



832916

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/11/2019	.	
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The Committee on Community Affairs (Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Clean Waterways Act."

Section 2. (1) By July 1, 2020, the Department of Health must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the following information regarding the Onsite Sewage



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11 Program:

12 (a) The average number of permits issued each year;

13 (b) The number of department employees conducting work on  
14 or related to the program each year; and

15 (c) The program's costs and expenditures, including, but  
16 not limited to, salaries and benefits, equipment costs, and  
17 contracting costs.

18 (2) By December 31, 2020, the Department of Health and the  
19 Department of Environmental Protection shall submit  
20 recommendations to the Governor, the President of the Senate,  
21 and the Speaker of the House of Representatives regarding the  
22 transfer of the Onsite Sewage Program from the Department of  
23 Health to the Department of Environmental Protection. The  
24 recommendations must address all aspects of the transfer,  
25 including the continued role of the county health departments in  
26 the permitting, inspection, data management, and tracking of  
27 onsite sewage treatment and disposal systems under the direction  
28 of the Department of Environmental Protection.

29 (3) By June 30, 2021, the Department of Health and the  
30 Department of Environmental Protection shall enter into an  
31 interagency agreement based on the Department of Health report  
32 required under subsection (2) and on recommendations from a plan  
33 that must address all agency cooperation for a period not less  
34 than 5 years after the transfer, including:

35 (a) The continued role of the county health departments in  
36 the permitting, inspection, data management, and tracking of  
37 onsite sewage treatment and disposal systems under the direction  
38 of the Department of Environmental Protection.

39 (b) The appropriate proportionate number of administrative,



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40 auditing, inspector general, attorney, and operational support  
41 positions, and their related funding levels and sources and  
42 assigned property, to be transferred from the Office of General  
43 Counsel, the Office of Inspector General, and the Division of  
44 Administrative Services or other relevant offices or divisions  
45 within the Department of Health to the Department of  
46 Environmental Protection.

47 (c) The development of a recommended plan to address the  
48 transfer or shared use of buildings, regional offices, and other  
49 facilities used or owned by the Department of Health.

50 (d) Any operating budget adjustments that are necessary to  
51 implement the requirements of this act. Adjustments made to the  
52 operating budgets of the agencies in the implementation of this  
53 act must be made in consultation with the appropriate  
54 substantive and fiscal committees of the Senate and the House of  
55 Representatives. The revisions to the approved operating budgets  
56 for the 2021-2022 fiscal year which are necessary to reflect the  
57 organizational changes made by this act must be implemented  
58 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject  
59 to s. 216.177, Florida Statutes. Subsequent adjustments between  
60 the Department of Health and the Department of Environmental  
61 Protection which are determined necessary by the respective  
62 agencies and approved by the Executive Office of the Governor  
63 are authorized and subject to s. 216.177, Florida Statutes. The  
64 appropriate substantive committees of the Senate and the House  
65 of Representatives must also be notified of the proposed  
66 revisions to ensure their consistency with legislative policy  
67 and intent.

68 (4) Effective July 1, 2021, all powers, duties, functions,



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69 records, offices, personnel, associated administrative support  
70 positions, property, pending issues, existing contracts,  
71 administrative authority, administrative rules, and unexpended  
72 balances of appropriations, allocations, and other funds for the  
73 regulation of onsite sewage treatment and disposal systems  
74 relating to the Onsite Sewage Program in the Department of  
75 Health are transferred by a type two transfer, as defined in s.  
76 20.06(2), Florida Statutes, to the Department of Environmental  
77 Protection.

78 (5) Notwithstanding chapter 60L-34, Florida Administrative  
79 Code, or any law to the contrary, employees who are transferred  
80 from the Department of Health to the Department of Environmental  
81 Protection to fill positions transferred by this act retain and  
82 transfer any accrued annual leave, sick leave, and regular and  
83 special compensatory leave balances.

84 Section 3. Subsection (5) of section 373.4131, Florida  
85 Statutes, is amended, and subsection (6) is added to that  
86 section, to read:

87 373.4131 Statewide environmental resource permitting  
88 rules.—

89 (5) To ensure consistent implementation and interpretation  
90 of the rules adopted pursuant to this section, the department  
91 shall conduct or oversee regular assessment and training of its  
92 staff and the staffs of the water management districts and local  
93 governments delegated local pollution control program authority  
94 under s. 373.441. The training must include coordinating field  
95 inspections of publicly and privately owned stormwater  
96 structural controls, such as stormwater retention or detention  
97 ponds.



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98           (6) By January 1, 2021:

99           (a) The department and the water management districts shall  
100 initiate rulemaking to update the stormwater design and  
101 operation regulations using the most recent scientific  
102 information available; and

103           (b) The department shall evaluate inspection data relating  
104 to compliance by those entities that self-certify under s.  
105 403.814(12) and provide the Legislature with recommendations for  
106 improvements to the self-certification program.

107           Section 4. Effective July 1, 2021, present paragraphs (d)  
108 through (q) of subsection (2) of section 381.0065, Florida  
109 Statutes, are redesignated as paragraphs (e) through (r),  
110 respectively, a new paragraph (d) is added to that subsection,  
111 and subsections (3) and (4) of that section are amended, to  
112 read:

113           381.0065 Onsite sewage treatment and disposal systems;  
114 regulation.—

115           (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
116 term:

117           (d) "Department" means the Department of Environmental  
118 Protection.

119           (3) DUTIES AND POWERS OF THE DEPARTMENT ~~OF HEALTH~~.—The  
120 department shall:

121           (a) Adopt rules to administer ss. 381.0065-381.0067,  
122 including definitions that are consistent with the definitions  
123 in this section, ~~decreases to setback requirements where no~~  
124 ~~health hazard exists,~~ increases for the lot-flow allowance for  
125 performance-based systems, requirements for separation from  
126 water table elevation during the wettest season, requirements



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127 for the design and construction of any component part of an  
128 onsite sewage treatment and disposal system, application and  
129 permit requirements for persons who maintain an onsite sewage  
130 treatment and disposal system, requirements for maintenance and  
131 service agreements for aerobic treatment units and performance-  
132 based treatment systems, and recommended standards, including  
133 disclosure requirements, for voluntary system inspections to be  
134 performed by individuals who are authorized by law to perform  
135 such inspections and who shall inform a person having ownership,  
136 control, or use of an onsite sewage treatment and disposal  
137 system of the inspection standards and of that person's  
138 authority to request an inspection based on all or part of the  
139 standards.

140 (b) Perform application reviews and site evaluations, issue  
141 permits, and conduct inspections and complaint investigations  
142 associated with the construction, installation, maintenance,  
143 modification, abandonment, operation, use, or repair of an  
144 onsite sewage treatment and disposal system for a residence or  
145 establishment with an estimated domestic sewage flow of 10,000  
146 gallons or less per day, or an estimated commercial sewage flow  
147 of 5,000 gallons or less per day, which is not currently  
148 regulated under chapter 403.

149 (c) Develop a comprehensive program to ensure that onsite  
150 sewage treatment and disposal systems regulated by the  
151 department are sized, designed, constructed, installed, sited,  
152 repaired, modified, abandoned, used, operated, and maintained in  
153 compliance with this section and rules adopted under this  
154 section to prevent groundwater contamination, including impacts  
155 from nutrient pollution, and surface water contamination and to



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156 preserve the public health. The department is the final  
157 administrative interpretive authority regarding rule  
158 interpretation. In the event of a conflict regarding rule  
159 interpretation, the secretary of the department ~~State Surgeon~~  
160 ~~General~~, or his or her designee, shall timely assign a staff  
161 person to resolve the dispute.

162 (d) Grant variances in hardship cases under the conditions  
163 prescribed in this section and rules adopted under this section.

164 (e) Permit the use of a limited number of innovative  
165 systems for a specific period of time, when there is compelling  
166 evidence that the system will function properly and reliably to  
167 meet the requirements of this section and rules adopted under  
168 this section.

169 (f) Issue annual operating permits under this section.

170 (g) Establish and collect fees as established under s.  
171 381.0066 for services provided with respect to onsite sewage  
172 treatment and disposal systems.

173 (h) Conduct enforcement activities, including imposing  
174 fines, issuing citations, suspensions, revocations, injunctions,  
175 and emergency orders for violations of this section, part I of  
176 chapter 386, or part III of chapter 489 or for a violation of  
177 any rule adopted under this section, part I of chapter 386, or  
178 part III of chapter 489.

179 (i) Provide or conduct education and training of department  
180 personnel, service providers, and the public regarding onsite  
181 sewage treatment and disposal systems.

182 (j) Supervise research on, demonstration of, and training  
183 on the performance, environmental impact, and public health  
184 impact of onsite sewage treatment and disposal systems within



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185 this state. Research fees collected under s. 381.0066(2)(k) must  
186 be used to develop and fund hands-on training centers designed  
187 to provide practical information about onsite sewage treatment  
188 and disposal systems to septic tank contractors, master septic  
189 tank contractors, contractors, inspectors, engineers, and the  
190 public and must also be used to fund research projects which  
191 focus on improvements of onsite sewage treatment and disposal  
192 systems, including use of performance-based standards and  
193 reduction of environmental impact. Research projects shall be  
194 initially approved by the technical review and advisory panel  
195 and shall be applicable to and reflect the soil conditions  
196 specific to Florida. Such projects shall be awarded through  
197 competitive negotiation, using the procedures provided in s.  
198 287.055, to public or private entities that have experience in  
199 onsite sewage treatment and disposal systems in Florida and that  
200 are principally located in Florida. Research projects may ~~shall~~  
201 not be awarded to firms or entities that employ or are  
202 associated with persons who serve on either the technical review  
203 and advisory panel or the research review and advisory  
204 committee.

205 (k) Approve the installation of individual graywater  
206 disposal systems in which blackwater is treated by a central  
207 sewerage system.

208 (l) Regulate and permit the sanitation, handling,  
209 treatment, storage, reuse, and disposal of byproducts from any  
210 system regulated under this chapter and not regulated by the  
211 Department of Environmental Protection.

212 (m) Permit and inspect portable or temporary toilet  
213 services and holding tanks. The department shall review





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214 applications, perform site evaluations, and issue permits for  
215 the temporary use of holding tanks, privies, portable toilet  
216 services, or any other toilet facility that is intended for use  
217 on a permanent or nonpermanent basis, including facilities  
218 placed on construction sites when workers are present. The  
219 department may specify standards for the construction,  
220 maintenance, use, and operation of any such facility for  
221 temporary use.

222 (n) Regulate and permit maintenance entities for  
223 performance-based treatment systems and aerobic treatment unit  
224 systems. To ensure systems are maintained and operated according  
225 to manufacturer's specifications and designs, the department  
226 shall establish by rule minimum qualifying criteria for  
227 maintenance entities. The criteria shall include: training,  
228 access to approved spare parts and components, access to  
229 manufacturer's maintenance and operation manuals, and service  
230 response time. The maintenance entity shall employ a contractor  
231 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
232 a state-licensed wastewater plant operator, who is responsible  
233 for maintenance and repair of all systems under contract.

234 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
235 construct, repair, modify, abandon, or operate an onsite sewage  
236 treatment and disposal system without first obtaining a permit  
237 approved by the department. The department may issue permits to  
238 carry out this section, ~~but shall not make the issuance of such~~  
239 ~~permits contingent upon prior approval by the Department of~~  
240 ~~Environmental Protection, except that~~ The issuance of a permit  
241 for work seaward of the coastal construction control line  
242 established under s. 161.053 shall be contingent upon receipt of



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243 any required coastal construction control line permit from the  
244 department ~~of Environmental Protection~~. A construction permit is  
245 valid for 18 months from the issuance date and may be extended  
246 by the department for one 90-day period under rules adopted by  
247 the department. A repair permit is valid for 90 days from the  
248 date of issuance. An operating permit must be obtained before  
249 ~~prior to~~ the use of any aerobic treatment unit or if the  
250 establishment generates commercial waste. Buildings or  
251 establishments that use an aerobic treatment unit or generate  
252 commercial waste shall be inspected by the department at least  
253 annually to assure compliance with the terms of the operating  
254 permit. The operating permit for a commercial wastewater system  
255 is valid for 1 year from the date of issuance and must be  
256 renewed annually. The operating permit for an aerobic treatment  
257 unit is valid for 2 years from the date of issuance and must be  
258 renewed every 2 years. If all information pertaining to the  
259 siting, location, and installation conditions or repair of an  
260 onsite sewage treatment and disposal system remains the same, a  
261 construction or repair permit for the onsite sewage treatment  
262 and disposal system may be transferred to another person, if the  
263 transferee files, within 60 days after the transfer of  
264 ownership, an amended application providing all corrected  
265 information and proof of ownership of the property. There is no  
266 fee associated with the processing of this supplemental  
267 information. A person may not contract to construct, modify,  
268 alter, repair, service, abandon, or maintain any portion of an  
269 onsite sewage treatment and disposal system without being  
270 registered under part III of chapter 489. A property owner who  
271 personally performs construction, maintenance, or repairs to a



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272 system serving his or her own owner-occupied single-family  
273 residence is exempt from registration requirements for  
274 performing such construction, maintenance, or repairs on that  
275 residence, but is subject to all permitting requirements. A  
276 municipality or political subdivision of the state may not issue  
277 a building or plumbing permit for any building that requires the  
278 use of an onsite sewage treatment and disposal system unless the  
279 owner or builder has received a construction permit for such  
280 system from the department. A building or structure may not be  
281 occupied and a municipality, political subdivision, or any state  
282 or federal agency may not authorize occupancy until the  
283 department approves the final installation of the onsite sewage  
284 treatment and disposal system. A municipality or political  
285 subdivision of the state may not approve any change in occupancy  
286 or tenancy of a building that uses an onsite sewage treatment  
287 and disposal system until the department has reviewed the use of  
288 the system with the proposed change, approved the change, and  
289 amended the operating permit.

290 (a) Subdivisions and lots in which each lot has a minimum  
291 area of at least one-half acre and either a minimum dimension of  
292 100 feet or a mean of at least 100 feet of the side bordering  
293 the street and the distance formed by a line parallel to the  
294 side bordering the street drawn between the two most distant  
295 points of the remainder of the lot may be developed with a water  
296 system regulated under s. 381.0062 and onsite sewage treatment  
297 and disposal systems, provided the projected daily sewage flow  
298 does not exceed an average of 1,500 gallons per acre per day,  
299 and provided satisfactory drinking water can be obtained and all  
300 distance and setback, soil condition, water table elevation, and



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301 other related requirements of this section and rules adopted  
302 under this section can be met.

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

311 (c) Notwithstanding paragraphs (a) and (b), for  
312 subdivisions platted of record on or before October 1, 1991,  
313 when a developer or other appropriate entity has previously made  
314 or makes provisions, including financial assurances or other  
315 commitments, acceptable to the Department ~~of Health~~, that a  
316 central water system will be installed by a regulated public  
317 utility based on a density formula, private potable wells may be  
318 used with onsite sewage treatment and disposal systems until the  
319 agreed-upon densities are reached. In a subdivision regulated by  
320 this paragraph, the average daily sewage flow may not exceed  
321 2,500 gallons per acre per day. This section does not affect the  
322 validity of existing prior agreements. After October 1, 1991,  
323 the exception provided under this paragraph is not available to  
324 a developer or other appropriate entity.

325 (d) Paragraphs (a) and (b) do not apply to any proposed  
326 residential subdivision with more than 50 lots or to any  
327 proposed commercial subdivision with more than 5 lots where a  
328 publicly owned or investor-owned sewerage system is available.  
329 It is the intent of this paragraph not to allow development of



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330 additional proposed subdivisions in order to evade the  
331 requirements of this paragraph.

