of Health guidelines for reporting on expenditure of grant funds and measures to evaluate the effectiveness of the entity's health care screening or services program.
2. Publicize to the general public and encourage the use of the health care screening portal created under subsection (2).
(e) The Department of Health may adopt rules for the implementation of this subsection.
(2)(a) The Department of Health shall create and maintain an Internet-based portal to direct the general public to events, organizations, and venues in this state from which health screenings or services may be obtained at no cost or at a reduced cost and for the purpose of directing licensed health care practitioners to opportunities for volunteering their services to conduct, administer, or facilitate such health screenings or services. The department may contract with a third-party vendor for the creation or maintenance of the portal.
(b) The portal must be easily accessible by the public, not require a sign-up or login, and include the ability for a member of the public to enter his or her address and obtain localized and current data on opportunities for screenings and services and volunteer opportunities for health care practitioners. The portal must include, but need not be limited to, all statutorily created screening programs, other than newborn screenings established under chapter 383, which are funded and operational under the department's authority. The department shall coordinate with county health departments so that the portal includes information on such health screenings and services provided by county health departments or by nonprofit entities in partnership with county health departments.
(c) The department shall include a clear and conspicuous link to the portal on the homepage of its website. The department shall publicize the portal to, and encourage the use of the portal by, the general public and shall enlist the aid of county health departments for such outreach.
History.—s. 4, ch. 2024-15.

381.991 Andrew John Anderson Pediatric Rare Disease Grant Program.—
(1)(a) There is created within the Department of Health the Andrew John Anderson Pediatric Rare Disease Grant Program. The purpose of the program is to advance the progress of research and cures for pediatric rare diseases by awarding grants through a competitive, peer-reviewed process.
(b) Subject to an annual appropriation by the Legislature, the program shall award grants for scientific and clinical research to further the search for new diagnostics, treatments, and cures for pediatric rare diseases.
(2)(a) Applications for grants for pediatric rare disease research may be submitted by any university or established research institute in the state. All qualified investigators in the state, regardless of institutional affiliation, shall have equal access and opportunity to compete for the research funding. Preference may be given to grant proposals that foster collaboration among institutions, researchers, and community practitioners, as such proposals support the advancement of treatments and cures of pediatric rare diseases through basic or applied research. Grants shall be awarded by the department, after consultation with the Rare Disease Advisory Council, pursuant to s. 381.99, on the basis of scientific merit, as determined by the competitive, peer-reviewed process to ensure objectivity, consistency, and high quality. The following types of applications may be considered for funding:
1. Investigator-initiated research grants.
2. Institutional research grants.
3. Collaborative research grants, including those that advance the finding of treatment and cures through basic or applied research.
(b) To ensure appropriate and fair evaluation of grant applications based on scientific merit, the department shall appoint peer review panels of independent, scientifically qualified individuals to review the scientific merit of each proposal and establish its priority score. The priority scores shall be forwarded to the council and must be considered in determining which proposals shall be recommended for funding.
(c) The council and the peer review panels shall establish and follow rigorous guidelines for ethical conduct and adhere to a strict policy with regard to conflicts of interest. A member of the council or panel may not participate in any discussion or decision of the council or panel with respect to a research proposal by any firm, entity, or agency that the member is associated with as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement.
(d) Notwithstanding s. 216.301 and pursuant to s. 216.351, the balance of any appropriation from the General Revenue Fund for the Andrew John Anderson Pediatric Rare Disease Grant Program that is not disbursed but that is obligated pursuant to contract or committed to be expended by June 30 of the fiscal year in which the funds are appropriated may be carried forward for up to 5 years after the effective date of the original appropriation.
History.—s. 2, ch. 2024-246.

Chapter 403

Environmental Control

Enforceable Policies

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*Sections 403.061(40), .0616, .0617, .0671, .0673, 0675, .0741, .076, .078, .08601, .0874, .1832, .414, .50663, .70611, .709, .7095, .7125(2)&(3), .7264, 763, .805, .8055, .871, .873, .874, .885, .892, .928, .9301, .9302, .9339 and .941 are not considered enforceable policies for federal consistency purposes.

403.064 Reuse of reclaimed water.—

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

(2) All applicants for permits to construct or operate a domestic wastewater treatment facility ~~located within, serving a population located within, or discharging within a water resource caution area~~ shall prepare a reuse feasibility study as part of their application for the permit. Reuse feasibility studies must ~~shall~~ be prepared in accordance with department guidelines adopted by rule and shall include, but are not limited to:

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

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

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

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

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

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

(3) The permit applicant shall prepare a plan of study for the reuse feasibility study consistent with the reuse feasibility study guidelines adopted by department rule. The plan of study shall include detailed descriptions of applicable treatment and water supply alternatives to be evaluated and the methods of analysis to be used. The plan of study shall be submitted to the department for review and approval.

(4) The study required under subsection (2) shall be performed by the applicant, and, if the study shows that the reuse is feasible, the applicant must give significant consideration to its implementation if the study complies with the requirements of subsections (2) and (3).

(5) A reuse feasibility study is not required if:

(a) The domestic wastewater treatment facility has an existing or proposed permitted or design capacity less than 0.1 million gallons per day; or

(b) The permitted reuse capacity equals or exceeds the total permitted capacity of the domestic wastewater treatment facility.

