

By Senator Baker

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1 A bill to be entitled
2 An act relating to the Florida Keys Area; amending s.
3 215.619, F.S.; authorizing the issuance of bonds to be
4 used to finance the cost of constructing sewage
5 facilities in the Florida Keys Area; amending s.
6 380.0552, F.S.; revising legislative intent relating
7 to the designation of the Florida Keys as an area of
8 critical state concern; revising the procedures for
9 removing the designation; providing for administrative
10 review of such removal rather than judicial review;
11 authorizing the Administration Commission to adopt
12 rules or revise existing rules; revising the
13 principles guiding development; revising compliance
14 requirements for reviewing comprehensive plan
15 amendments; amending s. 381.0065, F.S.; providing
16 additional requirements for onsite sewage treatment
17 and disposal systems in Monroe County; amending s.
18 403.086, F.S.; providing legislative findings and
19 discharge requirements for wastewater facilities in
20 Monroe County; repealing sections 4, 5, and 6 of ch.
21 99-395, Laws of Florida, as amended, relating to
22 sewage treatment in the Florida Keys; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (1) of section 215.619, Florida
28 Statutes, is amended to read:

29 215.619 Bonds for Everglades restoration.—

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30 (1) The issuance of Everglades restoration bonds to finance
31 or refinance the cost of the acquisition and improvement of
32 land, water areas, and related property interests and resources
33 for the purpose of implementing the Comprehensive Everglades
34 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
35 Protection Plan under s. 373.4595, the Caloosahatchee River
36 Watershed Protection Plan under s. 373.4595, the St. Lucie River
37 Watershed Protection Plan under s. 373.4595, and the Florida
38 Keys Area of Critical State Concern protection program under ss.
39 380.05 and 380.0552 in order to restore and conserve natural
40 systems through the implementation of water management projects,
41 including wastewater management projects identified in the "Keys
42 Wastewater Plan," dated November 2007, and submitted to the
43 Florida House of Representatives on December 4, 2007, is
44 authorized in accordance with s. 11(e), Art. VII of the State
45 Constitution.

46 (a) Everglades restoration bonds, except refunding bonds,
47 may be issued only in fiscal years 2002-2003 through 2019-2020
48 and may not be issued in an amount exceeding \$100 million per
49 fiscal year unless:

50 1.(a) The Department of Environmental Protection has
51 requested additional amounts in order to achieve cost savings or
52 accelerate the purchase of land; or

53 2.(b) The Legislature authorizes an additional amount of
54 bonds not to exceed \$200 and limited to \$50 million per fiscal
55 year, ~~for no more than 4 fiscal years~~, specifically for the
56 purpose of funding the Florida Keys Area of Critical State
57 Concern protection program. Proceeds from the bonds shall be
58 managed by the Department of Environmental Protection for the

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59 purpose of entering into financial assistance agreements with
 60 local governments located in the Florida Keys Area of Critical
 61 State Concern to finance or refinance the cost of constructing
 62 sewage collection, treatment, and disposal facilities.

63 (b) The duration of Everglades restoration bonds may not
 64 exceed 20 annual maturities, ~~and those bonds~~ must mature by
 65 December 31, 2040. Except for refunding bonds, a series of bonds
 66 may not be issued unless an amount equal to the debt service
 67 coming due in the year of issuance has been appropriated by the
 68 Legislature. Beginning July 1, 2010, the Legislature shall
 69 analyze the ratio of the state's debt to projected revenues
 70 before authorizing the issuance of ~~prior to the authorization to~~
 71 ~~issue any~~ bonds under this section.

72 Section 2. Subsections (2), (4), (7), and (9) of section
 73 380.0552, Florida Statutes, are amended to read:

74 380.0552 Florida Keys Area; protection and designation as
 75 area of critical state concern.—

76 (2) LEGISLATIVE INTENT.—It is ~~hereby declared that~~ the
 77 intent of the Legislature to is:

78 (a) ~~To~~ Establish a land use management system that protects
 79 the natural environment of the Florida Keys.