332 (e) The department shall adopt rules to locate onsite  
333 sewage treatment and disposal systems, including establishing  
334 setback distances, to prevent groundwater contamination and  
335 surface water contamination and to preserve the public health.  
336 The rulemaking process for such rules must be completed by July  
337 1, 2022. The rules must consider conventional and advanced  
338 onsite sewage treatment and disposal system designs, impaired or  
339 degraded water bodies, wastewater and drinking water  
340 infrastructure, potable water sources, nonpotable wells,  
341 stormwater infrastructure, the onsite sewage treatment and  
342 disposal system remediation plans developed pursuant to s.  
343 403.067(7)(a)9.b., nutrient pollution, and the recommendations  
344 of the onsite sewage treatment and disposal systems technical  
345 advisory committee established pursuant to s. 381.00652.

346 (f)~~(e)~~ Onsite sewage treatment and disposal systems that  
347 are permitted before adoption of the rules identified in  
348 paragraph (e) may ~~must~~ not be placed closer than:

- 349 1. Seventy-five feet from a private potable well.  
350 2. Two hundred feet from a public potable well serving a  
351 residential or nonresidential establishment having a total  
352 sewage flow of greater than 2,000 gallons per day.  
353 3. One hundred feet from a public potable well serving a  
354 residential or nonresidential establishment having a total  
355 sewage flow of less than or equal to 2,000 gallons per day.  
356 4. Fifty feet from any nonpotable well.  
357 5. Ten feet from any storm sewer pipe, to the maximum  
358 extent possible, but in no instance shall the setback be less



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359 than 5 feet.

360 6. Seventy-five feet from the mean high-water line of a  
361 tidally influenced surface water body.

362 7. Seventy-five feet from the mean annual flood line of a  
363 permanent nontidal surface water body.

364 8. Fifteen feet from the design high-water line of  
365 retention areas, detention areas, or swales designed to contain  
366 standing or flowing water for less than 72 hours after a  
367 rainfall or the design high-water level of normally dry drainage  
368 ditches or normally dry individual lot stormwater retention  
369 areas.

370 ~~(f) Except as provided under paragraphs (c) and (t), no~~  
371 ~~limitations shall be imposed by rule, relating to the distance~~  
372 ~~between an onsite disposal system and any area that either~~  
373 ~~permanently or temporarily has visible surface water.~~

374 (g) All provisions of this section and rules adopted under  
375 this section relating to soil condition, water table elevation,  
376 distance, and other setback requirements must be equally applied  
377 to all lots, with the following exceptions:

378 1. Any residential lot that was platted and recorded on or  
379 after January 1, 1972, or that is part of a residential  
380 subdivision that was approved by the appropriate permitting  
381 agency on or after January 1, 1972, and that was eligible for an  
382 onsite sewage treatment and disposal system construction permit  
383 on the date of such platting and recording or approval shall be  
384 eligible for an onsite sewage treatment and disposal system  
385 construction permit, regardless of when the application for a  
386 permit is made. If rules in effect at the time the permit  
387 application is filed cannot be met, residential lots platted and



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388 recorded or approved on or after January 1, 1972, shall, to the  
389 maximum extent possible, comply with the rules in effect at the  
390 time the permit application is filed. At a minimum, however,  
391 those residential lots platted and recorded or approved on or  
392 after January 1, 1972, but before January 1, 1983, shall comply  
393 with those rules in effect on January 1, 1983, and those  
394 residential lots platted and recorded or approved on or after  
395 January 1, 1983, shall comply with those rules in effect at the  
396 time of such platting and recording or approval. In determining  
397 the maximum extent of compliance with current rules that is  
398 possible, the department shall allow structures and  
399 appurtenances thereto which were authorized at the time such  
400 lots were platted and recorded or approved.

401 2. Lots platted before 1972 are subject to a 50-foot  
402 minimum surface water setback and are not subject to lot size  
403 requirements. The projected daily flow for onsite sewage  
404 treatment and disposal systems for lots platted before 1972 may  
405 not exceed:

406 a. Two thousand five hundred gallons per acre per day for  
407 lots served by public water systems as defined in s. 403.852.

408 b. One thousand five hundred gallons per acre per day for  
409 lots served by water systems regulated under s. 381.0062.

410 (h)1. The department may grant variances in hardship cases  
411 which may be less restrictive than ~~the provisions~~ specified in  
412 this section. If a variance is granted and the onsite sewage  
413 treatment and disposal system construction permit has been  
414 issued, the variance may be transferred with the system  
415 construction permit, if the transferee files, within 60 days  
416 after the transfer of ownership, an amended construction permit



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417 application providing all corrected information and proof of  
418 ownership of the property and if the same variance would have  
419 been required for the new owner of the property as was  
420 originally granted to the original applicant for the variance.  
421 There is no fee associated with the processing of this  
422 supplemental information. A variance may not be granted under  
423 this section until the department is satisfied that:

424 a. The hardship was not caused intentionally by the action  
425 of the applicant;

426 b. No reasonable alternative, taking into consideration  
427 factors such as cost, exists for the treatment of the sewage;  
428 and

429 c. The discharge from the onsite sewage treatment and  
430 disposal system will not adversely affect the health of the  
431 applicant or the public or significantly degrade the groundwater  
432 or surface waters.

433

434 Where soil conditions, water table elevation, and setback  
435 provisions are determined by the department to be satisfactory,  
436 special consideration must be given to those lots platted before  
437 1972.

438 2. The department shall appoint and staff a variance review  
439 and advisory committee, which shall meet monthly to recommend  
440 agency action on variance requests. The committee shall make its  
441 recommendations on variance requests at the meeting in which the  
442 application is scheduled for consideration, except for an  
443 extraordinary change in circumstances, the receipt of new  
444 information that raises new issues, or when the applicant  
445 requests an extension. The committee shall consider the criteria





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446 in subparagraph 1. in its recommended agency action on variance  
447 requests and shall also strive to allow property owners the full  
448 use of their land where possible. The committee consists of the  
449 following:

450 a. The Secretary of Environmental Protection ~~State Surgeon~~  
451 ~~General~~ or his or her designee.

452 b. A representative from the county health departments.

453 c. A representative from the home building industry  
454 recommended by the Florida Home Builders Association.

455 d. A representative from the septic tank industry  
456 recommended by the Florida Onsite Wastewater Association.

457 e. A representative from the Department of Health  
458 ~~Environmental Protection~~.

459 f. A representative from the real estate industry who is  
460 also a developer in this state who develops lots using onsite  
461 sewage treatment and disposal systems, recommended by the  
462 Florida Association of Realtors.

463 g. A representative from the engineering profession  
464 recommended by the Florida Engineering Society.

465  
466 Members shall be appointed for a term of 3 years, with such  
467 appointments being staggered so that the terms of no more than  
468 two members expire in any one year. Members shall serve without  
469 remuneration, but if requested, shall be reimbursed for per diem  
470 and travel expenses as provided in s. 112.061.

471 (i) A construction permit may not be issued for an onsite  
472 sewage treatment and disposal system in any area zoned or used  
473 for industrial or manufacturing purposes, or its equivalent,  
474 where a publicly owned or investor-owned sewage treatment system



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475 is available, or where a likelihood exists that the system will  
476 receive toxic, hazardous, or industrial waste. An existing  
477 onsite sewage treatment and disposal system may be repaired if a  
478 publicly owned or investor-owned sewerage system is not  
479 available within 500 feet of the building sewer stub-out and if  
480 system construction and operation standards can be met. This  
481 paragraph does not require publicly owned or investor-owned  
482 sewerage treatment systems to accept anything other than  
483 domestic wastewater.

484 1. A building located in an area zoned or used for  
485 industrial or manufacturing purposes, or its equivalent, when  
486 such building is served by an onsite sewage treatment and  
487 disposal system, must not be occupied until the owner or tenant  
488 has obtained written approval from the department. The  
489 department may ~~shall~~ not grant approval when the proposed use of  
490 the system is to dispose of toxic, hazardous, or industrial  
491 wastewater or toxic or hazardous chemicals.

492 2. Each person who owns or operates a business or facility  
493 in an area zoned or used for industrial or manufacturing  
494 purposes, or its equivalent, or who owns or operates a business  
495 that has the potential to generate toxic, hazardous, or  
496 industrial wastewater or toxic or hazardous chemicals, and uses  
497 an onsite sewage treatment and disposal system that is installed  
498 on or after July 5, 1989, must obtain an annual system operating  
499 permit from the department. A person who owns or operates a  
500 business that uses an onsite sewage treatment and disposal  
501 system that was installed and approved before July 5, 1989, need  
502 not obtain a system operating permit. However, upon change of  
503 ownership or tenancy, the new owner or operator must notify the



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504 department of the change, and the new owner or operator must  
505 obtain an annual system operating permit, regardless of the date  
506 that the system was installed or approved.

507         3. The department shall periodically review and evaluate  
508 the continued use of onsite sewage treatment and disposal  
509 systems in areas zoned or used for industrial or manufacturing  
510 purposes, or its equivalent, and may require the collection and  
511 analyses of samples from within and around such systems. If the  
512 department finds that toxic or hazardous chemicals or toxic,  
513 hazardous, or industrial wastewater have been or are being  
514 disposed of through an onsite sewage treatment and disposal  
515 system, the department shall initiate enforcement actions  
516 against the owner or tenant to ensure adequate cleanup,  
517 treatment, and disposal.

518         (j) An onsite sewage treatment and disposal system designed  
519 by a professional engineer registered in the state and certified  
520 by such engineer as complying with performance criteria adopted  
521 by the department must be approved by the department subject to  
522 the following:

523         1. The performance criteria applicable to engineer-designed  
524 systems must be limited to those necessary to ensure that such  
525 systems do not adversely affect the public health or  
526 significantly degrade the groundwater or surface water. Such  
527 performance criteria shall include consideration of the quality  
528 of system effluent, the proposed total sewage flow per acre,  
529 wastewater treatment capabilities of the natural or replaced  
530 soil, water quality classification of the potential surface-  
531 water-receiving body, and the structural and maintenance  
532 viability of the system for the treatment of domestic



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533 wastewater. However, performance criteria shall address only the  
534 performance of a system and not a system's design.

535         2. A person electing to utilize an engineer-designed system  
536 shall, upon completion of the system design, submit such design,  
537 certified by a registered professional engineer, to the county  
538 health department. The county health department may utilize an  
539 outside consultant to review the engineer-designed system, with  
540 the actual cost of such review to be borne by the applicant.  
541 Within 5 working days after receiving an engineer-designed  
542 system permit application, the county health department shall  
543 request additional information if the application is not  
544 complete. Within 15 working days after receiving a complete  
545 application for an engineer-designed system, the county health  
546 department either shall issue the permit or, if it determines  
547 that the system does not comply with the performance criteria,  
548 shall notify the applicant of that determination and refer the  
549 application to the department for a determination as to whether  
550 the system should be approved, disapproved, or approved with  
551 modification. The department engineer's determination shall  
552 prevail over the action of the county health department. The  
553 applicant shall be notified in writing of the department's  
554 determination and of the applicant's rights to pursue a variance  
555 or seek review under ~~the provisions of~~ chapter 120.

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



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562 electronically.

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

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

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

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



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

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

610 2. Onsite sewage treatment and disposal systems must cease  
611 discharge by December 31, 2015, or must comply with department  
612 rules and provide the level of treatment which, on a permitted  
613 annual average basis, produces an effluent that contains no more  
614 than the following concentrations:

615 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

616 b. Suspended Solids of 10 mg/l.

617 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
618 reduction in nitrogen of at least 70 percent. A system that has  
619 been tested and certified to reduce nitrogen concentrations by



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620 at least 70 percent shall be deemed to be in compliance with  
621 this standard.

622 d. Total Phosphorus, expressed as P, of 1 mg/l.

623

624 In addition, onsite sewage treatment and disposal systems  
625 discharging to an injection well must provide basic disinfection  
626 as defined by department rule.

627 3. In areas not scheduled to be served by a central sewer,  
628 onsite sewage treatment and disposal systems must, by December  
629 31, 2015, comply with department rules and provide the level of  
630 treatment described in subparagraph 2.

631 4. In areas scheduled to be served by central sewer by  
632 December 31, 2015, if the property owner has paid a connection  
633 fee or assessment for connection to the central sewer system,  
634 the property owner may install a holding tank with a high water  
635 alarm or an onsite sewage treatment and disposal system that  
636 meets the following minimum standards:

637 a. The existing tanks must be pumped and inspected and  
638 certified as being watertight and free of defects in accordance  
639 with department rule; and

640 b. A sand-lined drainfield or injection well in accordance  
641 with department rule must be installed.

642 5. Onsite sewage treatment and disposal systems must be  
643 monitored for total nitrogen and total phosphorus concentrations  
644 as required by department rule.

645 6. The department shall enforce proper installation,  
646 operation, and maintenance of onsite sewage treatment and  
647 disposal systems pursuant to this chapter, including ensuring  
648 that the appropriate level of treatment described in



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649 subparagraph 2. is met.

650 7. The authority of a local government, including a special  
651 district, to mandate connection of an onsite sewage treatment  
652 and disposal system is governed by s. 4, chapter 99-395, Laws of  
653 Florida.

654 8. Notwithstanding any other ~~provision of~~ law, an onsite  
655 sewage treatment and disposal system installed after July 1,  
656 2010, in unincorporated Monroe County, excluding special  
657 wastewater districts, that complies with the standards in  
658 subparagraph 2. is not required to connect to a central sewer  
659 system until December 31, 2020.

660 (m) No product sold in the state for use in onsite sewage  
661 treatment and disposal systems may contain any substance in  
662 concentrations or amounts that would interfere with or prevent  
663 the successful operation of such system, or that would cause  
664 discharges from such systems to violate applicable water quality  
665 standards. The department shall publish criteria for products  
666 known or expected to meet the conditions of this paragraph. In  
667 the event a product does not meet such criteria, such product  
668 may be sold if the manufacturer satisfactorily demonstrates to  
669 the department that the conditions of this paragraph are met.

670 (n) Evaluations for determining the seasonal high-water  
671 table elevations or the suitability of soils for the use of a  
672 new onsite sewage treatment and disposal system shall be  
673 performed by department personnel, professional engineers  
674 registered in the state, or such other persons with expertise,  
675 as defined by rule, in making such evaluations. Evaluations for  
676 determining mean annual flood lines shall be performed by those  
677 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department





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678 shall accept evaluations submitted by professional engineers and  
679 such other persons as meet the expertise established by this  
680 section or by rule unless the department has a reasonable  
681 scientific basis for questioning the accuracy or completeness of  
682 the evaluation.

683 (o) The department shall appoint a research review and  
684 advisory committee, which shall meet at least semiannually. The  
685 committee shall advise the department on directions for new  
686 research, review and rank proposals for research contracts, and  
687 review draft research reports and make comments. The committee  
688 is comprised of:

689 1. A representative of the Secretary of Environmental  
690 Protection State Surgeon General, or his or her designee.

691 2. A representative from the septic tank industry.

692 3. A representative from the home building industry.

693 4. A representative from an environmental interest group.

694 5. A representative from the State University System, from  
695 a department knowledgeable about onsite sewage treatment and  
696 disposal systems.

697 6. A professional engineer registered in this state who has  
698 work experience in onsite sewage treatment and disposal systems.

699 7. A representative from local government who is  
700 knowledgeable about domestic wastewater treatment.

701 8. A representative from the real estate profession.