(6) A reuse feasibility study prepared under subsection (2) satisfies a water management district requirement to conduct a reuse feasibility study imposed on a local government or utility that has responsibility for wastewater management. The data

included in the study and the conclusions of the study must be given significant consideration by the applicant and the appropriate water management district in an analysis of the economic, environmental, and technical feasibility of providing reclaimed water for reuse under part II of chapter 373 and must be presumed relevant to the determination of feasibility. A water management district may not require a separate study when a reuse feasibility study has been completed under subsection (2).
(7) Local governments may allow the use of reclaimed water for inside activities, including, but not limited to, toilet flushing, fire protection, and decorative water features, as well as for outdoor uses, provided the reclaimed water is from domestic wastewater treatment facilities which are permitted, constructed, and operated in accordance with department rules.
(8) Permits issued by the department for domestic wastewater treatment facilities shall be consistent with requirements for reuse included in applicable consumptive use permits issued by the water management district, if such requirements are consistent with department rules governing reuse of reclaimed water. This subsection applies only to domestic wastewater treatment facilities which are located within, or serve a population located within, or discharge within water resource caution areas and are owned, operated, or controlled by a local government or utility which has responsibility for water supply and wastewater management.
(9) Local governments may and are encouraged to implement programs for the reuse of reclaimed water. Nothing in this chapter shall be construed to prohibit or preempt such local reuse programs.
(10) A local government that implements a reuse program under this section shall be allowed to allocate the costs in a reasonable manner.
(11) Pursuant to chapter 367, the Florida Public Service Commission shall allow entities under its jurisdiction which conduct studies or implement reuse projects, including, but not limited to, any study required by subsection (2) or facilities used for reliability purposes for a reclaimed water reuse system, to recover the full, prudently incurred cost of such studies and facilities through their rate structure.
(12) In issuing consumptive use permits, the permitting agency shall consider the local reuse program.
(13) A local government shall require a developer, as a condition for obtaining a development order, to comply with the local reuse program.
(14) After conducting a feasibility study under subsection (2), a domestic wastewater treatment facility ~~facilities~~ that disposes ~~dispose~~ of effluent by Class I deep well injection~~,~~ as defined in 40 C.F.R. s. 144.6(a), surface water discharge, land application, or other method to dispose of effluent or a portion thereof must implement reuse to the degree that reuse is feasible, based upon the applicant's reuse feasibility study, with consideration given to direct ecological or public water supply benefits afforded by any disposal. Applicable permits issued by the department must ~~shall~~ be consistent with the requirements of this subsection.
(a) This subsection does not limit the use of a Class I deep well injection as defined in 40 C.F.R. s. 144.6(a), surface water discharge, land application, or another method to dispose of effluent or a portion thereof for backup use only ~~facility as backup for a reclaimed water reuse system~~.

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

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

~~(a) This subsection does not limit the use of a surface water discharge or land application facility as backup for a reclaimed water reuse system.~~

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

(15) Utilities implementing reuse projects are encouraged, except in the case of use by electric utilities as defined in s. 366.02(4), to meter use of reclaimed water by all end users and to charge for the use of reclaimed water based on the actual volume used when such metering and charges can be shown to encourage water conservation. Metering and the use of volume-based rates are effective water management tools for the following reuse activities: residential irrigation, agricultural irrigation, industrial uses, landscape irrigation, irrigation of other public access areas, commercial and institutional uses such as toilet flushing, and transfers to other reclaimed water utilities. Each domestic wastewater utility that provides reclaimed water for the reuse activities listed in this section shall include a summary of its metering and rate structure as part of its annual reuse report to the department.

(16) By November 1, 2021, domestic wastewater utilities that dispose of effluent, reclaimed water, or reuse water by surface water discharge shall submit to the department for review and approval a plan for eliminating nonbeneficial surface water discharge by January 1, 2032, subject to the requirements of this section. The plan must include the average gallons per day of effluent, reclaimed water, or reuse water that will no longer be discharged into surface waters and the date of such elimination, the average gallons per day of surface water discharge which will continue in accordance with the alternatives provided for in subparagraphs (a)2. and 3., and the level of treatment that the effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative.

(a) The department shall approve a plan that includes all of the information required under this subsection as meeting the requirements of this section if one or more of the following conditions are met:

1. The plan will result in eliminating the surface water discharge.
2. The plan will result in meeting the requirements of s. 403.086(10).
3. The plan does not provide for a complete elimination of the surface water discharge but does provide an affirmative demonstration that any of the following conditions apply to the remaining discharge:

a. The discharge is associated with an indirect potable reuse project;

b. The discharge is a wet weather discharge that occurs in accordance with an applicable department permit;
c. The discharge is into a stormwater management system and is subsequently withdrawn by a user for irrigation purposes;
d. The utility operates domestic wastewater treatment facilities with reuse systems that reuse a minimum of 90 percent of a facility's annual average flow, as determined by the department using monitoring data for the prior 5 consecutive years, for reuse purposes authorized by the department; or
e. The discharge provides direct ecological or public water supply benefits, such as rehydrating wetlands or implementing the requirements of minimum flows and minimum water levels or recovery or prevention strategies for a water body.
The plan may include conceptual projects under sub-subparagraphs 3.a. and e.; however, such inclusion does not extend the time within which the plan must be implemented.
(b) The department shall approve or deny a plan within 9 months after receiving the plan. A utility may modify the plan by submitting such modification to the department; however, the plan may not be modified such that the requirements of this subsection are not met, and the department may not extend the time within which a plan will be implemented. The approval of the plan or a modification by the department does not constitute final agency action.
(c) A utility shall fully implement the approved plan by January 1, 2032.
(d) If a plan is not timely submitted by a utility or approved by the department, the utility's domestic wastewater treatment facilities may not dispose of effluent, reclaimed water, or reuse water by surface water discharge after January 1, 2028. A violation of this paragraph is subject to administrative and civil penalties pursuant to ss. 403.121, 403.131, and 403.141.
(e) A domestic wastewater utility applying for a permit for a new or expanded surface water discharge shall prepare a plan in accordance with this subsection as part of that permit application. The department may not approve a permit for a new or expanded surface water discharge unless the plan meets one or more of the conditions provided in paragraph (a).
(f) By December 31, 2021, and annually thereafter, the department shall submit a report to the President of the Senate and the Speaker of the House of Representatives which provides the average gallons per day of effluent, reclaimed water, or reuse water that will no longer be discharged into surface waters by the utility and the dates of such elimination; the average gallons per day of surface water discharges that will continue in accordance with the alternatives provided in subparagraphs (a)2. and 3., and the level of treatment that the effluent, reclaimed water, or reuse water will receive before being discharged into a surface water by each alternative and utility; and any modified or new plans submitted by a utility since the last report.
(g) This subsection does not apply to any of the following:
1. A domestic wastewater treatment facility that is located in a fiscally constrained county as described in s. 218.67(1).
2. A domestic wastewater treatment facility that is located in a municipality that is entirely within a rural area of opportunity as designated pursuant to s. 288.0656.