80 (b) ~~To~~ Establish a land use management system that
 81 conserves and promotes the community character of the Florida
 82 Keys.

83 (c) ~~To~~ Establish a land use management system that promotes
 84 orderly and balanced growth in accordance with the capacity of
 85 available and planned public facilities and services.

86 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity to
 87 places of employment in the Florida Keys.

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88 (e) ~~To~~ Establish a land use management system that promotes
89 and supports a diverse and sound economic base.

90 (f) ~~To~~ Protect the constitutional rights of property owners
91 to own, use, and dispose of their real property.

92 (g) ~~To~~ Promote coordination and efficiency among
93 governmental agencies that have ~~with~~ permitting jurisdiction
94 over land use activities in the Florida Keys.

95 (h) Promote an appropriate land acquisition and protection
96 strategy for environmentally sensitive lands within the Florida
97 Keys.

98 (i) Protect and improve the nearshore water quality of the
99 Florida Keys through the construction and operation of
100 wastewater management facilities that meet the requirements of
101 ss. 381.0065(4)(1) and 403.086(10), as applicable.

102 (j) Ensure that the population of the Florida Keys can be
103 safely evacuated.

104 (4) REMOVAL OF DESIGNATION.—

105 (a) ~~Between July 12, 2008, and August 30, 2008, the state~~
106 ~~land planning agency shall submit a written report to the~~
107 ~~Administration Commission describing in detail the progress of~~
108 ~~the Florida Keys Area toward accomplishing the tasks of the work~~
109 ~~program as defined in paragraph (c) and providing a~~
110 ~~recommendation as to whether substantial progress toward~~
111 ~~accomplishing the tasks of the work program has been achieved.~~
112 ~~Subsequent to receipt of the report, the Administration~~
113 ~~Commission shall determine, prior to October 1, 2008, whether~~
114 ~~substantial progress has been achieved toward accomplishing the~~
115 ~~tasks of the work program. The designation of the Florida Keys~~
116 ~~Area as an area of critical state concern under this section may~~

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117 be recommended for removal upon fulfilling the legislative
118 intent under subsection (2) and completion of all the work
119 program tasks specified in rules of the Administration
120 Commission shall be removed October 1, 2009, unless the
121 Administration Commission finds, after receipt of the state land
122 planning agency report, that substantial progress has not been
123 achieved toward accomplishing the tasks of the work program. If
124 the designation of the Florida Keys Area as an area of critical
125 state concern is removed, the Administration Commission, within
126 60 days after removal of the designation, shall initiate
127 rulemaking pursuant to chapter 120 to repeal any rules relating
128 to the designation of the Florida Keys Area as an area of
129 critical state concern. If, after receipt of the state land
130 planning agency's report, the Administration Commission finds
131 that substantial progress toward accomplishing the tasks of the
132 work program has not been achieved, the Administration
133 Commission shall provide a written report to the Monroe County
134 Commission within 30 days after making such finding detailing
135 the tasks under the work program that must be accomplished in
136 order for substantial progress to be achieved within the next 12
137 months.

138 (b) Beginning November 30, 2010, the state land planning
139 agency shall annually submit a written report to the
140 Administration Commission describing the progress of the Florida
141 Keys Area toward completing the work program tasks specified in
142 commission rules. The land planning agency shall recommend
143 removing the Florida Keys Area from being designated as an area
144 of critical state concern to the commission if it determines
145 that:

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146 1. All of the work program tasks have been completed,
147 including construction of, operation of, and connection to
148 central wastewater management facilities pursuant to s.
149 403.086(10) and upgrade of onsite sewage treatment and disposal
150 systems pursuant to s. 381.0065(4)(1);

151 2. All local comprehensive plans and land development
152 regulations and the administration of such plans and regulations
153 are adequate to protect the Florida Keys Area, fulfill the
154 legislative intent specified in subsection (2), and are
155 consistent with and further the principles guiding development;
156 and