702 9. A representative from the restaurant industry.

703 10. A consumer.

704

705 Members shall be appointed for a term of 3 years, with the  
706 appointments being staggered so that the terms of no more than



707 four members expire in any one year. Members shall serve without  
708 remuneration, but are entitled to reimbursement for per diem and  
709 travel expenses as provided in s. 112.061.

710 (p) An application for an onsite sewage treatment and  
711 disposal system permit shall be completed in full, signed by the  
712 owner or the owner's authorized representative, or by a  
713 contractor licensed under chapter 489, and shall be accompanied  
714 by all required exhibits and fees. No specific documentation of  
715 property ownership shall be required as a prerequisite to the  
716 review of an application or the issuance of a permit. The  
717 issuance of a permit does not constitute determination by the  
718 department of property ownership.

719 (q) The department may not require any form of subdivision  
720 analysis of property by an owner, developer, or subdivider prior  
721 to submission of an application for an onsite sewage treatment  
722 and disposal system.

723 (r) Nothing in this section limits the power of a  
724 municipality or county to enforce other laws for the protection  
725 of the public health and safety.

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

733 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,  
734 onsite sewage treatment and disposal systems located in  
735 floodways of the Suwannee and Aucilla Rivers must adhere to the



736 following requirements:

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

- 748       a. The lot is at least one-half acre in size;
- 749       b. The bottom of the drainfield is at least 36 inches above  
750 the 2-year flood elevation; and
- 751       c. The applicant installs either: a waterless,  
752 incinerating, or organic waste composting toilet and a graywater  
753 system and drainfield in accordance with department rules; an  
754 aerobic treatment unit and drainfield in accordance with  
755 department rules; a system approved by the State Health Office  
756 that is capable of reducing effluent nitrate by at least 50  
757 percent; or a system approved by the county health department  
758 pursuant to department rule other than a system using  
759 alternative drainfield materials. The United States Department  
760 of Agriculture Soil Conservation Service soil maps, State of  
761 Florida Water Management District data, and Federal Emergency  
762 Management Agency Flood Insurance maps are resources that shall  
763 be used to identify flood-prone areas.

764       2. The use of fill or mounding to elevate a drainfield



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765 system out of the 10-year floodplain of rivers, streams, or  
766 other bodies of flowing water may ~~shall~~ not be permitted if such  
767 a system lies within a regulatory floodway of the Suwannee and  
768 Aucilla Rivers. In cases where the 10-year flood elevation does  
769 not coincide with the boundaries of the regulatory floodway, the  
770 regulatory floodway will be considered for the purposes of this  
771 subsection to extend at a minimum to the 10-year flood  
772 elevation.

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

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

793 3. A septic tank contractor licensed under part III of



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794 chapter 489, if approved by the manufacturer, may not be denied  
795 access by the manufacturer to aerobic treatment unit system  
796 training or spare parts for maintenance entities. After the  
797 original warranty period, component parts for an aerobic  
798 treatment unit system may be replaced with parts that meet  
799 manufacturer's specifications but are manufactured by others.  
800 The maintenance entity shall maintain documentation of the  
801 substitute part's equivalency for 2 years and shall provide such  
802 documentation to the department upon request.

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

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

814 (w) Any permit issued and approved by the department for  
815 the installation, modification, or repair of an onsite sewage  
816 treatment and disposal system shall transfer with the title to  
817 the property in a real estate transaction. A title may not be  
818 encumbered at the time of transfer by new permit requirements by  
819 a governmental entity for an onsite sewage treatment and  
820 disposal system which differ from the permitting requirements in  
821 effect at the time the system was permitted, modified, or  
822 repaired. An inspection of a system may not be mandated by a



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823 governmental entity at the point of sale in a real estate  
824 transaction. This paragraph does not affect a septic tank phase-  
825 out deferral program implemented by a consolidated government as  
826 defined in s. 9, Art. VIII of the State Constitution (1885).

827 (x) A governmental entity, including a municipality,  
828 county, or statutorily created commission, may not require an  
829 engineer-designed performance-based treatment system, excluding  
830 a passive engineer-designed performance-based treatment system,  
831 before the completion of the Florida Onsite Sewage Nitrogen  
832 Reduction Strategies Project. This paragraph does not apply to a  
833 governmental entity, including a municipality, county, or  
834 statutorily created commission, which adopted a local law,  
835 ordinance, or regulation on or before January 31, 2012.  
836 Notwithstanding this paragraph, an engineer-designed  
837 performance-based treatment system may be used to meet the  
838 requirements of the variance review and advisory committee  
839 recommendations.

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

847 a. The reconnection of the system is to the same type of  
848 structure which contains the same number of bedrooms or fewer,  
849 if the square footage of the structure is less than or equal to  
850 110 percent of the original square footage of the structure that  
851 existed before the disaster;



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852           b. The system is not a sanitary nuisance; and  
853           c. The system has not been altered without prior  
854 authorization.

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

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

868           (aa) An existing-system inspection or evaluation and  
869 assessment, or a modification, replacement, or upgrade of an  
870 onsite sewage treatment and disposal system is not required for  
871 a remodeling addition or modification to a single-family home if  
872 a bedroom is not added. However, a remodeling addition or  
873 modification to a single-family home may not cover any part of  
874 the existing system or encroach upon a required setback or the  
875 unobstructed area. To determine if a setback or the unobstructed  
876 area is impacted, the local health department shall review and  
877 verify a floor plan and site plan of the proposed remodeling  
878 addition or modification to the home submitted by a remodeler  
879 which shows the location of the system, including the distance  
880 of the remodeling addition or modification to the home from the



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881 onsite sewage treatment and disposal system. The local health  
882 department may visit the site or otherwise determine the best  
883 means of verifying the information submitted. A verification of  
884 the location of a system is not an inspection or evaluation and  
885 assessment of the system. The review and verification must be  
886 completed within 7 business days after receipt by the local  
887 health department of a floor plan and site plan. If the review  
888 and verification is not completed within such time, the  
889 remodeling addition or modification to the single-family home,  
890 for the purposes of this paragraph, is approved.

891 Section 5. Section 381.00652, Florida Statutes, is created  
892 to read:

893 381.00652 Onsite sewage treatment and disposal systems  
894 technical advisory committee.—

895 (1) An onsite sewage treatment and disposal systems  
896 technical advisory committee, a committee as defined in s.  
897 20.03(8), is created within the department. The committee shall:

898 (a) Provide recommendations to increase the availability in  
899 the marketplace of nutrient-removing onsite sewage treatment and  
900 disposal systems, including systems that are cost-effective,  
901 low-maintenance, and reliable.

902 (b) Consider and recommend regulatory options, such as  
903 fast-track approval, prequalification, or expedited permitting,  
904 to facilitate the introduction and use of nutrient-removing  
905 onsite sewage treatment and disposal systems that have been  
906 reviewed and approved by a national agency or organization, such  
907 as the American National Standards Institute 245 systems  
908 approved by the National Sanitation Foundation International.

909 (c) Provide recommendations for appropriate setback





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910 distances for onsite sewage treatment and disposal systems from  
911 surface water, groundwater, and wells.

912 (2) The department shall use existing and available  
913 resources to administer and support the activities of the  
914 committee.

915 (3) (a) By August 1, 2021, the department, in consultation  
916 with the Department of Health, shall appoint no more than nine  
917 members to the committee, including, but not limited to, the  
918 following:

- 919 1. A professional engineer.
- 920 2. A septic tank contractor.
- 921 3. A representative from the home building industry.
- 922 4. A representative from the real estate industry.
- 923 5. A representative from the onsite sewage treatment and  
924 disposal system industry.
- 925 6. A representative from local government.
- 926 7. Two representatives from the environmental community.
- 927 8. A representative of the scientific and technical  
928 community who has substantial expertise in the areas of the fate  
929 and transport of water pollutants, toxicology, epidemiology,  
930 geology, biology, or environmental sciences.

931 (b) Members shall serve without compensation and are not  
932 entitled to reimbursement for per diem or travel expenses.

933 (4) By January 1, 2022, the committee shall submit its  
934 recommendations to the Governor, the President of the Senate,  
935 and the Speaker of the House of Representatives.

936 (5) This section expires August 15, 2022.

937 Section 6. Effective July 1, 2021, section 381.0068,  
938 Florida Statutes, is repealed.



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939 Section 7. Present subsections (14) through (44) of section  
940 403.061, Florida Statutes, are redesignated as subsections (15)  
941 through (45), respectively, a new subsection (14) is added to  
942 that section, and subsection (7) of that section is amended, to  
943 read:

944 403.061 Department; powers and duties.—The department shall  
945 have the power and the duty to control and prohibit pollution of  
946 air and water in accordance with the law and rules adopted and  
947 promulgated by it and, for this purpose, to:

948 (7) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to  
949 implement ~~the provisions of~~ this act. Any rule adopted pursuant  
950 to this act must ~~shall~~ be consistent with the provisions of  
951 federal law, if any, relating to control of emissions from motor  
952 vehicles, effluent limitations, pretreatment requirements, or  
953 standards of performance. A ~~No~~ county, municipality, or  
954 political subdivision may not ~~shall~~ adopt or enforce any local  
955 ordinance, special law, or local regulation requiring the  
956 installation of Stage II vapor recovery systems, as currently  
957 defined by department rule, unless such county, municipality, or  
958 political subdivision is or has been in the past designated by  
959 federal regulation as a moderate, serious, or severe ozone  
960 nonattainment area. Rules adopted pursuant to this act may ~~shall~~  
961 not require dischargers of waste into waters of the state to  
962 improve natural background conditions. The department shall  
963 adopt rules to reasonably limit, reduce, and eliminate leaks,  
964 seepages, or inputs into the underground pipes of wastewater  
965 collection systems. Discharges from steam electric generating  
966 plants existing or licensed under this chapter on July 1, 1984,  
967 may ~~shall~~ not be required to be treated to a greater extent than



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968 may be necessary to assure that the quality of nonthermal  
969 components of discharges from nonrecirculated cooling water  
970 systems is as high as the quality of the makeup waters; that the  
971 quality of nonthermal components of discharges from recirculated  
972 cooling water systems is no lower than is allowed for blowdown  
973 from such systems; or that the quality of noncooling system  
974 discharges which receive makeup water from a receiving body of  
975 water which does not meet applicable department water quality  
976 standards is as high as the quality of the receiving body of  
977 water. The department may not adopt standards more stringent  
978 than federal regulations, except as provided in s. 403.804.

979 (14) In order to promote resilient utilities, require  
980 public utilities or their affiliated companies that hold or are  
981 seeking a wastewater discharge permit to file reports and other  
982 data regarding transactions or allocations of common costs among  
983 the utility or entity and such affiliated companies. The  
984 department may require such reports or other data necessary to  
985 ensure a permitted entity is reporting expenditures on pollution  
986 mitigation and prevention, including, but not limited to, the  
987 prevention of sanitary sewer overflows, collection and  
988 transmission system pipe leakages, and inflow and infiltration.  
989 The department shall adopt rules to implement this subsection.

990  
991 The department shall implement such programs in conjunction with  
992 its other powers and duties and shall place special emphasis on  
993 reducing and eliminating contamination that presents a threat to  
994 humans, animals or plants, or to the environment.

995 Section 8. Section 403.0616, Florida Statutes, is created  
996 to read:



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997 403.0616 Real-time water quality monitoring program.-

998 (1) Subject to appropriation, the department shall  
999 establish a real-time water quality monitoring program to assist  
1000 in the restoration, preservation, and enhancement of impaired  
1001 waterbodies and coastal resources.

1002 (2) In order to expedite the creation and implementation of  
1003 the program, the department is encouraged to form public-private  
1004 partnerships with established scientific entities that have  
1005 proven existing real-time water quality monitoring equipment and  
1006 experience in deploying the equipment.

1007 Section 9. Subsection (7) of section 403.067, Florida  
1008 Statutes, is amended to read:

1009 403.067 Establishment and implementation of total maximum  
1010 daily loads.-

1011 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1012 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

1013 (a) *Basin management action plans.-*

1014 1. In developing and implementing the total maximum daily  
1015 load for a water body, the department, or the department in  
1016 conjunction with a water management district, may develop a  
1017 basin management action plan that addresses some or all of the  
1018 watersheds and basins tributary to the water body. Such plan  
1019 must integrate the appropriate management strategies available  
1020 to the state through existing water quality protection programs  
1021 to achieve the total maximum daily loads and may provide for  
1022 phased implementation of these management strategies to promote  
1023 timely, cost-effective actions as provided for in s. 403.151.  
1024 The plan must establish a schedule implementing the management  
1025 strategies, establish a basis for evaluating the plan's



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1026 effectiveness, and identify feasible funding strategies for  
1027 implementing the plan's management strategies. The management  
1028 strategies may include regional treatment systems or other  
1029 public works, where appropriate, and voluntary trading of water  
1030 quality credits to achieve the needed pollutant load reductions.

1031 2. A basin management action plan must equitably allocate,  
1032 pursuant to paragraph (6) (b), pollutant reductions to individual  
1033 basins, as a whole to all basins, or to each identified point  
1034 source or category of nonpoint sources, as appropriate. For  
1035 nonpoint sources for which best management practices have been  
1036 adopted, the initial requirement specified by the plan must be  
1037 those practices developed pursuant to paragraph (c). ~~When~~ Where  
1038 appropriate, the plan may take into account the benefits of  
1039 pollutant load reduction achieved by point or nonpoint sources  
1040 that have implemented management strategies to reduce pollutant  
1041 loads, including best management practices, before the  
1042 development of the basin management action plan. The plan must  
1043 also identify the mechanisms that will address potential future  
1044 increases in pollutant loading.

1045 3. The basin management action planning process is intended  
1046 to involve the broadest possible range of interested parties,  
1047 with the objective of encouraging the greatest amount of  
1048 cooperation and consensus possible. In developing a basin  
1049 management action plan, the department shall assure that key  
1050 stakeholders, including, but not limited to, applicable local  
1051 governments, water management districts, the Department of  
1052 Agriculture and Consumer Services, other appropriate state  
1053 agencies, local soil and water conservation districts,  
1054 environmental groups, regulated interests, and affected



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1055 pollution sources, are invited to participate in the process.  
1056 The department shall hold at least one public meeting in the  
1057 vicinity of the watershed or basin to discuss and receive  
1058 comments during the planning process and shall otherwise  
1059 encourage public participation to the greatest practicable  
1060 extent. Notice of the public meeting must be published in a  
1061 newspaper of general circulation in each county in which the  
1062 watershed or basin lies at least ~~not less than~~ 5 days, but not  
1063 ~~nor~~ more than 15 days, before the public meeting. A basin  
1064 management action plan does not supplant or otherwise alter any  
1065 assessment made under subsection (3) or subsection (4) or any  
1066 calculation or initial allocation.

1067 4. Each new or revised basin management action plan shall  
1068 include:

1069 a. The appropriate management strategies available through  
1070 existing water quality protection programs to achieve total  
1071 maximum daily loads, which may provide for phased implementation  
1072 to promote timely, cost-effective actions as provided for in s.  
1073 403.151;

1074 b. A description of best management practices adopted by  
1075 rule;

1076 c. A list of projects in priority ranking with a planning-  
1077 level cost estimate and estimated date of completion for each  
1078 listed project;

1079 d. The source and amount of financial assistance to be made  
1080 available by the department, a water management district, or  
1081 other entity for each listed project, if applicable; and

1082 e. A planning-level estimate of each listed project's  
1083 expected load reduction, if applicable.