3. A domestic wastewater treatment facility that is located in a municipality that has less than $10 million in total revenue, as determined by the municipality's most recent annual financial report submitted to the Department of Financial Services in accordance with s. 218.32.
4. A domestic wastewater treatment facility that is operated by an operator of a mobile home park as defined in s. 723.003 and has a permitted capacity of less than 300,000 gallons per day.
(h) This subsection does not prohibit the inclusion of a plan for backup discharges under s. 403.086(8)(a).
(i) This subsection may not be deemed to exempt a utility from requirements that prohibit the causing of or contributing to violations of water quality standards in surface waters, including groundwater discharges that affect water quality in surface waters.
(17)(a) By December 31, 2020, the department shall initiate rule revisions based on the recommendations of the Potable Reuse Commission's 2020 report "Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida." Rules for potable reuse projects must address contaminants of emerging concern and meet or exceed federal and state drinking water quality standards and other applicable water quality standards. Reclaimed water is deemed a water source for public water supply systems.
(b) The Legislature recognizes that sufficient water supply is imperative to the future of the state and that potable reuse is a source of water which may assist in meeting future demand for water supply.
(c) The department may convene and lead one or more technical advisory groups to coordinate the rulemaking and review of rules for potable reuse as required under this section. The technical advisory group, which shall assist in the development of such rules, must be composed of knowledgeable representatives of a broad group of interested stakeholders, including, but not limited to, representatives from the water management districts, the wastewater utility industry, the water utility industry, the environmental community, the business community, the public health community, the agricultural community, and the consumers.
(d) Potable reuse is an alternative water supply as defined in s. 373.019, and potable reuse projects are eligible for alternative water supply funding. The use of potable reuse water may not be excluded from regional water supply planning under s. 373.709.
(e) The department and the water management districts shall develop and execute, by December 31, 2023, a memorandum of agreement providing for the procedural requirements of a coordinated review of all permits associated with the construction and operation of an indirect potable reuse project. The memorandum of agreement must provide that the coordinated review will occur only if requested by a permittee. The purpose of the coordinated review is to share information, avoid the redundancy of information requested from the permittee, and ensure consistency in the permit for the protection of the public health and the environment.
(f) To encourage investment in the development of potable reuse projects by private entities, a potable reuse project developed as a qualifying project under s. 255.065 is:
1. Beginning January 1, 2026, eligible for expedited permitting under s. 403.973.
2. Consistent with s. 373.707, eligible for priority funding in the same manner as other alternative water supply projects from the Drinking Water State Revolving Fund, under

the Water Protection and Sustainability Program, and for water management district cooperative funding.
(g) This subsection is not intended and may not be construed to supersede s. 373.250(3).
History.—s. 7, ch. 89-324; s. 3, ch. 94-243; s. 8, ch. 95-323; s. 37, ch. 2002-296; s. 13, ch. 2004-381; s. 48, ch. 2018-110; s. 12, ch. 2020-150; s. 1, ch. 2021-168; s. 42, ch. 2022-4; s. 10, ch. 2024-180.

403.121 Enforcement; procedure; remedies.—
The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1), ss. 381.0065-381.0067, part I of chapter 386 for purposes of onsite sewage treatment and disposal systems, part III of chapter 489, or any rule promulgated thereunder.
(1) Judicial Remedies:
(a) The department may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, of the state caused by any violation.
(b) The department may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than $15,000 per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.
(c) Except as provided in paragraph (2)(c), it is not a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the department has failed to exhaust its administrative remedies, has failed to serve a notice of violation, or has failed to hold an administrative hearing before the institution of a civil action.
(2) Administrative Remedies:
(a) The department may institute an administrative proceeding to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, or aquatic life, of the state caused by any violation. The department may order that the violator pay a specified sum as damages to the state. Judgment for the amount of damages determined by the department may be entered in any court having jurisdiction thereof and may be enforced as any other judgment.
(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 per assessment as calculated in accordance with subsections (3)-(7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 may not be less than $1,000 per day per violation. The department may not impose administrative penalties in excess of $50,000 in a notice of violation. The department may not have more than one notice of violation seeking administrative penalties pending against the same party