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

159 ~~(b) If the designation of the Florida Keys Area as an area~~
160 ~~of critical state concern is not removed in accordance with~~
161 ~~paragraph (a), the state land planning agency shall submit a~~
162 ~~written annual report to the Administration Commission on~~
163 ~~November 1 of each year, until such time as the designation is~~
164 ~~removed, describing the progress of the Florida Keys Area toward~~
165 ~~accomplishing remaining tasks under the work program and~~
166 ~~providing a recommendation as to whether substantial progress~~
167 ~~toward accomplishing the tasks of the work program has been~~
168 ~~achieved. The Administration Commission shall determine, within~~
169 ~~45 days after receipt of the annual report, whether substantial~~
170 ~~progress has been achieved toward accomplishing the remaining~~
171 ~~tasks of the work program. The designation of the Florida Keys~~
172 ~~Area as an area of critical state concern under this section~~
173 ~~shall be removed unless the Administration Commission finds that~~
174 ~~substantial progress has not been achieved toward accomplishing~~

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175 ~~the tasks of the work program. If the designation of the Florida~~
176 ~~Keys Area as an area of critical state concern is removed, the~~
177 ~~Administration Commission, within 60 days after removal of the~~
178 ~~designation, shall initiate rulemaking pursuant to chapter 120~~
179 ~~to repeal any rules relating to the designation of the Florida~~
180 ~~Keys Area as an area of critical state concern. If the~~
181 ~~Administration Commission finds that substantial progress has~~
182 ~~not been achieved, the Administration Commission shall provide~~
183 ~~to the Monroe County Commission, within 30 days after making its~~
184 ~~finding, a report detailing the tasks under the work program~~
185 ~~that must be accomplished in order for substantial progress to~~
186 ~~be achieved within the next 12 months.~~

187 (c) After receipt of the state land planning agency report
188 and recommendation, the Administration Commission shall
189 determine whether the requirements have been fulfilled and may
190 remove the designation of the Florida Keys as an area of
191 critical state concern. If the commission removes the
192 designation, it shall initiate rulemaking to repeal any rules
193 relating such designation within 60 days. If, after receipt of
194 the state land planning agency's report and recommendation, the
195 commission finds that the requirements for recommending removal
196 of designation have not been met, the commission shall provide a
197 written report to the local governments within 30 days after
198 making such a finding detailing the tasks that must be completed
199 by the local government.

200 ~~(e) For purposes of this subsection, the term "work~~
201 ~~program" means the 10-year work program as set forth in rule 28-~~
202 ~~20.110, Florida Administrative Code, on January 1, 2006,~~
203 ~~excluding amendments to the work program that take effect after~~

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204 ~~January 1, 2006.~~

205 (d) The ~~determination of the Administration Commission's~~
206 determination concerning the removal of the designation of the
207 Florida Keys as an area of critical state concern Commission as
208 ~~to whether substantial progress has been made toward~~
209 ~~accomplishing the tasks of the work program~~ may be judicially
210 reviewed pursuant to chapter 120 ~~86~~. All proceedings shall be
211 conducted by the Division of Administrative Hearings and must be
212 initiated within 30 days after the commission issues its
213 determination in the circuit court of the judicial circuit where
214 ~~the Administration Commission maintains its headquarters and~~
215 ~~shall be initiated within 30 days after rendition of the~~
216 ~~Administration Commission's determination. The Administration~~
217 ~~Commission's determination as to whether substantial progress~~
218 ~~has been made toward accomplishing the tasks of the work program~~
219 ~~shall be upheld if it is supported by competent and substantial~~
220 ~~evidence and shall not be subject to administrative review under~~
221 ~~chapter 120.~~

222 (e) After removal of the designation of the Florida Keys as
223 an area of critical state concern, the state land planning
224 agency shall review proposed local comprehensive plans, and any
225 amendments to existing comprehensive plans, which are applicable
226 to the Florida Keys Area, the boundaries of which were described
227 in chapter 28-29, Florida Administrative Code, as of January 1,
228 2006, for compliance ~~with subparagraphs 1. and 2., in addition~~
229 ~~to reviewing proposed local comprehensive plans and amendments~~
230 ~~for compliance~~ as defined in s. 163.3184. All procedures and
231 penalties described in s. 163.3184 apply to the review conducted
232 pursuant to this paragraph.