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1084           5. The department shall adopt all or any part of a basin  
1085 management action plan and any amendment to such plan by  
1086 secretarial order pursuant to chapter 120 to implement ~~the~~  
1087 ~~provisions of~~ this section.

1088           6. The basin management action plan must include milestones  
1089 for implementation and water quality improvement, and an  
1090 associated water quality monitoring component sufficient to  
1091 evaluate whether reasonable progress in pollutant load  
1092 reductions is being achieved over time. An assessment of  
1093 progress toward these milestones shall be conducted every 5  
1094 years, and revisions to the plan shall be made as appropriate.  
1095 Revisions to the basin management action plan shall be made by  
1096 the department in cooperation with basin stakeholders. Revisions  
1097 to the management strategies required for nonpoint sources must  
1098 follow the procedures set forth in subparagraph (c)4. Revised  
1099 basin management action plans must be adopted pursuant to  
1100 subparagraph 5.

1101           7. In accordance with procedures adopted by rule under  
1102 paragraph (9) (c), basin management action plans, and other  
1103 pollution control programs under local, state, or federal  
1104 authority as provided in subsection (4), may allow point or  
1105 nonpoint sources that will achieve greater pollutant reductions  
1106 than required by an adopted total maximum daily load or  
1107 wasteload allocation to generate, register, and trade water  
1108 quality credits for the excess reductions to enable other  
1109 sources to achieve their allocation; however, the generation of  
1110 water quality credits does not remove the obligation of a source  
1111 or activity to meet applicable technology requirements or  
1112 adopted best management practices. Such plans must allow trading



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1113 between NPDES permittees, and trading that may or may not  
1114 involve NPDES permittees, where the generation or use of the  
1115 credits involve an entity or activity not subject to department  
1116 water discharge permits whose owner voluntarily elects to obtain  
1117 department authorization for the generation and sale of credits.

1118 ~~8. The provisions of~~ The department's rule relating to the  
1119 equitable abatement of pollutants into surface waters do not  
1120 apply to water bodies or water body segments for which a basin  
1121 management plan that takes into account future new or expanded  
1122 activities or discharges has been adopted under this section.

1123 9. In order to promote resilient utilities, if the  
1124 department identifies domestic wastewater facilities or onsite  
1125 sewage treatment and disposal systems as contributors of at  
1126 least 20 percent of point source or nonpoint source nutrient  
1127 pollution or if the department determines remediation is  
1128 necessary to achieve the total maximum daily load, a basin  
1129 management action plan for a nutrient total maximum daily load  
1130 must include the following:

1131 a. A wastewater treatment plan that addresses domestic  
1132 wastewater developed by each local government in cooperation  
1133 with the department, the water management district, and the  
1134 public and private domestic wastewater facilities within the  
1135 jurisdiction of the local government. The wastewater treatment  
1136 plan must:

1137 (I) Provide for construction, expansion, or upgrades  
1138 necessary to achieve the total maximum daily load requirements  
1139 applicable to the domestic wastewater facility.

1140 (II) Include the permitted capacity in gallons per day for  
1141 the domestic wastewater facility; the average nutrient





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1142 concentration and the estimated average nutrient load of the  
1143 domestic wastewater; a timeline of the dates by which the  
1144 construction of any facility improvements will begin and be  
1145 completed and the date by which operations of the improved  
1146 facility will begin; the estimated cost of the improvements; and  
1147 the identity of responsible parties.

1148  
1149 The wastewater treatment plan must be adopted as part of the  
1150 basin management action plan no later than July 1, 2025. A local  
1151 government that does not have a domestic wastewater treatment  
1152 facility in its jurisdiction is not required to develop a  
1153 wastewater treatment plan unless there is a demonstrated need to  
1154 establish a domestic wastewater treatment facility within its  
1155 jurisdiction to improve water quality necessary to achieve a  
1156 total maximum daily load.

1157 b. An onsite sewage treatment and disposal system  
1158 remediation plan developed by each local government in  
1159 cooperation with the department, the Department of Health, water  
1160 management districts, and public and private domestic wastewater  
1161 facilities.

1162 (I) The onsite sewage treatment and disposal system  
1163 remediation plan must identify cost-effective and financially  
1164 feasible projects necessary to achieve the nutrient load  
1165 reductions required for onsite sewage treatment and disposal  
1166 systems. To identify cost-effective and financially feasible  
1167 projects for remediation of onsite sewage treatment and disposal  
1168 systems, the local government shall:

1169 (A) Include an inventory of onsite sewage treatment and  
1170 disposal systems based on the best information available;



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1171 (B) Identify onsite sewage treatment and disposal systems  
1172 that would be eliminated through connection to existing or  
1173 future central wastewater infrastructure, that would be replaced  
1174 with or upgraded to advanced nutrient-removal systems, or that  
1175 would remain on conventional onsite sewage treatment and  
1176 disposal systems;

1177 (C) Estimate the costs of potential onsite sewage treatment  
1178 and disposal systems connections, upgrades, or replacements; and

1179 (D) Identify deadlines and interim milestones for the  
1180 planning, design, and construction of projects.

1181 (II) The department shall adopt the onsite sewage treatment  
1182 and disposal system remediation plan as part of the basin  
1183 management action plan no later than July 1, 2025, or as  
1184 required for Outstanding Florida Springs under s. 373.807.

1185 10. When identifying wastewater projects in a basin  
1186 management action plan, the department may not require the  
1187 higher cost option if it achieves the same nutrient load  
1188 reduction as a lower cost option.

1189 *(b) Total maximum daily load implementation.—*

1190 1. The department shall be the lead agency in coordinating  
1191 the implementation of the total maximum daily loads through  
1192 existing water quality protection programs. Application of a  
1193 total maximum daily load by a water management district must be  
1194 consistent with this section and does not require the issuance  
1195 of an order or a separate action pursuant to s. 120.536(1) or s.  
1196 120.54 for the adoption of the calculation and allocation  
1197 previously established by the department. Such programs may  
1198 include, but are not limited to:

1199 a. Permitting and other existing regulatory programs,



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1200 including water-quality-based effluent limitations;

1201       b. Nonregulatory and incentive-based programs, including

1202 best management practices, cost sharing, waste minimization,

1203 pollution prevention, agreements established pursuant to s.

1204 403.061(22) ~~s. 403.061(21)~~, and public education;

1205       c. Other water quality management and restoration

1206 activities, for example surface water improvement and management

1207 plans approved by water management districts or basin management

1208 action plans developed pursuant to this subsection;

1209       d. Trading of water quality credits or other equitable

1210 economically based agreements;

1211       e. Public works including capital facilities; or

1212       f. Land acquisition.

1213       2. For a basin management action plan adopted pursuant to

1214 paragraph (a), any management strategies and pollutant reduction

1215 requirements associated with a pollutant of concern for which a

1216 total maximum daily load has been developed, including effluent

1217 limits set forth for a discharger subject to NPDES permitting,

1218 if any, must be included in a timely manner in subsequent NPDES

1219 permits or permit modifications for that discharger. The

1220 department may not impose limits or conditions implementing an

1221 adopted total maximum daily load in an NPDES permit until the

1222 permit expires, the discharge is modified, or the permit is

1223 reopened pursuant to an adopted basin management action plan.

1224       a. Absent a detailed allocation, total maximum daily loads

1225 must be implemented through NPDES permit conditions that provide

1226 for a compliance schedule. In such instances, a facility's NPDES

1227 permit must allow time for the issuance of an order adopting the

1228 basin management action plan. The time allowed for the issuance



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1229 of an order adopting the plan may not exceed 5 years. Upon  
1230 issuance of an order adopting the plan, the permit must be  
1231 reopened or renewed, as necessary, and permit conditions  
1232 consistent with the plan must be established. Notwithstanding  
1233 the other provisions of this subparagraph, upon request by an  
1234 NPDES permittee, the department as part of a permit issuance,  
1235 renewal, or modification may establish individual allocations  
1236 before the adoption of a basin management action plan.

1237 b. For holders of NPDES municipal separate storm sewer  
1238 system permits and other stormwater sources, implementation of a  
1239 total maximum daily load or basin management action plan must be  
1240 achieved, to the maximum extent practicable, through the use of  
1241 best management practices or other management measures.

1242 c. The basin management action plan does not relieve the  
1243 discharger from any requirement to obtain, renew, or modify an  
1244 NPDES permit or to abide by other requirements of the permit.

1245 d. Management strategies set forth in a basin management  
1246 action plan to be implemented by a discharger subject to  
1247 permitting by the department must be completed pursuant to the  
1248 schedule set forth in the basin management action plan. This  
1249 implementation schedule may extend beyond the 5-year term of an  
1250 NPDES permit.

1251 e. Management strategies and pollution reduction  
1252 requirements set forth in a basin management action plan for a  
1253 specific pollutant of concern are not subject to challenge under  
1254 chapter 120 at the time they are incorporated, in an identical  
1255 form, into a subsequent NPDES permit or permit modification.

1256 f. For nonagricultural pollutant sources not subject to  
1257 NPDES permitting but permitted pursuant to other state,



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1258 regional, or local water quality programs, the pollutant  
1259 reduction actions adopted in a basin management action plan must  
1260 be implemented to the maximum extent practicable as part of  
1261 those permitting programs.

1262 g. A nonpoint source discharger included in a basin  
1263 management action plan must demonstrate compliance with the  
1264 pollutant reductions established under subsection (6) by  
1265 implementing the appropriate best management practices  
1266 established pursuant to paragraph (c) or conducting water  
1267 quality monitoring prescribed by the department or a water  
1268 management district. A nonpoint source discharger may, in  
1269 accordance with department rules, supplement the implementation  
1270 of best management practices with water quality credit trades in  
1271 order to demonstrate compliance with the pollutant reductions  
1272 established under subsection (6).

1273 h. A nonpoint source discharger included in a basin  
1274 management action plan may be subject to enforcement action by  
1275 the department or a water management district based upon a  
1276 failure to implement the responsibilities set forth in sub-  
1277 subparagraph g.

1278 i. A landowner, discharger, or other responsible person who  
1279 is implementing applicable management strategies specified in an  
1280 adopted basin management action plan may not be required by  
1281 permit, enforcement action, or otherwise to implement additional  
1282 management strategies, including water quality credit trading,  
1283 to reduce pollutant loads to attain the pollutant reductions  
1284 established pursuant to subsection (6) and shall be deemed to be  
1285 in compliance with this section. This subparagraph does not  
1286 limit the authority of the department to amend a basin



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1287 management action plan as specified in subparagraph (a)6.

1288 (c) *Best management practices.*—

1289 1. The department, in cooperation with the water management  
1290 districts and other interested parties, as appropriate, may  
1291 develop suitable interim measures, best management practices, or  
1292 other measures necessary to achieve the level of pollution  
1293 reduction established by the department for nonagricultural  
1294 nonpoint pollutant sources in allocations developed pursuant to  
1295 subsection (6) and this subsection. These practices and measures  
1296 may be adopted by rule by the department and the water  
1297 management districts and, where adopted by rule, shall be  
1298 implemented by those parties responsible for nonagricultural  
1299 nonpoint source pollution.

1300 2. The Department of Agriculture and Consumer Services may  
1301 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
1302 suitable interim measures, best management practices, or other  
1303 measures necessary to achieve the level of pollution reduction  
1304 established by the department for agricultural pollutant sources  
1305 in allocations developed pursuant to subsection (6) and this  
1306 subsection or for programs implemented pursuant to paragraph  
1307 (12) (b). These practices and measures may be implemented by  
1308 those parties responsible for agricultural pollutant sources and  
1309 the department, the water management districts, and the  
1310 Department of Agriculture and Consumer Services shall assist  
1311 with implementation. In the process of developing and adopting  
1312 rules for interim measures, best management practices, or other  
1313 measures, the Department of Agriculture and Consumer Services  
1314 shall consult with the department, the Department of Health, the  
1315 water management districts, representatives from affected



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1316 farming groups, and environmental group representatives. Such  
1317 rules must also incorporate provisions for a notice of intent to  
1318 implement the practices and a system to assure the  
1319 implementation of the practices, including site inspection and  
1320 recordkeeping requirements.

1321         3. Where interim measures, best management practices, or  
1322 other measures are adopted by rule, the effectiveness of such  
1323 practices in achieving the levels of pollution reduction  
1324 established in allocations developed by the department pursuant  
1325 to subsection (6) and this subsection or in programs implemented  
1326 pursuant to paragraph (12)(b) must be verified at representative  
1327 sites by the department. The department shall use best  
1328 professional judgment in making the initial verification that  
1329 the best management practices are reasonably expected to be  
1330 effective and, where applicable, must notify the appropriate  
1331 water management district or the Department of Agriculture and  
1332 Consumer Services of its initial verification before the  
1333 adoption of a rule proposed pursuant to this paragraph.  
1334 Implementation, in accordance with rules adopted under this  
1335 paragraph, of practices that have been initially verified to be  
1336 effective, or verified to be effective by monitoring at  
1337 representative sites, by the department, shall provide a  
1338 presumption of compliance with state water quality standards and  
1339 release from ~~the provisions of~~ s. 376.307(5) for those  
1340 pollutants addressed by the practices, and the department is not  
1341 authorized to institute proceedings against the owner of the  
1342 source of pollution to recover costs or damages associated with  
1343 the contamination of surface water or groundwater caused by  
1344 those pollutants. Research projects funded by the department, a



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1345 water management district, or the Department of Agriculture and  
1346 Consumer Services to develop or demonstrate interim measures or  
1347 best management practices shall be granted a presumption of  
1348 compliance with state water quality standards and a release from  
1349 ~~the provisions of~~ s. 376.307(5). The presumption of compliance  
1350 and release is limited to the research site and only for those  
1351 pollutants addressed by the interim measures or best management  
1352 practices. Eligibility for the presumption of compliance and  
1353 release is limited to research projects on sites where the owner  
1354 or operator of the research site and the department, a water  
1355 management district, or the Department of Agriculture and  
1356 Consumer Services have entered into a contract or other  
1357 agreement that, at a minimum, specifies the research objectives,  
1358 the cost-share responsibilities of the parties, and a schedule  
1359 that details the beginning and ending dates of the project.

1360 4. Where water quality problems are demonstrated, despite  
1361 the appropriate implementation, operation, and maintenance of  
1362 best management practices and other measures required by rules  
1363 adopted under this paragraph, the department, a water management  
1364 district, or the Department of Agriculture and Consumer  
1365 Services, in consultation with the department, shall institute a  
1366 reevaluation of the best management practice or other measure.  
1367 Should the reevaluation determine that the best management  
1368 practice or other measure requires modification, the department,  
1369 a water management district, or the Department of Agriculture  
1370 and Consumer Services, as appropriate, shall revise the rule to  
1371 require implementation of the modified practice within a  
1372 reasonable time period as specified in the rule.

1373 5. The Department of Agriculture and Consumer Services





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1374 shall collect fertilization and nutrient records from each  
1375 agriculture producer enrolled in best management practices that  
1376 address nutrients. These records must include rates of  
1377 application in pounds per acre; application method; fertilizer  
1378 type or source; acres covered; formulation of the applied  
1379 fertilizer, including nitrogen and phosphorus content; location;  
1380 grade; and dates applied. By each March 1, the Department of  
1381 Agriculture and Consumer Services shall provide the previous  
1382 year's records to the department.

1383 6. Agricultural records relating to processes or methods of  
1384 production, costs of production, profits, or other financial  
1385 information held by the Department of Agriculture and Consumer  
1386 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
1387 rule adopted pursuant to subparagraph 2. are confidential and  
1388 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1389 Constitution. Upon request, records made confidential and exempt  
1390 pursuant to this subparagraph shall be released to the  
1391 department or any water management district provided that the  
1392 confidentiality specified by this subparagraph for such records  
1393 is maintained.