at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.
(c) An administrative proceeding shall be instituted by the department's serving of a written notice of violation upon the alleged violator by certified mail. If the department is unable to effect service by certified mail, the notice of violation may be hand delivered or personally served in accordance with chapter 48. The notice shall specify the law, rule, regulation, permit, certification, or order of the department alleged to be violated and the facts alleged to constitute a violation thereof. An order for corrective action, penalty assessment, or damages may be included with the notice. When the department is seeking to impose an administrative penalty for any violation by issuing a notice of violation, any corrective action needed to correct the violation or damages caused by the violation must be pursued in the notice of violation or they are waived. However, an order is not effective until after service and an administrative hearing, if requested within 20 days after service. Failure to request an administrative hearing within this time period constitutes a waiver thereof, unless the respondent files a written notice with the department within this time period opting out of the administrative process initiated by the department to impose administrative penalties. Any respondent choosing to opt out of the administrative process initiated by the department in an action that seeks the imposition of administrative penalties must file a written notice with the department within 20 days after service of the notice of violation opting out of the administrative process. A respondent's decision to opt out of the administrative process does not preclude the department from initiating a state court action seeking injunctive relief, damages, and the judicial imposition of civil penalties.
(d) If a person timely files a petition challenging a notice of violation, that person will thereafter be referred to as the respondent. The hearing requested by the respondent shall be held within 180 days after the department has referred the initial petition to the Division of Administrative Hearings unless the parties agree to a later date. The department has the burden of proving with the preponderance of the evidence that the respondent is responsible for the violation. Administrative penalties should not be imposed unless the department satisfies that burden. Following the close of the hearing, the administrative law judge shall issue a final order on all matters, including the imposition of an administrative penalty. When the department seeks to enforce that portion of a final order imposing administrative penalties pursuant to s. 120.69, the respondent may not assert as a defense the inappropriateness of the administrative remedy. The department retains its final-order authority in all administrative actions that do not request the imposition of administrative penalties.
(e) After filing a petition requesting a formal hearing in response to a notice of violation in which the department imposes an administrative penalty, a respondent may request that a private mediator be appointed to mediate the dispute by contacting the Florida Conflict Resolution Consortium within 10 days after receipt of the initial order from the administrative law judge. The Florida Conflict Resolution Consortium shall pay all of the costs of the mediator and for up to 8 hours of the mediator's time per case at $150 per hour. Upon notice from the respondent, the Florida Conflict Resolution Consortium shall provide to the respondent a panel of possible mediators from the area in which the hearing on the petition would be heard. The respondent shall select the mediator and notify the Florida Conflict Resolution Consortium of the selection within 15 days of

receipt of the proposed panel of mediators. The Florida Conflict Resolution Consortium shall provide all of the administrative support for the mediation process. The mediation must be completed at least 15 days before the final hearing date set by the administrative law judge.
(f) In any administrative proceeding brought by the department, the prevailing party shall recover all costs as provided in ss. 57.041 and 57.071. The costs must be included in the final order. The respondent is the prevailing party when an order is entered awarding no penalties to the department and such order has not been reversed on appeal or the time for seeking judicial review has expired. The respondent is entitled to an award of attorney fees if the administrative law judge determines that the notice of violation issued by the department seeking the imposition of administrative penalties was not substantially justified as defined in s. 57.111(3)(e). An award of attorney fees as provided by this subsection may not exceed $15,000.
(g) This section does not prevent any other legal or administrative action in accordance with law and does not limit the department's authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $50,000 for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 in penalties may be settled in the court action for less than $50,000.
(h) Chapter 120 applies to any administrative action taken by the department or any delegated program pursuing administrative penalties in accordance with this section.
(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:
(a) For a drinking water contamination violation, the department shall assess a penalty of $3,000 for a Maximum [1]Contaminant Level (MCL) violation; plus $1,500 if the violation is for a primary inorganic, organic, or radiological Maximum Contaminant Level or it is a fecal coliform bacteria violation; plus $1,500 if the violation occurs at a community water system; and plus $1,500 if any Maximum Contaminant Level is exceeded by more than 100 percent. For failure to obtain a clearance letter before placing a drinking water system into service when the system would not have been eligible for clearance, the department shall assess a penalty of $4,500.
(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge<u>, or obtain an onsite sewage treatment and disposal system permit, or for a violation of s. 381.0065, or the creation of or maintenance of a nuisance related to an onsite sewage treatment and disposal system under part I of chapter 386,</u>

or for a violation of part III of chapter 489, or any rule properly promulgated thereunder, the department shall assess a penalty of $2,000. For a domestic or industrial wastewater violation, not involving a surface water or groundwater quality violation, the department shall assess a penalty of $4,000 for an unpermitted or unauthorized discharge or effluent-limitation exceedance or for failure to comply with s. 403.061(14) or s. 403.086(7) or rules adopted thereunder. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $10,000. Each day the cause of an unauthorized discharge of domestic wastewater or sanitary nuisance is not addressed constitutes a separate offense.

(c) For a dredge and fill or stormwater violation, the department shall assess a penalty of $1,500 for unpermitted or unauthorized dredging or filling or unauthorized construction of a stormwater management system against the person or persons responsible for the illegal dredging or filling, or unauthorized construction of a stormwater management system plus $3,000 if the dredging or filling occurs in an aquatic preserve, an Outstanding Florida Water, a conservation easement, or a Class I or Class II surface water, plus $1,500 if the area dredged or filled is greater than one-quarter acre but less than or equal to one-half acre, and plus $1,500 if the area dredged or filled is greater than one-half acre but less than or equal to one acre. The administrative penalty schedule does not apply to a dredge and fill violation if the area dredged or filled exceeds one acre. The department retains the authority to seek the judicial imposition of civil penalties for all dredge and fill violations involving more than one acre. The department shall assess a penalty of $4,500 for the failure to complete required mitigation, failure to record a required conservation easement, or for a water quality violation resulting from dredging or filling activities, stormwater construction activities or failure of a stormwater treatment facility. For stormwater management systems serving less than 5 acres, the department shall assess a penalty of $3,000 for the failure to properly or timely construct a stormwater management system. In addition to the penalties authorized in this subsection, the department shall assess a penalty of $7,500 per violation against the contractor or agent of the owner or tenant that conducts unpermitted or unauthorized dredging or filling. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does not make that person an agent of the owner or tenant.