1394 7.6. ~~The provisions of~~ Subparagraphs 1. and 2. do not  
1395 preclude the department or water management district from  
1396 requiring compliance with water quality standards or with  
1397 current best management practice requirements set forth in any  
1398 applicable regulatory program authorized by law for the purpose  
1399 of protecting water quality. Additionally, subparagraphs 1. and  
1400 2. are applicable only to the extent that they do not conflict  
1401 with any rules adopted by the department that are necessary to  
1402 maintain a federally delegated or approved program.



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1403           (d) *Enforcement and verification of basin management action*  
1404 *plans and management strategies.*—

1405           1. Basin management action plans are enforceable pursuant  
1406 to this section and ss. 403.121, 403.141, and 403.161.

1407 Management strategies, including best management practices and  
1408 water quality monitoring, are enforceable under this chapter.

1409           2. No later than January 1, 2017:

1410           a. The department, in consultation with the water  
1411 management districts and the Department of Agriculture and  
1412 Consumer Services, shall initiate rulemaking to adopt procedures  
1413 to verify implementation of water quality monitoring required in  
1414 lieu of implementation of best management practices or other  
1415 measures pursuant to sub-subparagraph (b)2.g.;

1416           b. The department, in consultation with the water  
1417 management districts and the Department of Agriculture and  
1418 Consumer Services, shall initiate rulemaking to adopt procedures  
1419 to verify implementation of nonagricultural interim measures,  
1420 best management practices, or other measures adopted by rule  
1421 pursuant to subparagraph (c)1.; and

1422           c. The Department of Agriculture and Consumer Services, in  
1423 consultation with the water management districts and the  
1424 department, shall initiate rulemaking to adopt procedures to  
1425 verify implementation of agricultural interim measures, best  
1426 management practices, or other measures adopted by rule pursuant  
1427 to subparagraph (c)2.

1428  
1429 The rules required under this subparagraph shall include  
1430 enforcement procedures applicable to the landowner, discharger,  
1431 or other responsible person required to implement applicable



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1432 management strategies, including best management practices or  
1433 water quality monitoring as a result of noncompliance.

1434 3. At least every 2 years, the Department of Agriculture  
1435 and Consumer Services shall perform onsite inspections of each  
1436 agricultural producer that enrolls in a best management practice  
1437 to ensure that such practice is being properly implemented.

1438 (e) Data collection and research.-

1439 1. The Department of Agriculture and Consumer Services, the  
1440 University of Florida Institute of Food and Agricultural  
1441 Sciences, and other state universities and Florida College  
1442 System institutions with agricultural research programs may  
1443 annually develop research plans and legislative budget requests  
1444 to:

1445 a. Evaluate and suggest enhancements to the existing  
1446 adopted agricultural best management practices to reduce  
1447 nutrients;

1448 b. Develop new best management practices that, if proven  
1449 effective, the Department of Agriculture and Consumer Services  
1450 may adopt by rule pursuant to paragraph 403.067(7)(c); and

1451 c. Develop agricultural nutrient reduction projects that  
1452 willing participants could implement on a site-specific,  
1453 cooperative basis, in addition to best management practices. The  
1454 department may consider these projects for inclusion in a basin  
1455 management action plan. These best management practices must  
1456 reduce the nutrient impacts from agricultural operations on  
1457 water quality when evaluated with the projects and management  
1458 strategies currently included in the basin management action  
1459 plan.

1460 2. To be considered for funding, the University of Florida



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1461 Institute of Food and Agricultural Sciences and other state  
1462 universities and Florida College System institutions that have  
1463 agricultural research programs must submit such plans to the  
1464 department and the Department of Agriculture and Consumer  
1465 Services by August 1 of each year.

1466 Section 10. Section 403.0673, Florida Statutes, is created  
1467 to read:

1468 403.0673 Wastewater grant program.—A wastewater grant  
1469 program is established within the Department of Environmental  
1470 Protection.

1471 (1) Subject to the appropriation of funds by the  
1472 Legislature, the department may provide grants for the following  
1473 projects that will individually or collectively reduce excess  
1474 nutrient pollution:

1475 (a) Projects to retrofit onsite sewage treatment and  
1476 disposal systems to upgrade them to nutrient-reducing onsite  
1477 sewage treatment and disposal systems.

1478 (b) Projects to construct, upgrade, or expand facilities to  
1479 provide advanced waste treatment, as defined in s. 403.086(4).

1480 (c) Projects to connect onsite sewage treatment and  
1481 disposal systems to central sewer facilities.

1482 (2) In allocating such funds, priority must be given to  
1483 projects that subsidize the connection of onsite sewage  
1484 treatment and disposal systems to a wastewater treatment plant.

1485 In determining priorities, the department shall consider the  
1486 estimated reduction in nutrient load per project; project  
1487 readiness; cost-effectiveness of the project; overall  
1488 environmental benefit of a project; the location of a project;  
1489 the availability of local matching funds; and projected water



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1490 savings or quantity improvements associated with a project.

1491 (3) Each grant for a project described in subsection (1)  
1492 must require a minimum of a 50 percent local match of funds.  
1493 However, the department may, at its discretion, waive, in whole  
1494 or in part, this consideration of the local contribution for  
1495 proposed projects within an area designated as a rural area of  
1496 opportunity under s. 288.0656.

1497 (4) The department shall coordinate with each water  
1498 management district, as necessary, to identify grant recipients  
1499 in each district.

1500 (5) Beginning January 1, 2021, and each January 1  
1501 thereafter, the department shall submit a report regarding the  
1502 projects funded pursuant to this section to the Governor, the  
1503 President of the Senate, and the Speaker of the House of  
1504 Representatives.

1505 Section 11. Section 403.0855, Florida Statutes, is created  
1506 to read:

1507 403.0855 Biosolids management.—The Legislature finds that  
1508 it is in the best interest of this state to regulate biosolids  
1509 management in order to minimize the migration of nutrients that  
1510 impair waterbodies. The Legislature further finds that the  
1511 expedited implementation of the recommendations of the Biosolids  
1512 Technical Advisory Committee, including permitting according to  
1513 site-specific application conditions, an increased inspection  
1514 rate, groundwater and surface water monitoring protocols, and  
1515 nutrient management research, will improve biosolids management  
1516 and assist in protecting this state's water resources and water  
1517 quality. The department shall adopt rules for biosolids  
1518 management. Rules adopted by the department pursuant to this



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1519 section before the 2021 regular legislative session are not  
1520 subject to s. 120.541(3).

1521 Section 12. Present subsections (7) through (10) of section  
1522 403.086, Florida Statutes, are redesignated as subsections (8)  
1523 through (11), respectively, a new subsection (7) is added to  
1524 that section, and paragraph (c) of subsection (1) and subsection  
1525 (2) of that section are amended, to read:

1526 403.086 Sewage disposal facilities; advanced and secondary  
1527 waste treatment.—

1528 (1)

1529 (c) Notwithstanding any other provisions of this chapter or  
1530 chapter 373, facilities for sanitary sewage disposal may not  
1531 dispose of any wastes into Old Tampa Bay, Tampa Bay,  
1532 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater  
1533 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,  
1534 or Charlotte Harbor Bay, Indian River Lagoon, or into any river,  
1535 stream, channel, canal, bay, bayou, sound, or other water  
1536 tributary thereto, without providing advanced waste treatment,  
1537 as defined in subsection (4), approved by the department. This  
1538 paragraph shall not apply to facilities which were permitted by  
1539 February 1, 1987, and which discharge secondary treated  
1540 effluent, followed by water hyacinth treatment, to tributaries  
1541 of tributaries of the named waters; or to facilities permitted  
1542 to discharge to the nontidally influenced portions of the Peace  
1543 River.

1544 (2) Any facilities for sanitary sewage disposal shall  
1545 provide for secondary waste treatment, a power outage  
1546 contingency plan that mitigates the impacts of power outages on  
1547 the utility's collection system and pump stations, and, ~~in~~



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1548 ~~addition thereto,~~ advanced waste treatment as deemed necessary  
1549 and ordered by the Department of Environmental Protection.  
1550 Failure to conform is ~~shall be~~ punishable by a civil penalty of  
1551 \$500 for each 24-hour day or fraction thereof that such failure  
1552 is allowed to continue thereafter.

1553 (7) All facilities for sanitary sewage under subsection (2)  
1554 which control a collection or transmission system of pipes and  
1555 pumps to collect and transmit wastewater from domestic or  
1556 industrial sources to the facility shall take steps to prevent  
1557 sanitary sewer overflows or underground pipe leaks and ensure  
1558 that collected waste water reaches the facility for appropriate  
1559 treatment. Such facilities must use inflow and infiltration  
1560 studies and leakage surveys to develop pipe assessment, repair,  
1561 and replacement action plans which must be reported to the  
1562 department. Facilities must use inflow and infiltration studies  
1563 and leakage surveys to develop pipe assessment, repair, and  
1564 replacement action plans that comply with department rule to  
1565 limit, reduce, and eliminate leaks, seepages, or inputs into  
1566 wastewater treatment systems' underground pipes. The pipe  
1567 assessment, repair, and replacement action plans must be  
1568 reported to the department. The facility report must include  
1569 information regarding the annual expenditures dedicated to the  
1570 inflow and infiltration studies and replacement action plans  
1571 required herein, as well as expenditures dedicated to pipe  
1572 assessment, repair, and replacement. The facility report must  
1573 include information regarding the annual expenditures dedicated  
1574 to the inflow and infiltration studies and the required  
1575 replacement action plans, as well as expenditures that are  
1576 dedicated to pipe assessment, repair, and replacement. The



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1577 department shall adopt rules regarding the implementation of  
1578 inflow and infiltration studies and leakage surveys. Substantial  
1579 compliance with this subsection is evidence in mitigation for  
1580 the purposes of assessing penalties pursuant to ss. 403.121 and  
1581 403.141.

1582 Section 13. Present subsections (4) through (10) of section  
1583 403.087, Florida Statutes, are redesignated as subsections (5)  
1584 through (11), respectively, and a new subsection (4) is added to  
1585 that section, to read:

1586 403.087 Permits; general issuance; denial; revocation;  
1587 prohibition; penalty.—

1588 (4) The department shall issue an operation permit for a  
1589 domestic wastewater treatment facility other than a facility  
1590 regulated under the National Pollutant Discharge Elimination  
1591 System Program under s. 403.0885 for a term of up to 10 years if  
1592 the facility is meeting the stated goals in its action plan  
1593 adopted pursuant to s. 403.086(7).

1594 Section 14. Present subsections (3) and (4) of section  
1595 403.088, Florida Statutes, are redesignated as subsections (4)  
1596 and (5), respectively, a new subsection (3) is added to that  
1597 section, and paragraph (c) of subsection (2) of that section is  
1598 amended, to read:

1599 403.088 Water pollution operation permits; conditions.—

1600 (2)

1601 (c) A permit shall:

1602 1. Specify the manner, nature, volume, and frequency of the  
1603 discharge permitted;

1604 2. Require proper operation and maintenance of any  
1605 pollution abatement facility by qualified personnel in





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1606 accordance with standards established by the department;  
1607       3. Require a deliberate, proactive approach to  
1608 investigating or surveying a significant percentage of the  
1609 wastewater collection system throughout the duration of the  
1610 permit to determine pipe integrity, which must be accomplished  
1611 in an economically feasible manner. The permittee shall submit  
1612 an annual report to the department which details facility  
1613 revenues and expenditures in a manner prescribed by department  
1614 rule. The report must detail any deviation from annual  
1615 expenditures related to inflow and infiltration studies; model  
1616 plans for pipe assessment, repair, and replacement; and pipe  
1617 assessment, repair, and replacement required under s.  
1618 403.086(7). Substantial compliance with this subsection is  
1619 evidence in mitigation for the purposes of assessing penalties  
1620 pursuant to ss. 403.121 and 403.141;  
1621       4. Contain such additional conditions, requirements, and  
1622 restrictions as the department deems necessary to preserve and  
1623 protect the quality of the receiving waters;  
1624       ~~5.4.~~ Be valid for the period of time specified therein; and  
1625       ~~6.5.~~ Constitute the state National Pollutant Discharge  
1626 Elimination System permit when issued pursuant to the authority  
1627 in s. 403.0885.  
1628       (3) No later than March 1 of each year, the department  
1629 shall submit a report to the Governor, the President of the  
1630 Senate, and the Speaker of the House of Representatives which  
1631 identifies all wastewater utilities that experienced a sanitary  
1632 sewer overflow in the preceding calendar year. The report must  
1633 identify the utility name, operator, number of overflows, and  
1634 total quantity of discharge released. The department shall



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1635 include with this report the annual report specified under s.  
1636 403.088(2)(c)3. for each utility that experienced an overflow.

1637 Section 15. Subsection (6) of section 403.0891, Florida  
1638 Statutes, is amended to read:

1639 403.0891 State, regional, and local stormwater management  
1640 plans and programs.—The department, the water management  
1641 districts, and local governments shall have the responsibility  
1642 for the development of mutually compatible stormwater management  
1643 programs.

1644 (6) The department and the Department of Economic  
1645 Opportunity, in cooperation with local governments in the  
1646 coastal zone, shall develop a model stormwater management  
1647 program that could be adopted by local governments. The model  
1648 program must contain model ordinances that target nutrient  
1649 reduction practices and use green infrastructure. The model  
1650 program shall contain dedicated funding options, including a  
1651 stormwater utility fee system based upon an equitable unit cost  
1652 approach. Funding options shall be designed to generate capital  
1653 to retrofit existing stormwater management systems, build new  
1654 treatment systems, operate facilities, and maintain and service  
1655 debt.

1656 Section 16. Paragraph (b) of subsection (3) of section  
1657 403.121, Florida Statutes, is amended to read:

1658 403.121 Enforcement; procedure; remedies.—The department  
1659 shall have the following judicial and administrative remedies  
1660 available to it for violations of this chapter, as specified in  
1661 s. 403.161(1).

1662 (3) Except for violations involving hazardous wastes,  
1663 asbestos, or underground injection, administrative penalties



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1664 must be calculated according to the following schedule:

1665 (b) For failure to obtain a required wastewater permit,  
1666 other than a permit required for surface water discharge, the  
1667 department shall assess a penalty of \$1,000. For a domestic or  
1668 industrial wastewater violation not involving a surface water or  
1669 groundwater quality violation, the department shall assess a  
1670 penalty of \$2,000 for an unpermitted or unauthorized discharge  
1671 or effluent-limitation exceedance or failure to survey an  
1672 adequate portion of the wastewater collection system and take  
1673 steps to reduce sanitary sewer overflows, pipe leaks, and inflow  
1674 and infiltration. For an unpermitted or unauthorized discharge  
1675 or effluent-limitation exceedance that resulted in a surface  
1676 water or groundwater quality violation, the department shall  
1677 assess a penalty of \$5,000.

1678 Section 17. Subsection (3) is added to section 403.885,  
1679 Florida Statutes, to read:

1680 403.885 Water Projects Grant Program.—

1681 (3) The department shall give funding priority to grant  
1682 proposals submitted by a domestic wastewater utility in  
1683 accordance with s. 403.1835 which implement the requirements of  
1684 ss. 403.086(7) or 403.088(2)(c).