(d) For mangrove trimming or alteration violations, the department shall assess a penalty of $7,500 per violation against the contractor or agent of the owner or tenant that conducts mangrove trimming or alteration without a permit as required by s. 403.9328. For purposes of this paragraph, the preparation or signing of a permit application by a person currently licensed under chapter 471 to practice as a professional engineer does not make that person an agent of the owner or tenant.

(e) For solid waste violations, the department shall assess a penalty of $3,000 for the unpermitted or unauthorized disposal or storage of solid waste; plus $1,000 if the solid waste is Class I or Class III (excluding yard trash) or if the solid waste is construction and demolition debris in excess of 20 cubic yards, plus $1,500 if the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well, plus $1,500 if the waste contains PCB at a concentration of 50 parts per million or

greater; untreated biomedical waste; friable asbestos greater than 1 cubic meter which is not wetted, bagged, and covered; used oil greater than 25 gallons; or 10 or more lead acid batteries. The department shall assess a penalty of $4,500 for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; or failure to provide access control for three consecutive inspections. The department shall assess a penalty of $3,000 for failure to construct or maintain a required stormwater management system.
(f) For an air emission violation, the department shall assess a penalty of $1,500 for an unpermitted or unauthorized air emission or an air-emission-permit exceedance, plus $4,500 if the emission was from a major source and the source was major for the pollutant in violation; plus $1,500 if the emission was more than 150 percent of the allowable level.
(g) For storage tank system and petroleum contamination violations, the department shall assess a penalty of $7,500 for failure to empty a damaged storage system as necessary to ensure that a release does not occur until repairs to the storage system are completed; when a release has occurred from that storage tank system; for failure to timely recover free product; or for failure to conduct remediation or monitoring activities until a no-further-action or site-rehabilitation completion order has been issued. The department shall assess a penalty of $4,500 for failure to timely upgrade a storage tank system. The department shall assess a penalty of $3,000 for failure to conduct or maintain required release detection; failure to timely investigate a suspected release from a storage system; depositing motor fuel into an unregistered storage tank system; failure to timely assess or remediate petroleum contamination; or failure to properly install a storage tank system. The department shall assess a penalty of $1,500 for failure to properly operate, maintain, or close a storage tank system.
(4) In an administrative proceeding, in addition to the penalties that may be assessed under subsection (3), the department shall assess administrative penalties according to the following schedule:
(a) For failure to satisfy financial responsibility requirements or for violation of s. 377.371(1), $7,500.
(b) For failure to install, maintain, or use a required pollution control system or device, $6,000.
(c) For failure to obtain a required permit before construction or modification, $4,500.
(d) For failure to conduct required monitoring or testing; failure to conduct required release detection; or failure to construct in compliance with a permit, $3,000.
(e) For failure to maintain required staff to respond to emergencies; failure to conduct required training; failure to prepare, maintain, or update required contingency plans; failure to adequately respond to emergencies to bring an emergency situation under control; or failure to submit required notification to the department, $1,500.
(f) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to prepare, submit, maintain, or use required reports or other required documentation, $750.
(5) Except as provided in subsection (2) with respect to public water systems serving a population of more than 10,000, for failure to comply with any other departmental regulatory statute or rule requirement not otherwise identified in this section, the department may assess a penalty of $1,000.

(6) For each additional day during which a violation occurs, the administrative penalties in subsections (3)-(5) may be assessed per day per violation.
(7) The history of noncompliance of the violator for any previous violation resulting in an executed consent order, but not including a consent order entered into without a finding of violation, or resulting in a final order or judgment after the effective date of this law involving the imposition of $3,000 or more in penalties shall be taken into consideration in the following manner:
(a) One previous such violation within 5 years before the filing of the notice of violation will result in a 25-percent per day increase in the scheduled administrative penalty.
(b) Two previous such violations within 5 years before the filing of the notice of violation will result in a 50-percent per day increase in the scheduled administrative penalty.
(c) Three or more previous such violations within 5 years before the filing of the notice of violation will result in a 100-percent per day increase in the scheduled administrative penalty.
(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, must be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled administrative penalty, may not exceed $15,000.
(9) The administrative penalties assessed for any particular violation may not exceed $10,000 against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $10,000, or there are multiday violations. The total administrative penalties may not exceed $50,000 per assessment for all violations attributable to a specific person in the notice of violation.
(10) The administrative law judge may receive evidence in mitigation. The penalties identified in subsections (3)-(5) may be reduced up to 50 percent by the administrative law judge for mitigating circumstances, including good faith efforts to comply before or after discovery of the violations by the department. Upon an affirmative finding that the violation was caused by circumstances beyond the reasonable control of the respondent and could not have been prevented by respondent’s due diligence, the administrative law judge may further reduce the penalty.
(11) Penalties collected pursuant to this section must ~~shall~~ be deposited into the Water Quality Assurance Trust Fund or other trust fund designated by statute and shall be used to fund the restoration of ecosystems, or polluted areas of the state, as defined by the department, to their condition before pollution occurred. The Florida Conflict Resolution Consortium may use a portion of the fund to administer the mediation process provided in paragraph (2)(e) and to contract with private mediators for administrative penalty cases.
(12) The purpose of the administrative penalty schedule and process is to provide a more predictable and efficient manner for individuals and businesses to resolve relatively minor environmental disputes. Subsections (3)-(7) may not be construed as limiting a state court in the assessment of damages. The administrative penalty schedule does not apply to the judicial imposition of civil penalties in state court as provided in this section.