1685 Section 18. The Legislature determines and declares that  
1686 this act fulfills an important state interest.

1687 Section 19. Effective July 1, 2021, subsection (5) of  
1688 section 153.54, Florida Statutes, is amended to read:

1689 153.54 Preliminary report by county commissioners with  
1690 respect to creation of proposed district.—Upon receipt of a  
1691 petition duly signed by not less than 25 qualified electors who  
1692 are also freeholders residing within an area proposed to be



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1693 incorporated into a water and sewer district pursuant to this  
1694 law and describing in general terms the proposed boundaries of  
1695 such proposed district, the board of county commissioners if it  
1696 shall deem it necessary and advisable to create and establish  
1697 such proposed district for the purpose of constructing,  
1698 establishing or acquiring a water system or a sewer system or  
1699 both in and for such district (herein called "improvements"),  
1700 shall first cause a preliminary report to be made which such  
1701 report together with any other relevant or pertinent matters,  
1702 shall include at least the following:

1703 (5) For the construction of a new proposed sewerage system  
1704 or the extension of an existing sewerage system that was not  
1705 previously approved, the report shall include a study that  
1706 includes the available information from the Department of  
1707 Environmental Protection ~~Health~~ on the history of onsite sewage  
1708 treatment and disposal systems currently in use in the area and  
1709 a comparison of the projected costs to the owner of a typical  
1710 lot or parcel of connecting to and using the proposed sewerage  
1711 system versus installing, operating, and properly maintaining an  
1712 onsite sewage treatment and disposal system that is approved by  
1713 the Department of Environmental Protection ~~Health~~ and that  
1714 provides for the comparable level of environmental and health  
1715 protection as the proposed central sewerage system;  
1716 consideration of the local authority's obligations or reasonably  
1717 anticipated obligations for water body cleanup and protection  
1718 under state or federal programs, including requirements for  
1719 water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
1720 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
1721 deemed relevant by the local authority.



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Such report shall be filed in the office of the clerk of the circuit court and shall be open for the inspection of any taxpayer, property owner, qualified elector or any other interested or affected person.

Section 20. Effective July 1, 2021, paragraph (c) of subsection (2) of section 153.73, Florida Statutes, is amended to read:

153.73 Assessable improvements; levy and payment of special assessments.—Any district may provide for the construction or reconstruction of assessable improvements as defined in s. 153.52, and for the levying of special assessments upon benefited property for the payment thereof, under ~~the provisions of~~ this section.

(2)

(c) For the construction of a new proposed central sewerage system or the extension of an existing sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection ~~Health~~ on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection ~~Health~~ and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably



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1751 anticipated obligations for water body cleanup and protection  
1752 under state or federal programs, including requirements for  
1753 water bodies listed under s. 303(d) of the Clean Water Act, Pub.  
1754 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors  
1755 deemed relevant by the local authority.

1756 Section 21. Effective July 1, 2021, subsection (2) of  
1757 section 163.3180, Florida Statutes, is amended to read:

1758 163.3180 Concurrency.—

1759 (2) Consistent with public health and safety, sanitary  
1760 sewer, solid waste, drainage, adequate water supplies, and  
1761 potable water facilities shall be in place and available to  
1762 serve new development no later than the issuance by the local  
1763 government of a certificate of occupancy or its functional  
1764 equivalent. Prior to approval of a building permit or its  
1765 functional equivalent, the local government shall consult with  
1766 the applicable water supplier to determine whether adequate  
1767 water supplies to serve the new development will be available no  
1768 later than the anticipated date of issuance by the local  
1769 government of a certificate of occupancy or its functional  
1770 equivalent. A local government may meet the concurrency  
1771 requirement for sanitary sewer through the use of onsite sewage  
1772 treatment and disposal systems approved by the Department of  
1773 Environmental Protection ~~Health~~ to serve new development.

1774 Section 22. Effective July 1, 2021, subsection (3) of  
1775 section 180.03, Florida Statutes, is amended to read:

1776 180.03 Resolution or ordinance proposing construction or  
1777 extension of utility; objections to same.—

1778 (3) For the construction of a new proposed central sewerage  
1779 system or the extension of an existing central sewerage system



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1780 that was not previously approved, the report shall include a  
1781 study that includes the available information from the  
1782 Department of Environmental Protection ~~Health~~ on the history of  
1783 onsite sewage treatment and disposal systems currently in use in  
1784 the area and a comparison of the projected costs to the owner of  
1785 a typical lot or parcel of connecting to and using the proposed  
1786 central sewerage system versus installing, operating, and  
1787 properly maintaining an onsite sewage treatment and disposal  
1788 system that is approved by the Department of Environmental  
1789 Protection ~~Health~~ and that provides for the comparable level of  
1790 environmental and health protection as the proposed central  
1791 sewerage system; consideration of the local authority's  
1792 obligations or reasonably anticipated obligations for water body  
1793 cleanup and protection under state or federal programs,  
1794 including requirements for water bodies listed under s. 303(d)  
1795 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
1796 et seq.; and other factors deemed relevant by the local  
1797 authority. The results of such a study shall be included in the  
1798 resolution or ordinance required under subsection (1).

1799 Section 23. Subsections (2), (3), and (6) of section  
1800 311.105, Florida Statutes, are amended to read:

1801 311.105 Florida Seaport Environmental Management Committee;  
1802 permitting; mitigation.-

1803 (2) Each application for a permit authorized pursuant to s.  
1804 403.061(38) ~~s. 403.061(37)~~ must include:

1805 (a) A description of maintenance dredging activities to be  
1806 conducted and proposed methods of dredged-material management.

1807 (b) A characterization of the materials to be dredged and  
1808 the materials within dredged-material management sites.



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1809 (c) A description of dredged-material management sites and  
1810 plans.

1811 (d) A description of measures to be undertaken, including  
1812 environmental compliance monitoring, to minimize adverse  
1813 environmental effects of maintenance dredging and dredged-  
1814 material management.

1815 (e) Such scheduling information as is required to  
1816 facilitate state supplementary funding of federal maintenance  
1817 dredging and dredged-material management programs consistent  
1818 with beach restoration criteria of the Department of  
1819 Environmental Protection.

1820 (3) Each application for a permit authorized pursuant to s.  
1821 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~  
1822 paragraphs (2)(b)-(e) and the following:

1823 (a) A description of dredging and dredged-material  
1824 management and other related activities associated with port  
1825 development, including the expansion of navigation channels,  
1826 dredged-material management sites, port harbors, turning basins,  
1827 harbor berths, and associated facilities.

1828 (b) A discussion of environmental mitigation as is proposed  
1829 for dredging and dredged-material management for port  
1830 development, including the expansion of navigation channels,  
1831 dredged-material management sites, port harbors, turning basins,  
1832 harbor berths, and associated facilities.

1833 (6) Dredged-material management activities authorized  
1834 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~  
1835 shall be incorporated into port master plans developed pursuant  
1836 to s. 163.3178(2)(k).

1837 Section 24. Paragraph (d) of subsection (1) of section





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1838 327.46, Florida Statutes, is amended to read:

1839 327.46 Boating-restricted areas.—

1840 (1) Boating-restricted areas, including, but not limited  
1841 to, restrictions of vessel speeds and vessel traffic, may be  
1842 established on the waters of this state for any purpose  
1843 necessary to protect the safety of the public if such  
1844 restrictions are necessary based on boating accidents,  
1845 visibility, hazardous currents or water levels, vessel traffic  
1846 congestion, or other navigational hazards or to protect  
1847 seagrasses on privately owned submerged lands.

1848 (d) Owners of private submerged lands that are adjacent to  
1849 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~  
1850 ~~403.061(27)~~, or an aquatic preserve established under ss.  
1851 258.39-258.399 may request that the commission establish  
1852 boating-restricted areas solely to protect any seagrass and  
1853 contiguous seagrass habitat within their private property  
1854 boundaries from seagrass scarring due to propeller dredging.  
1855 Owners making a request pursuant to this paragraph must  
1856 demonstrate to the commission clear ownership of the submerged  
1857 lands. The commission shall adopt rules to implement this  
1858 paragraph, including, but not limited to, establishing an  
1859 application process and criteria for meeting the requirements of  
1860 this paragraph. Each approved boating-restricted area shall be  
1861 established by commission rule. For marking boating-restricted  
1862 zones established pursuant to this paragraph, owners of  
1863 privately submerged lands shall apply to the commission for a  
1864 uniform waterway marker permit in accordance with ss. 327.40 and  
1865 327.41, and shall be responsible for marking the boating-  
1866 restricted zone in accordance with the terms of the permit.



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1867 Section 25. Paragraph (d) of subsection (3) of section  
1868 373.250, Florida Statutes, is amended to read:

1869 373.250 Reuse of reclaimed water.—

1870 (3)

1871 (d) The South Florida Water Management District shall  
1872 require the use of reclaimed water made available by the  
1873 elimination of wastewater ocean outfall discharges as provided  
1874 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or  
1875 groundwater when the use of reclaimed water is available; is  
1876 environmentally, economically, and technically feasible; and is  
1877 of such quality and reliability as is necessary to the user.  
1878 Such reclaimed water may also be required in lieu of other  
1879 alternative sources. In determining whether to require such  
1880 reclaimed water in lieu of other alternative sources, the water  
1881 management district shall consider existing infrastructure  
1882 investments in place or obligated to be constructed by an  
1883 executed contract or similar binding agreement as of July 1,  
1884 2011, for the development of other alternative sources.

1885 Section 26. Subsection (9) of section 373.414, Florida  
1886 Statutes, is amended to read:

1887 373.414 Additional criteria for activities in surface  
1888 waters and wetlands.—

1889 (9) The department and the governing boards, on or before  
1890 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~  
1891 this section, relying primarily on the existing rules of the  
1892 department and the water management districts, into the rules  
1893 governing the management and storage of surface waters. Such  
1894 rules shall seek to achieve a statewide, coordinated and  
1895 consistent permitting approach to activities regulated under



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1896 this part. Variations in permitting criteria in the rules of  
1897 individual water management districts or the department shall  
1898 only be provided to address differing physical or natural  
1899 characteristics. Such rules adopted pursuant to this subsection  
1900 shall include the special criteria adopted pursuant to s.  
1901 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria  
1902 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules  
1903 shall include a provision requiring that a notice of intent to  
1904 deny or a permit denial based upon this section shall contain an  
1905 explanation of the reasons for such denial and an explanation,  
1906 in general terms, of what changes, if any, are necessary to  
1907 address such reasons for denial. Such rules may establish  
1908 exemptions and general permits, if such exemptions and general  
1909 permits do not allow significant adverse impacts to occur  
1910 individually or cumulatively. Such rules may require submission  
1911 of proof of financial responsibility which may include the  
1912 posting of a bond or other form of surety prior to the  
1913 commencement of construction to provide reasonable assurance  
1914 that any activity permitted pursuant to this section, including  
1915 any mitigation for such permitted activity, will be completed in  
1916 accordance with the terms and conditions of the permit once the  
1917 construction is commenced. Until rules adopted pursuant to this  
1918 subsection become effective, existing rules adopted under this  
1919 part and rules adopted pursuant to the authority of ss. 403.91-  
1920 403.929 shall be deemed authorized under this part and shall  
1921 remain in full force and effect. Neither the department nor the  
1922 governing boards are limited or prohibited from amending any  
1923 such rules.

1924 Section 27. Paragraph (b) of subsection (4) of section



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1925 373.705, Florida Statutes, is amended to read:

1926 373.705 Water resource development; water supply  
1927 development.—

1928 (4)

1929 (b) Water supply development projects that meet the  
1930 criteria in paragraph (a) and that meet one or more of the  
1931 following additional criteria shall be given first consideration  
1932 for state or water management district funding assistance:

1933 1. The project brings about replacement of existing sources  
1934 in order to help implement a minimum flow or minimum water  
1935 level;

1936 2. The project implements reuse that assists in the  
1937 elimination of domestic wastewater ocean outfalls as provided in  
1938 s. 403.086(10) ~~s. 403.086(9)~~; or

1939 3. The project reduces or eliminates the adverse effects of  
1940 competition between legal users and the natural system.

1941 Section 28. Paragraph (f) of subsection (8) of section  
1942 373.707, Florida Statutes, is amended to read:

1943 373.707 Alternative water supply development.—

1944 (8)

1945 (f) The governing boards shall determine those projects  
1946 that will be selected for financial assistance. The governing  
1947 boards may establish factors to determine project funding;  
1948 however, significant weight shall be given to the following  
1949 factors:

1950 1. Whether the project provides substantial environmental  
1951 benefits by preventing or limiting adverse water resource  
1952 impacts.

1953 2. Whether the project reduces competition for water



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1954 supplies.

1955 3. Whether the project brings about replacement of  
1956 traditional sources in order to help implement a minimum flow or  
1957 level or a reservation.

1958 4. Whether the project will be implemented by a consumptive  
1959 use permittee that has achieved the targets contained in a goal-  
1960 based water conservation program approved pursuant to s.  
1961 373.227.

1962 5. The quantity of water supplied by the project as  
1963 compared to its cost.

1964 6. Projects in which the construction and delivery to end  
1965 users of reuse water is a major component.

1966 7. Whether the project will be implemented by a  
1967 multijurisdictional water supply entity or regional water supply  
1968 authority.

1969 8. Whether the project implements reuse that assists in the  
1970 elimination of domestic wastewater ocean outfalls as provided in  
1971 s. 403.086(10) ~~s. 403.086(9)~~.

1972 9. Whether the county or municipality, or the multiple  
1973 counties or municipalities, in which the project is located has  
1974 implemented a high-water recharge protection tax assessment  
1975 program as provided in s. 193.625.

1976 Section 29. Subsection (4) of section 373.709, Florida  
1977 Statutes, is amended to read:

1978 373.709 Regional water supply planning.—

1979 (4) The South Florida Water Management District shall  
1980 include in its regional water supply plan water resource and  
1981 water supply development projects that promote the elimination  
1982 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~



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1983 ~~403.086(9).~~

1984 Section 30. Paragraph (k) of subsection (1) of section  
1985 376.307, Florida Statutes, is amended to read:

1986 376.307 Water Quality Assurance Trust Fund.—

1987 (1) The Water Quality Assurance Trust Fund is intended to  
1988 serve as a broad-based fund for use in responding to incidents  
1989 of contamination that pose a serious danger to the quality of  
1990 groundwater and surface water resources or otherwise pose a  
1991 serious danger to the public health, safety, or welfare. Moneys  
1992 in this fund may be used:

1993 (k) For funding activities described in s. 403.086(10) ~~s.~~  
1994 ~~403.086(9)~~ which are authorized for implementation under the  
1995 Leah Schad Memorial Ocean Outfall Program.

1996 Section 31. Paragraph (i) of subsection (2), paragraph (b)  
1997 of subsection (4), paragraph (j) of subsection (7), and  
1998 paragraph (a) of subsection (9) of section 380.0552, Florida  
1999 Statutes, are amended to read:

2000 380.0552 Florida Keys Area; protection and designation as  
2001 area of critical state concern.—

2002 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature  
2003 to:

2004 (i) Protect and improve the nearshore water quality of the  
2005 Florida Keys through federal, state, and local funding of water  
2006 quality improvement projects, including the construction and  
2007 operation of wastewater management facilities that meet the  
2008 requirements of ss. 381.0065(4)(l) and 403.086(11) ~~403.086(10)~~,  
2009 as applicable.

2010 (4) REMOVAL OF DESIGNATION.—

2011 (b) Beginning November 30, 2010, the state land planning



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2012 agency shall annually submit a written report to the  
2013 Administration Commission describing the progress of the Florida  
2014 Keys Area toward completing the work program tasks specified in  
2015 commission rules. The land planning agency shall recommend  
2016 removing the Florida Keys Area from being designated as an area  
2017 of critical state concern to the commission if it determines  
2018 that:

2019 1. All of the work program tasks have been completed,  
2020 including construction of, operation of, and connection to  
2021 central wastewater management facilities pursuant to s.  
2022 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage  
2023 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2024 2. All local comprehensive plans and land development  
2025 regulations and the administration of such plans and regulations  
2026 are adequate to protect the Florida Keys Area, fulfill the  
2027 legislative intent specified in subsection (2), and are  
2028 consistent with and further the principles guiding development;  
2029 and

2030 3. A local government has adopted a resolution at a public  
2031 hearing recommending the removal of the designation.

2032 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
2033 and local agencies and units of government in the Florida Keys  
2034 Area shall coordinate their plans and conduct their programs and  
2035 regulatory activities consistent with the principles for guiding  
2036 development as specified in chapter 27F-8, Florida  
2037 Administrative Code, as amended effective August 23, 1984, which  
2038 is adopted and incorporated herein by reference. For the  
2039 purposes of reviewing the consistency of the adopted plan, or  
2040 any amendments to that plan, with the principles for guiding



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2041 development, and any amendments to the principles, the  
2042 principles shall be construed as a whole and specific provisions  
2043 may not be construed or applied in isolation from the other  
2044 provisions. However, the principles for guiding development are  
2045 repealed 18 months from July 1, 1986. After repeal, any plan  
2046 amendments must be consistent with the following principles:

2047 (j) Ensuring the improvement of nearshore water quality by  
2048 requiring the construction and operation of wastewater  
2049 management facilities that meet the requirements of ss.  
2050 381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable,  
2051 and by directing growth to areas served by central wastewater  
2052 treatment facilities through permit allocation systems.

2053 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2054 (a) Any land development regulation or element of a local  
2055 comprehensive plan in the Florida Keys Area may be enacted,  
2056 amended, or rescinded by a local government, but the enactment,  
2057 amendment, or rescission becomes effective only upon approval by  
2058 the state land planning agency. The state land planning agency  
2059 shall review the proposed change to determine if it is in  
2060 compliance with the principles for guiding development specified  
2061 in chapter 27F-8, Florida Administrative Code, as amended  
2062 effective August 23, 1984, and must approve or reject the  
2063 requested changes within 60 days after receipt. Amendments to  
2064 local comprehensive plans in the Florida Keys Area must also be  
2065 reviewed for compliance with the following:

2066 1. Construction schedules and detailed capital financing  
2067 plans for wastewater management improvements in the annually  
2068 adopted capital improvements element, and standards for the  
2069 construction of wastewater treatment and disposal facilities or





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2070 collection systems that meet or exceed the criteria in s.  
2071 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal  
2072 facilities or s. 381.0065(4)(1) for onsite sewage treatment and  
2073 disposal systems.

2074 2. Goals, objectives, and policies to protect public safety  
2075 and welfare in the event of a natural disaster by maintaining a  
2076 hurricane evacuation clearance time for permanent residents of  
2077 no more than 24 hours. The hurricane evacuation clearance time  
2078 shall be determined by a hurricane evacuation study conducted in  
2079 accordance with a professionally accepted methodology and  
2080 approved by the state land planning agency.

2081 Section 32. Effective July 1, 2021, subsections (7) and  
2082 (18) of section 381.006, Florida Statutes, are amended to read:

2083 381.006 Environmental health.—The department shall conduct  
2084 an environmental health program as part of fulfilling the  
2085 state's public health mission. The purpose of this program is to  
2086 detect and prevent disease caused by natural and manmade factors  
2087 in the environment. The environmental health program shall  
2088 include, but not be limited to:

2089 ~~(7) An onsite sewage treatment and disposal function.~~

2090 (17) ~~(18)~~ A food service inspection function for domestic  
2091 violence centers that are certified by the Department of  
2092 Children and Families and monitored by the Florida Coalition  
2093 Against Domestic Violence under part XII of chapter 39 and group  
2094 care homes as described in subsection (15) ~~(16)~~, which shall be  
2095 conducted annually and be limited to the requirements in  
2096 department rule applicable to community-based residential  
2097 facilities with five or fewer residents.

2098



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2099 The department may adopt rules to carry out the provisions of  
2100 this section.

2101 Section 33. Effective July 1, 2021, subsection (1) of  
2102 section 381.0061, Florida Statutes, is amended to read:

2103 381.0061 Administrative fines.—

2104 (1) In addition to any administrative action authorized by  
2105 chapter 120 or by other law, the department may impose a fine,  
2106 which may ~~shall~~ not exceed \$500 for each violation, for a  
2107 violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s.  
2108 381.0066, s. 381.0072, or part III of chapter 489, for a  
2109 violation of any rule adopted under this chapter, or for a  
2110 violation of ~~any of the provisions of~~ chapter 386. Notice of  
2111 intent to impose such fine shall be given by the department to  
2112 the alleged violator. Each day that a violation continues may  
2113 constitute a separate violation.

2114 Section 34. Effective July 1, 2021, subsection (1) of  
2115 section 381.0064, Florida Statutes, is amended to read:

2116 381.0064 Continuing education courses for persons  
2117 installing or servicing septic tanks.—

2118 (1) The Department of Environmental Protection ~~Health~~ shall  
2119 establish a program for continuing education which meets the  
2120 purposes of ss. 381.0101 and 489.554 regarding the public health  
2121 and environmental effects of onsite sewage treatment and  
2122 disposal systems and any other matters the department determines  
2123 desirable for the safe installation and use of onsite sewage  
2124 treatment and disposal systems. The department may charge a fee  
2125 to cover the cost of such program.

2126 Section 35. Effective July 1, 2021, paragraph (d) of  
2127 subsection (7), subsection (8), and paragraphs (b), (c), and (d)



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2128 of subsection (9) of section 381.00651, Florida Statutes, are  
2129 amended to read:

2130 381.00651 Periodic evaluation and assessment of onsite  
2131 sewage treatment and disposal systems.-

2132 (7) The following procedures shall be used for conducting  
2133 evaluations:

2134 (d) *Assessment procedure.*-All evaluation procedures used by  
2135 a qualified contractor shall be documented in the environmental  
2136 health database of the Department of Environmental Protection  
2137 ~~Health~~. The qualified contractor shall provide a copy of a  
2138 written, signed evaluation report to the property owner upon  
2139 completion of the evaluation and to the county health department  
2140 within 30 days after the evaluation. The report must ~~shall~~  
2141 contain the name and license number of the company providing the  
2142 report. A copy of the evaluation report shall be retained by the  
2143 local county health department for a minimum of 5 years and  
2144 until a subsequent inspection report is filed. The front cover  
2145 of the report must identify any system failure and include a  
2146 clear and conspicuous notice to the owner that the owner has a  
2147 right to have any remediation of the failure performed by a  
2148 qualified contractor other than the contractor performing the  
2149 evaluation. The report must further identify any crack, leak,  
2150 improper fit, or other defect in the tank, manhole, or lid, and  
2151 any other damaged or missing component; any sewage or effluent  
2152 visible on the ground or discharging to a ditch or other surface  
2153 water body; any downspout, stormwater, or other source of water  
2154 directed onto or toward the system; and any other maintenance  
2155 need or condition of the system at the time of the evaluation  
2156 which, in the opinion of the qualified contractor, would



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2157 possibly interfere with or restrict any future repair or  
2158 modification to the existing system. The report shall conclude  
2159 with an overall assessment of the fundamental operational  
2160 condition of the system.

2161 (8) The county health department, in coordination with the  
2162 department, shall administer any evaluation program on behalf of  
2163 a county, or a municipality within the county, that has adopted  
2164 an evaluation program pursuant to this section. In order to  
2165 administer the evaluation program, the county or municipality,  
2166 in consultation with the county health department, may develop a  
2167 reasonable fee schedule to be used solely to pay for the costs  
2168 of administering the evaluation program. Such a fee schedule  
2169 shall be identified in the ordinance that adopts the evaluation  
2170 program. When arriving at a reasonable fee schedule, the  
2171 estimated annual revenues to be derived from fees may not exceed  
2172 reasonable estimated annual costs of the program. Fees shall be  
2173 assessed to the system owner during an inspection and separately  
2174 identified on the invoice of the qualified contractor. Fees  
2175 shall be remitted by the qualified contractor to the county  
2176 health department. The county health department's administrative  
2177 responsibilities include the following:

2178 (a) Providing a notice to the system owner at least 60 days  
2179 before the system is due for an evaluation. The notice may  
2180 include information on the proper maintenance of onsite sewage  
2181 treatment and disposal systems.

2182 (b) In consultation with the department ~~of Health~~,  
2183 providing uniform disciplinary procedures and penalties for  
2184 qualified contractors who do not comply with the requirements of  
2185 the adopted ordinance, including, but not limited to, failure to



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2186 provide the evaluation report as required in this subsection to  
2187 the system owner and the county health department. Only the  
2188 county health department may assess penalties against system  
2189 owners for failure to comply with the adopted ordinance,  
2190 consistent with existing requirements of law.

2191 (9)

2192 (b) Upon receipt of the notice under paragraph (a), the  
2193 department ~~of Environmental Protection~~ shall, within existing  
2194 resources, notify the county or municipality of the potential  
2195 use of, and access to, program funds under the Clean Water State  
2196 Revolving Fund or s. 319 of the Clean Water Act, provide  
2197 guidance in the application process to receive such moneys, and  
2198 provide advice and technical assistance to the county or  
2199 municipality on how to establish a low-interest revolving loan  
2200 program or how to model a revolving loan program after the low-  
2201 interest loan program of the Clean Water State Revolving Fund.  
2202 This paragraph does not obligate the department ~~of Environmental~~  
2203 ~~Protection~~ to provide any county or municipality with money to  
2204 fund such programs.

2205 (c) The department ~~of Health~~ may not adopt any rule that  
2206 alters ~~the provisions of~~ this section.

2207 (d) The department ~~of Health~~ must allow county health  
2208 departments and qualified contractors access to the  
2209 environmental health database to track relevant information and  
2210 assimilate data from assessment and evaluation reports of the  
2211 overall condition of onsite sewage treatment and disposal  
2212 systems. The environmental health database must be used by  
2213 contractors to report each service and evaluation event and by a  
2214 county health department to notify owners of onsite sewage



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2215 treatment and disposal systems when evaluations are due. Data  
2216 and information must be recorded and updated as service and  
2217 evaluations are conducted and reported.

2218 Section 36. Section 403.08601, Florida Statutes, is amended  
2219 to read:

2220 403.08601 Leah Schad Memorial Ocean Outfall Program.—The  
2221 Legislature declares that as funds become available the state  
2222 may assist the local governments and agencies responsible for  
2223 implementing the Leah Schad Memorial Ocean Outfall Program  
2224 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from  
2225 other sources provided for in law, the General Appropriations  
2226 Act, from gifts designated for implementation of the plan from  
2227 individuals, corporations, or other entities, or federal funds  
2228 appropriated by Congress for implementation of the plan, may be  
2229 deposited into an account of the Water Quality Assurance Trust  
2230 Fund.

2231 Section 37. Section 403.0871, Florida Statutes, is amended  
2232 to read:

2233 403.0871 Florida Permit Fee Trust Fund.—There is  
2234 established within the department a nonlapsing trust fund to be  
2235 known as the "Florida Permit Fee Trust Fund." All funds received  
2236 from applicants for permits pursuant to ss. 161.041, 161.053,  
2237 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7)(a) shall be  
2238 deposited in the Florida Permit Fee Trust Fund and shall be used  
2239 by the department with the advice and consent of the Legislature  
2240 to supplement appropriations and other funds received by the  
2241 department for the administration of its responsibilities under  
2242 this chapter and chapter 161. In no case shall funds from the  
2243 Florida Permit Fee Trust Fund be used for salary increases



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2244 without the approval of the Legislature.

2245 Section 38. Paragraph (a) of subsection (11) of section  
2246 403.0872, Florida Statutes, is amended to read:

2247 403.0872 Operation permits for major sources of air  
2248 pollution; annual operation license fee.—Provided that program  
2249 approval pursuant to 42 U.S.C. s. 7661a has been received from  
2250 the United States Environmental Protection Agency, beginning  
2251 January 2, 1995, each major source of air pollution, including  
2252 electrical power plants certified under s. 403.511, must obtain  
2253 from the department an operation permit for a major source of  
2254 air pollution under this section. This operation permit is the  
2255 only department operation permit for a major source of air  
2256 pollution required for such source; provided, at the applicant's  
2257 request, the department shall issue a separate acid rain permit  
2258 for a major source of air pollution that is an affected source  
2259 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
2260 for major sources of air pollution, except general permits  
2261 issued pursuant to s. 403.814, must be issued in accordance with  
2262 the procedures contained in this section and in accordance with  
2263 chapter 120; however, to the extent that chapter 120 is  
2264 inconsistent with ~~the provisions of~~ this section, the procedures  
2265 contained in this section prevail.

2266 (11) Each major source of air pollution permitted to  
2267 operate in this state must pay between January 15 and April 1 of  
2268 each year, upon written notice from the department, an annual  
2269 operation license fee in an amount determined by department  
2270 rule. The annual operation license fee shall be terminated  
2271 immediately in the event the United States Environmental  
2272 Protection Agency imposes annual fees solely to implement and



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2273 administer the major source air-operation permit program in  
2274 Florida under 40 C.F.R. s. 70.10(d).

2275 (a) The annual fee must be assessed based upon the source's  
2276 previous year's emissions and must be calculated by multiplying  
2277 the applicable annual operation license fee factor times the  
2278 tons of each regulated air pollutant actually emitted, as  
2279 calculated in accordance with the department's emissions  
2280 computation and reporting rules. The annual fee shall only apply  
2281 to those regulated pollutants, except carbon monoxide and  
2282 greenhouse gases, for which an allowable numeric emission  
2283 limiting standard is specified in the source's most recent  
2284 construction or operation permit; provided, however, that:

2285 1. The license fee factor is \$25 or another amount  
2286 determined by department rule which ensures that the revenue  
2287 provided by each year's operation license fees is sufficient to  
2288 cover all reasonable direct and indirect costs of the major  
2289 stationary source air-operation permit program established by  
2290 this section. The license fee factor may be increased beyond \$25  
2291 only if the secretary of the department affirmatively finds that  
2292 a shortage of revenue for support of the major stationary source  
2293 air-operation permit program will occur in the absence of a fee  
2294 factor adjustment. The annual license fee factor may never  
2295 exceed \$35.

2296 2. The amount of each regulated air pollutant in excess of  
2297 4,000 tons per year emitted by any source, or group of sources  
2298 belonging to the same Major Group as described in the Standard  
2299 Industrial Classification Manual, 1987, may not be included in  
2300 the calculation of the fee. Any source, or group of sources,  
2301 which does not emit any regulated air pollutant in excess of





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2302 4,000 tons per year, is allowed a one-time credit not to exceed  
2303 25 percent of the first annual licensing fee for the prorated  
2304 portion of existing air-operation permit application fees  
2305 remaining upon commencement of the annual licensing fees.