History.—s. 13, ch. 67-436; ss. 26, 35, ch. 69-106; s. 1, ch. 70-114; s. 1, ch. 70-139; s. 349, ch. 71-136; s. 112, ch. 71-355; s. 1, ch. 72-286; s. 138, ch. 77-104; s. 1, ch. 77-117; s. 14, ch. 78-95; s. 263, ch. 81-259; s. 3, ch. 90-82; s. 61, ch. 96-321; s. 2, ch. 2001-258; s. 2, ch. 2002-165; ss. 43, 44, 76, ch. 2004-269; s. 15, ch. 2004-381; s. 71, ch. 2015-229; s. 21, ch. 2020-150; s. 17, ch. 2020-158; s. 14, ch. 2024-180.
1Note.—The word "Contaminant" was substituted for the word "Containment" by the editors to conform to context.

403.413 Florida Litter Law.—
(1) SHORT TITLE.—This section may be cited as the "Florida Litter Law."
(2) DEFINITIONS.—As used in this section:
(a) "Aircraft" means a motor vehicle or other vehicle that is used or designed to fly but does not include a parachute or any other device used primarily as safety equipment.
(b) "Commercial purpose" means for the purpose of economic gain.
(c) "Commercial vehicle" means a vehicle that is owned or used by a business, corporation, association, partnership, or sole proprietorship or any other entity conducting business for a commercial purpose.
(d) "Dump" means to dump, throw, discard, place, deposit, drain, discharge, or dispose of. The term includes, with respect to balloons, to intentionally release, organize the release of, or intentionally cause to be released.
(e) "Law enforcement officer" means any officer of the Florida Highway Patrol, a county sheriff's department, a municipal law enforcement department, a law enforcement department of any other political subdivision, the Department of Environmental Protection, or the Fish and Wildlife Conservation Commission. In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipal park or recreation department designated by the department head as a litter enforcement officer.
(f) "Litter" means any personal property; garbage; rubbish; trash; refuse; can; bottle; box; container; paper; balloon; tobacco product; pharmaceutical of any kind; tire; household item; shed; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part, including a truck, trailer, or motor home; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, but excluding permitted, regulated, or authorized drainage, pumping, or runoff of surface water or stormwater.
(g) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor, or semitrailer combination or any other vehicle that is powered by a motor.
(h) "Person" means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.
(i) "Vessel" means a boat, barge, or airboat or any other vehicle used for transportation on water.
(j) "Water control district" means a water control district that exists pursuant to chapter 298 or was created by special act of the Legislature.
(3) RESPONSIBILITY OF LOCAL GOVERNING BODY OF A COUNTY OR MUNICIPALITY.—The local governing body of a county or a municipality shall determine

the training and qualifications of any employee of the county or municipality or any employee of the county or municipal park or recreation department designated to enforce the provisions of this section if the designated employee is not a regular law enforcement officer.
(4) DUMPING LITTER PROHIBITED.—Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount in or on any of the following areas:
(a) Any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor. When any litter is thrown or discarded from a motor vehicle, the operator or owner of the motor vehicle, or both, are in violation of this section.
(b) Any freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, are in violation of this section.
(c) Any water control district property or canal right-of-way, unless the district board of directors or the district manager or his or her designee has given prior consent. When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, are in violation of this section.
(d) Any private property, unless the owner has given prior consent and unless the dumping of such litter by such person will not cause a public nuisance or otherwise be in violation of any other state or local law, rule, or regulation.
(5) DUMPING RAW HUMAN WASTE PROHIBITED.—Unless otherwise authorized by law or permit, it is unlawful for any person to dump raw human waste from any train, aircraft, motor vehicle, or vessel upon the public or private lands or waters of the state.
(6) PENALTIES; ENFORCEMENT.—
(a)1. Except as provided in subparagraphs ~~subparagraph~~ 2. and 3., any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes commits a noncriminal infraction, punishable by a civil penalty of $150, from which $50 shall be deposited into the Solid Waste Management Trust Fund to be used for the solid waste management grant program pursuant to s. 403.7095.
2.a. If a person violates subparagraph 1. by intentionally dumping litter onto private property for the purpose of intimidating or threatening the owner, resident, or invitee of such property, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
b. If a person violates subparagraph 1. by intentionally dumping litter onto private property for the purpose of intimidating the owner, resident, or invitee of such property and such litter contains a credible threat, the person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subparagraph, the term “credible threat” has the same meaning as in s. 784.048(1).
c. If the penalty for a violation of this subparagraph is reclassified under s. 775.085, such a violation is considered a hate crime for purposes of the reporting requirements of s. 877.19.
3. A person who is 6 years of age or younger who intentionally releases, organizes the release of, or intentionally causes to be released balloons as prohibited by s. 379.233

does not violate subsection (4) and is not subject to the penalties specified in subparagraph 1.

In addition, the court may require a person who violates this subsection to pick up litter or perform other labor commensurate with the offense committed.

(b) Any person who dumps litter in violation of subsection (4) in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume and not for commercial purposes is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed. Further, if the violation involves the use of a motor vehicle, upon a finding of guilt, whether or not adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended, the court shall forward a record of the finding to the Department of Highway Safety and Motor Vehicles, which shall record a penalty of three points on the violator's driver license pursuant to the point system established by s. 322.27.

(c) Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is a hazardous waste as defined in s. 403.703, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the court may order the violator to:

1. Remove or render harmless the litter that he or she dumped in violation of this section;
2. Repair or restore property damaged by, or pay damages for any damage arising out of, his or her dumping litter in violation of this section; or
3. Perform public service relating to the removal of litter dumped in violation of this section or to the restoration of an area polluted by litter dumped in violation of this section.

(d) A court may enjoin a violation of this section.

(e) A motor vehicle, vessel, aircraft, container, crane, winch, or machine used to dump litter that exceeds 500 pounds in weight or 100 cubic feet in volume is declared contraband and is subject to forfeiture in the same manner as provided in ss. 932.703 and 932.704.

(f) If a person sustains damages arising out of a violation of this section that is punishable as a felony, a court, in a civil action for such damages, shall order the person to pay the injured party threefold the actual damages or $200, whichever amount is greater. In addition, the court shall order the person to pay the injured party's court costs and attorney's fees. A final judgment rendered in a criminal proceeding against a defendant under this section estops the defendant from asserting any issue in a subsequent civil action under this paragraph which he or she would be estopped from asserting if such judgment were rendered in the civil action unless the criminal judgment was based upon a plea of no contest or nolo contendere.

(g) For the purposes of this section, if a person dumps litter or raw human waste from a commercial vehicle, that person is presumed to have dumped the litter or raw human waste for commercial purposes.

(h) In the criminal trial of a person charged with violating this section, the state does not have the burden of proving that the person did not have the right or authority to

dump the litter or raw human waste or that litter or raw human waste dumped on private property causes a public nuisance. The defendant has the burden of proving that he or she had authority to dump the litter or raw human waste and that the litter or raw human waste dumped does not cause a public nuisance.

(i) It is the duty of all law enforcement officers to enforce this section. If a member of a water control district board of directors or a district manager discovers that a person has committed unlawful dumping in violation of paragraph (4)(c), he or she must report the incident to the appropriate law enforcement agency with jurisdiction over the district. A law enforcement officer may enter any district canal right-of-way, property, or facility to respond to such an incident.

(j) Any person who violates the provisions of subsection (5) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; provided, however, that any person who dumps more than 500 pounds or more than 100 cubic feet of raw human waste, or who dumps any quantity of such waste for commercial purposes, is guilty of a felony of the third degree, punishable as provided in paragraph (c).

(7) ENFORCEMENT BY CERTAIN COUNTY OR MUNICIPAL EMPLOYEES.—Employees of counties or municipalities whose duty it is to ensure code compliance or to enforce codes and ordinances may be designated by the governing body of the county or the municipality to enforce the provisions of this section. Designation of such employees shall not provide the employees with the authority to bear arms or to make arrests.

(8) ENFORCEMENT OF OTHER REGULATIONS.—This section does not limit the authority of any state or local agency to enforce other laws, rules, or ordinances relating to litter or solid waste management.

History.—ss. 1, 2, 3, 4, 4A, ch. 71-239; s. 1, ch. 75-266; s. 1, ch. 77-82; s. 1, ch. 78-202; s. 7, ch. 80-382; s. 1, ch. 82-63; s. 1, ch. 88-79; s. 56, ch. 88-130; s. 12, ch. 89-175; s. 14, ch. 89-268; s. 1, ch. 90-76; ss. 16, 17, ch. 91-286; s. 378, ch. 94-356; s. 1, ch. 95-165; s. 11, ch. 97-103; s. 205, ch. 99-245; s. 1, ch. 2005-200; s. 2, ch. 2007-184; s. 26, ch. 2012-88; s. 3, ch. 2016-174; s. 12, ch. 2019-141; s. 20, ch. 2020-158; s. 1, ch. 2023-24; s. 1, ch. 2023-236; s. 2, ch. 2024-263.

Chapter 553

Building Construction Standards

Enforceable Policies

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

553.79 Permits; applications; issuance; inspections.
553.837* Mandatory builder warranty.
553.8991* Resiliency and Safe Structures Act.
553.9065* Thermal efficiency standards for unvented attic and unvented enclosed rafter assemblies.

*Sections 553.837, .8991 and .9065 are not proposed as enforceable policies for federal consistency purposes.

[1]553.837 Mandatory builder warranty.—

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

(a) "Builder" has the same meaning as in s. 553.993.

(b) "Material violation" has the same meaning as in s. 553.84.

(c) "Newly constructed home" means any residential real property or manufactured building, modular building, or factory-built building as defined in s. 553.36 which is a single-family dwelling, duplex, triplex, or quadruplex that has not been previously occupied.

(2) A builder shall warrant a newly constructed home for all construction defects of equipment, material, or workmanship furnished by the builder or any subcontractor or supplier resulting in a material violation of the Florida Building Code pursuant to this part, for a period of 1 year after the date of original conveyance of title to the initial owner or after the date of initial occupancy of the dwelling, whichever occurs first. Defects with respect to appliances or equipment that are covered under a manufacturer warranty do not fall within the scope of the required warranty under this subsection.

(a) This subsection may not be construed to require the builder's warranty to cover any of the following:

1. Normal wear and tear of the newly constructed home.

2. Normal house settling within generally acceptable trade practices.

3. Any object or part of a newly constructed home that contains a defect that is caused by any work performed or material supplied incident to construction, modification, or repair performed by the initial purchaser, a subsequent purchaser, or anyone acting on his or her behalf, other than the builder or its employees, agents, or contractors.

4. Any loss or damage to the newly constructed home, whether caused by the initial purchaser, a subsequent purchaser, a third party, or an act of God over which the builder has no control, such as a natural disaster or a fire caused by lightning.

(b) The builder shall remedy, at the builder's expense, any defects that are covered under this subsection and shall restore any work damaged in fulfilling the terms and conditions of the warranty. A builder may purchase a warranty from a home warranty association provided for under chapter 634 to cover the warranties required in this section.

(c) A builder shall comply with the requirement to warrant a newly constructed home, whether pursuant to the statutory warranty under this subsection or a builder's express written warranty as provided in subsection (3), for the full 1-year period required under this subsection even if the newly constructed home is sold or transferred and is no longer owned by the initial owner.