2306 3. If the department has not received the fee by March 1 of  
2307 the calendar year, the permittee must be sent a written warning  
2308 of the consequences for failing to pay the fee by April 1. If  
2309 the fee is not postmarked by April 1 of the calendar year, the  
2310 department shall impose, in addition to the fee, a penalty of 50  
2311 percent of the amount of the fee, plus interest on such amount  
2312 computed in accordance with s. 220.807. The department may not  
2313 impose such penalty or interest on any amount underpaid,  
2314 provided that the permittee has timely remitted payment of at  
2315 least 90 percent of the amount determined to be due and remits  
2316 full payment within 60 days after receipt of notice of the  
2317 amount underpaid. The department may waive the collection of  
2318 underpayment and may ~~shall~~ not be required to refund overpayment  
2319 of the fee, if the amount due is less than 1 percent of the fee,  
2320 up to \$50. The department may revoke any major air pollution  
2321 source operation permit if it finds that the permit holder has  
2322 failed to timely pay any required annual operation license fee,  
2323 penalty, or interest.

2324 4. Notwithstanding the computational provisions of this  
2325 subsection, the annual operation license fee for any source  
2326 subject to this section may ~~shall~~ not be less than \$250, except  
2327 that the annual operation license fee for sources permitted  
2328 solely through general permits issued under s. 403.814 may ~~shall~~  
2329 not exceed \$50 per year.

2330 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes



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2331 ~~the provisions of s. 403.087(6)(a)5.a., authorizing air~~  
2332 pollution construction permit fees, the department may not  
2333 require such fees for changes or additions to a major source of  
2334 air pollution permitted pursuant to this section, unless the  
2335 activity triggers permitting requirements under Title I, Part C  
2336 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-  
2337 7514a. Costs to issue and administer such permits shall be  
2338 considered direct and indirect costs of the major stationary  
2339 source air-operation permit program under s. 403.0873. The  
2340 department shall, however, require fees pursuant to s.  
2341 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the  
2342 construction of a new major source of air pollution that will be  
2343 subject to the permitting requirements of this section once  
2344 constructed and for activities triggering permitting  
2345 requirements under Title I, Part C or Part D, of the federal  
2346 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

2347 Section 39. Subsection (7) of section 403.1835, Florida  
2348 Statutes, is amended to read:

2349 403.1835 Water pollution control financial assistance.—

2350 (7) Eligible projects must be given priority according to  
2351 the extent each project is intended to remove, mitigate, or  
2352 prevent adverse effects on surface or ground water quality and  
2353 public health. The relative costs of achieving environmental and  
2354 public health benefits must be taken into consideration during  
2355 the department's assignment of project priorities. The  
2356 department shall adopt a priority system by rule. In developing  
2357 the priority system, the department shall give priority to  
2358 projects that:

2359 (a) Eliminate public health hazards;



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2360 (b) Enable compliance with laws requiring the elimination  
2361 of discharges to specific water bodies, including the  
2362 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic  
2363 wastewater ocean outfalls;

2364 (c) Assist in the implementation of total maximum daily  
2365 loads adopted under s. 403.067;

2366 (d) Enable compliance with other pollution control  
2367 requirements, including, but not limited to, toxics control,  
2368 wastewater residuals management, and reduction of nutrients and  
2369 bacteria;

2370 (e) Assist in the implementation of surface water  
2371 improvement and management plans and pollutant load reduction  
2372 goals developed under state water policy;

2373 (f) Promote reclaimed water reuse;

2374 (g) Eliminate failing onsite sewage treatment and disposal  
2375 systems or those that are causing environmental damage; or

2376 (h) Reduce pollutants to and otherwise promote the  
2377 restoration of Florida's surface and ground waters.

2378 Section 40. Paragraph (d) of subsection (3) of section  
2379 403.707, Florida Statutes, is amended to read:

2380 403.707 Permits.—

2381 (3)

2382 (d) The department may adopt rules to administer this  
2383 subsection. However, the department is not required to submit  
2384 such rules to the Environmental Regulation Commission for  
2385 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~  
2386 ~~403.087(6)(a)~~, permit fee caps for solid waste management  
2387 facilities shall be prorated to reflect the extended permit term  
2388 authorized by this subsection.



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2389           Section 41. Subsections (8) and (21) of section 403.861,  
2390 Florida Statutes, are amended to read:

2391           403.861 Department; powers and duties.—The department shall  
2392 have the power and the duty to carry out the provisions and  
2393 purposes of this act and, for this purpose, to:

2394           (8) Initiate rulemaking to increase each drinking water  
2395 permit application fee authorized under s. 403.087(7) ~~s.~~  
2396 ~~403.087(6)~~ and this part and adopted by rule to ensure that such  
2397 fees are increased to reflect, at a minimum, any upward  
2398 adjustment in the Consumer Price Index compiled by the United  
2399 States Department of Labor, or similar inflation indicator,  
2400 since the original fee was established or most recently revised.

2401           (a) The department shall establish by rule the inflation  
2402 index to be used for this purpose. The department shall review  
2403 the drinking water permit application fees authorized under s.  
2404 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5  
2405 years and shall adjust the fees upward, as necessary, within the  
2406 established fee caps to reflect changes in the Consumer Price  
2407 Index or similar inflation indicator. In the event of deflation,  
2408 the department shall consult with the Executive Office of the  
2409 Governor and the Legislature to determine whether downward fee  
2410 adjustments are appropriate based on the current budget and  
2411 appropriation considerations. The department shall also review  
2412 the drinking water operation license fees established pursuant  
2413 to paragraph (7) (b) at least once every 5 years to adopt, as  
2414 necessary, the same inflationary adjustments provided for in  
2415 this subsection.

2416           (b) The minimum fee amount shall be the minimum fee  
2417 prescribed in this section, and such fee amount shall remain in



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2418 effect until the effective date of fees adopted by rule by the  
2419 department.

2420 (21) (a) Upon issuance of a construction permit to construct  
2421 a new public water system drinking water treatment facility to  
2422 provide potable water supply using a surface water that, at the  
2423 time of the permit application, is not being used as a potable  
2424 water supply, and the classification of which does not include  
2425 potable water supply as a designated use, the department shall  
2426 add treated potable water supply as a designated use of the  
2427 surface water segment in accordance with s. 403.061(30)(b) ~~s.~~  
2428 ~~403.061(29)(b)~~.

2429 (b) For existing public water system drinking water  
2430 treatment facilities that use a surface water as a treated  
2431 potable water supply, which surface water classification does  
2432 not include potable water supply as a designated use, the  
2433 department shall add treated potable water supply as a  
2434 designated use of the surface water segment in accordance with  
2435 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

2436 Section 42. Effective July 1, 2021, subsection (1) of  
2437 section 489.551, Florida Statutes, is amended to read:

2438 489.551 Definitions.—As used in this part:

2439 (1) "Department" means the Department of Environmental  
2440 Protection Health.

2441 Section 43. Paragraph (b) of subsection (10) of section  
2442 590.02, Florida Statutes, is amended to read:

2443 590.02 Florida Forest Service; powers, authority, and  
2444 duties; liability; building structures; Withlacoochee Training  
2445 Center.—

2446 (10)



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2447 (b) The Florida Forest Service may delegate to a county,  
2448 municipality, or special district its authority:

2449 1. As delegated by the Department of Environmental  
2450 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and  
2451 403.081, to manage and enforce regulations pertaining to the  
2452 burning of yard trash in accordance with s. 590.125(6).

2453 2. To manage the open burning of land clearing debris in  
2454 accordance with s. 590.125.

2455 Section 44. Except as otherwise expressly provided in this  
2456 act and except for this section, which shall take effect upon  
2457 becoming a law, this act shall take effect July 1, 2020.

2458  
2459 ===== T I T L E A M E N D M E N T =====

2460 And the title is amended as follows:

2461 Delete everything before the enacting clause  
2462 and insert:

2463 A bill to be entitled  
2464 An act relating to water quality improvements;  
2465 providing a short title; requiring the Department  
2466 Health to provide a specified report to the Governor  
2467 and the Legislature by a specified date; requiring the  
2468 Department of Health and the Department of  
2469 Environmental Protection to submit to the Governor and  
2470 the Legislature, by a specified date, certain  
2471 recommendations relating to the transfer of the Onsite  
2472 Sewage Program; requiring the departments to enter  
2473 into an interagency agreement that meets certain  
2474 requirements by a specified date; transferring the  
2475 Onsite Sewage Program within the Department of Health



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2476 to the Department of Environmental Protection by a  
2477 type two transfer by a specified date; providing that  
2478 certain employees retain and transfer certain types of  
2479 leave upon the transfer; amending s. 373.4131, F.S.;  
2480 requiring the Department of Environmental Protection  
2481 to include stormwater structural controls inspections  
2482 as part of its regular staff training; requiring the  
2483 department and the water management districts to adopt  
2484 rules regarding stormwater design and operation by a  
2485 specified date; amending s. 381.0065, F.S.; conforming  
2486 provisions to changes made by the act; requiring the  
2487 department to adopt rules for the location of onsite  
2488 sewage treatment and disposal systems and complete  
2489 such rulemaking by a specified date; requiring the  
2490 department to evaluate certain data relating to the  
2491 self-certification program and provide the Legislature  
2492 with recommendations by a specified date; providing  
2493 that certain provisions relating to existing setback  
2494 requirements are applicable to permits only until the  
2495 adoption of certain rules by the department; creating  
2496 s. 381.00652, F.S.; creating an onsite sewage  
2497 treatment and disposal systems technical advisory  
2498 committee within the department; providing the duties  
2499 and membership of the committee; requiring the  
2500 committee to submit a report to the Governor and the  
2501 Legislature by a specified date; providing for the  
2502 expiration of the committee; repealing s. 381.0068,  
2503 F.S., relating to a technical review and advisory  
2504 panel; amending s. 403.061, F.S.; requiring the



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2505 department to adopt rules relating to the underground  
2506 pipes of wastewater collection systems; requiring  
2507 public utilities or their affiliated companies that  
2508 hold or are seeking a wastewater discharge permit to  
2509 file certain reports and data with the department;  
2510 creating s. 403.0616, F.S.; requiring the department,  
2511 subject to legislative appropriation, to establish a  
2512 real-time water quality monitoring program;  
2513 encouraging the formation of public-private  
2514 partnerships; amending s. 403.067, F.S.; requiring  
2515 basin management action plans for nutrient total  
2516 maximum daily loads to include wastewater treatment  
2517 and onsite sewage treatment and disposal system  
2518 remediation plans that meet certain requirements;  
2519 requiring the Department of Agriculture and Consumer  
2520 Services to collect fertilization and nutrient records  
2521 from certain agricultural producers and provide the  
2522 information to the department annually by a specified  
2523 date; requiring the Department of Agriculture and  
2524 Consumer Services to perform onsite inspections of the  
2525 agricultural producers at specified intervals;  
2526 authorizing certain entities to develop research plans  
2527 and legislative budget requests relating to best  
2528 management practices by a specified date; creating s.  
2529 403.0673, F.S.; establishing a wastewater grant  
2530 program within the Department of Environmental  
2531 Protection; authorizing the department to distribute  
2532 appropriated funds for certain projects; providing  
2533 requirements for the distribution; requiring the





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2534 department to coordinate with each water management  
2535 district to identify grant recipients; requiring an  
2536 annual report to the Governor and the Legislature by a  
2537 specified date; creating s. 403.0855, F.S.; providing  
2538 legislative findings regarding the regulation of  
2539 biosolids management in this state; requiring the  
2540 department to adopt rules for biosolids management;  
2541 exempting the rules from a specified statutory  
2542 requirement; amending s. 403.086, F.S.; prohibiting  
2543 facilities for sanitary sewage disposal from disposing  
2544 of any waste in the Indian River Lagoon without first  
2545 providing advanced waste treatment; requiring  
2546 facilities for sanitary sewage disposal to have a  
2547 power outage contingency plan; requiring the  
2548 facilities to take steps to prevent overflows and  
2549 leaks and ensure that the water reaches the  
2550 appropriate facility for treatment; requiring the  
2551 facilities to provide the Department of Environmental  
2552 Protection with certain information; requiring the  
2553 department to adopt rules; amending s. 403.087, F.S.;  
2554 requiring the department to issue operation permits  
2555 for domestic wastewater treatment facilities to  
2556 certain facilities under certain circumstances;  
2557 amending s. 403.088, F.S.; revising the permit  
2558 conditions for a water pollution operation permit;  
2559 requiring the department to submit a report to the  
2560 Governor and the Legislature by a specified date  
2561 identifying all wastewater utilities that experienced  
2562 sanitary sewer overflows within a specified timeframe;



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2563 amending s. 403.0891, F.S.; requiring model stormwater  
2564 management programs to contain model ordinances for  
2565 nutrient reduction practices and green infrastructure;  
2566 amending s. 403.121, F.S.; providing civil penalties;  
2567 amending s. 403.885, F.S.; requiring the department to  
2568 give certain domestic wastewater utilities funding  
2569 priority within the Water Projects Grant Program;  
2570 providing a declaration of important state interest;  
2571 amending ss. 153.54, 153.73, 163.3180, 180.03,  
2572 311.105, 327.46, 373.250, 373.414, 373.705, 373.707,  
2573 373.709, 376.307, 380.0552, 381.006, 381.0061,  
2574 381.0064, 381.00651, 403.08601, 403.0871, 403.0872,  
2575 403.1835, 403.707, 403.861, 489.551, and 590.02, F.S.;  
2576 conforming cross-references and provisions to changes  
2577 made by the act; providing effective dates.

2578  
2579 WHEREAS, nutrients negatively impact groundwater and  
2580 surface waters in this state and cause the proliferation of  
2581 algal blooms, and

2582 WHEREAS, onsite sewage treatment and disposal systems were  
2583 designed to manage human waste and are permitted by the  
2584 Department of Health for that purpose, and

2585 WHEREAS, conventional onsite sewage treatment and disposal  
2586 systems contribute nutrients to groundwater and surface waters  
2587 across this state which can cause harmful blue-green algal  
2588 blooms, and

2589 WHEREAS, many stormwater systems are designed primarily to  
2590 divert and control stormwater rather than to remove pollutants,  
2591 and



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2592 WHEREAS, most existing stormwater system design criteria  
2593 fail to consistently meet either the 80 percent or 95 percent  
2594 target pollutant reduction goals established by the Department  
2595 of Environmental Protection, and

2596 WHEREAS, other significant pollutants often can be removed  
2597 from stormwater more easily than nutrients and, as a result,  
2598 design criteria that provide the desired removal efficiencies  
2599 for nutrients will likely achieve equal or better removal  
2600 efficiencies for other constituents, and

2601 WHEREAS, the Department of Environmental Protection has  
2602 found that the major causes of sanitary sewer overflows during  
2603 storm events are infiltration, inflow, and acute power failures,  
2604 and

2605 WHEREAS, the Department of Environmental Protection lacks  
2606 statutory authority to regulate infiltration and inflow or to  
2607 require that all lift stations constructed prior to 2003 have  
2608 emergency backup power, and

2609 WHEREAS, sanitary sewer overflows and leaking  
2610 infrastructure create both a human health concern and a nutrient  
2611 pollution problem, and

2612 WHEREAS, the agricultural sector is a significant  
2613 contributor to the excess delivery of nutrients to surface  
2614 waters throughout this state and has been identified as the  
2615 dominant source of both phosphorus and nitrogen within the Lake  
2616 Okeechobee watershed and a number of other basin management  
2617 action plan areas, and

2618 WHEREAS, only 75 percent of eligible agricultural parties  
2619 within the Lake Okeechobee Basin Management Action Plan area are  
2620 enrolled in an appropriate best management practice and



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2621 enrollment numbers are considerably less in other basin  
2622 management action plan areas, and  
2623       WHEREAS, although agricultural best management practices,  
2624 by design, should be technically feasible and economically  
2625 viable, that does not imply that their adoption and full  
2626 implementation, alone, will alleviate downstream water quality  
2627 impairments, NOW, THEREFORE,