(3) Notwithstanding any other provision in this section, the terms and conditions of an express written warranty that is provided by a builder to the initial owner of a newly constructed home supersede any provisions in this section if the express written warranty contains provisions with respect to any of the following:

(a) The scope, coverage, and duration of the express written warranty is the same or greater than that required in subsection (2).

(b) The express written warranty automatically transfers to a new owner during at least the initial year of the warranty as provided in paragraph (2)(c).

(c) If the builder provides an express written warranty that is longer than that required under subsection (2), the express written warranty must state:
1. That the builder is providing a warranty that is longer than required under subsection (2) and the length of time for which the warranty is granted.
2. Whether the warranty is transferable for a duration beyond the 1 year required under paragraph (2)(c) and any terms under which the warranty may be transferred.
(4) Enforcement of this section is limited to a private civil cause of action by a purchaser against any builder that fails to comply with this section. This section may not be construed to extend the statute of repose beyond that provided by law.
History.—s. 1, ch. 2024-95.
[1]Note.—Effective July 1, 2025.

553.8991 Resiliency and Safe Structures Act.—
(1) SHORT TITLE.—This section may be cited as the "Resiliency and Safe Structures Act."
(2) DEFINITIONS.—As used in this section, the term:
(a) "Coastal construction control line" means the boundary established under s. 161.053.
(b) "Law" means any statute, ordinance, rule, regulation, policy, resolution, code enforcement order, agreement, or other governmental act.
(c) "Local government" means a municipality, county, special district, or any other political subdivision of the state.
(d) "Nonconforming structure" means a structure or building that does not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program for the applicable flood zone.
(e) "Replacement structure" means a new structure or building built on a property where a structure or building was demolished or will be demolished in accordance with this section.
(3) QUALIFYING STRUCTURES AND BUILDINGS.—
(a) Subject to paragraph (b), this section applies to any structure or building on a property in which all or a portion of such property is seaward of the coastal construction control line and the structure or building is:
1. A nonconforming structure;
2. A structure or building determined to be unsafe by a local building official; or
3. A structure or building ordered to be demolished by a local government that has proper jurisdiction.
(b) This section does not apply to any of the following structures or buildings:
1. A structure or building individually listed in the National Register of Historic Places.
2. A single-family home.
3. A contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000.
4. A structure or building located on a barrier island in a municipality with a population of less than 10,000 according to the most recent decennial census and which has at least six city blocks that are not located in zones V, VE, AO, or AE, as identified in the Flood Insurance Rate Map issued by the Federal Emergency Management Agency.

(4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local government may not prohibit, restrict, or prevent the demolition of any structure or building identified in paragraph (3)(a) for any reason other than public safety. A local government may only administratively review an application for a demolition permit sought under this section for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulation applicable to a similarly situated parcel. The local government may not impose additional local land development regulations or public hearings on an applicant for a permit under this section.

(5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local government shall authorize replacement structures for qualifying buildings identified in paragraph (3)(a) to be developed to the maximum height and overall building size authorized by local development regulations for a similarly situated parcel within the same zoning district. A local government may not do any of the following:

(a) Limit, for any reason, the development potential of replacement structures below the maximum development potential allowed by local development regulations for a similarly situated parcel within the same zoning district.

(b) Require replication of a demolished structure.

(c) Require the preservation of any elements of a demolished structure.

(d) Impose additional regulatory or building requirements on replacement structures which would not otherwise be applicable to a similarly situated vacant parcel located in the same zoning district.

(e) Impose additional public hearings or administrative processes that would not otherwise be applicable to a similarly situated vacant parcel within the same zoning district.

(6) DEVELOPMENT APPLICATIONS.—Development applications submitted for replacement structures for qualifying buildings identified in paragraph (3)(a) must be processed in accordance with the process outlined in local land development regulations including any required public hearings in front of the local historic board. However, a local government may not impose additional public hearings or administrative processes that would not otherwise be applicable to a similarly situated vacant parcel within the same zoning district.

(7) APPLICATION AND CONSTRUCTION.—This section applies retroactively to any law adopted contrary to this section or its intent and must be liberally construed to effectuate its intent. This section does not apply to or affect s. 553.79(26).

(8) PREEMPTION.—A local government may not adopt or enforce a law that in any way limits the demolition of a structure identified in paragraph (3)(a) or that limits the development of a replacement structure in violation of subsection (5). A local government may not penalize an owner or a developer of a replacement structure for a demolition pursuant to this section or otherwise enact laws that defeat the intent of this section. Any local government law contrary to this section is void.

History.—s. 1, ch. 2024-21.

[1]553.9065 Thermal efficiency standards for unvented attic and unvented enclosed rafter assemblies.—

(1) Unvented attic and unvented enclosed rafter assemblies that are insulated and air sealed with a minimum of R-20 air-impermeable insulation meet the requirements of Section R402 of the Florida Building Code, 8th Edition (2023), Energy Conservation, if all of the following apply:

(a) The building has a blower door test result of less than 3 ACH50.

(b) The building has a positive input ventilation system or a balanced or hybrid whole-house mechanical ventilation system.

(c) If the insulation is installed below the roof deck and the exposed portion of roof rafters is not already covered by the R-20 air-impermeable insulation, the exposed portion of the roof rafters is insulated by a minimum of R-3 air-impermeable insulation unless directly covered by a finished ceiling. Roof rafters are not required to be covered by a minimum of R-3 air-impermeable insulation if continuous insulation is installed above the roof deck.

(d) All indoor heating, cooling, and ventilation equipment and ductwork is inside the building thermal envelope.

(2) The commission shall review and consider this section and any technical changes thereto and report such findings to the Legislature by December 31, 2024.

History.—s. 7, ch. 2024-191.

[1]Note.—Effective July 1, 2025.