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233 ~~1. Adoption of construction schedules for wastewater~~
 234 ~~facilities improvements in the annually adopted capital~~
 235 ~~improvements element and adoption of standards for the~~
 236 ~~construction of wastewater treatment facilities which meet or~~
 237 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

238 ~~2. Adoption of goals, objectives, and policies to protect~~
 239 ~~public safety and welfare in the event of a natural disaster by~~
 240 ~~maintaining a hurricane evacuation clearance time for permanent~~
 241 ~~residents of no more than 24 hours. The hurricane evacuation~~
 242 ~~clearance time shall be determined by a hurricane evacuation~~
 243 ~~study conducted in accordance with a professionally accepted~~
 244 ~~methodology and approved by the state land planning agency.~~

245 (f) The Administration Commission may adopt rules or revise
 246 existing rules as necessary to administer this subsection.

247 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
 248 and local agencies and units of government in the Florida Keys
 249 Area shall coordinate their plans and conduct their programs and
 250 regulatory activities consistent with the principles for guiding
 251 development as specified ~~set forth~~ in chapter 27F-8, Florida
 252 Administrative Code, as amended effective August 23, 1984, which
 253 ~~chapter~~ is ~~hereby~~ adopted and incorporated herein by reference.
 254 For the purposes of reviewing the consistency of the adopted
 255 plan, or any amendments to that plan, with the principles for
 256 guiding development, and any amendments to the principles, the
 257 principles shall be construed as a whole and ~~no~~ specific
 258 provisions may not ~~provision shall~~ be construed or applied in
 259 isolation from the other provisions. However, the principles for
 260 guiding development as ~~set forth in chapter 27F-8, Florida~~
 261 ~~Administrative Code, as amended effective August 23, 1984,~~ are

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262 repealed 18 months from July 1, 1986. After repeal, ~~the~~
263 ~~following shall be the principles with which~~ any plan amendments
264 must be consistent with the following principles:

265 (a) Strengthening ~~To strengthen~~ local government
266 capabilities for managing land use and development so that local
267 government is able to achieve these objectives without
268 continuing ~~the continuation of~~ the area of critical state
269 concern designation.

270 (b) Protecting ~~To protect~~ shoreline and marine resources,
271 including mangroves, coral reef formations, seagrass beds,
272 wetlands, fish and wildlife, and their habitat.

273 (c) Protecting ~~To protect~~ upland resources, tropical
274 biological communities, freshwater wetlands, native tropical
275 vegetation (for example, hardwood hammocks and pinelands), dune
276 ridges and beaches, wildlife, and their habitat.

277 (d) Ensuring ~~To ensure~~ the maximum well-being of the
278 Florida Keys and its citizens through sound economic
279 development.

280 (e) Limiting ~~To limit~~ the adverse impacts of development on
281 the quality of water throughout the Florida Keys.

282 (f) Enhancing ~~To enhance~~ natural scenic resources,
283 promoting ~~promote~~ the aesthetic benefits of the natural
284 environment, and ensuring ~~ensure~~ that development is compatible
285 with the unique historic character of the Florida Keys.

286 (g) Protecting ~~To protect~~ the historical heritage of the
287 Florida Keys.

288 (h) Protecting ~~To protect~~ the value, efficiency, cost-
289 effectiveness, and amortized life of existing and proposed major
290 public investments, including:

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- 291 1. The Florida Keys Aqueduct and water supply facilities;
292 2. Sewage collection, treatment, and disposal facilities;
293 3. Solid waste treatment, collection, and disposal
294 facilities;
295 4. Key West Naval Air Station and other military
296 facilities;
297 5. Transportation facilities;
298 6. Federal parks, wildlife refuges, and marine sanctuaries;
299 7. State parks, recreation facilities, aquatic preserves,
300 and other publicly owned properties;
301 8. City electric service and the Florida Keys Electric Co-
302 op; and
303 9. Other utilities, as appropriate.
- 304 (i) Protecting and improving water quality by providing for
305 the construction, operation, maintenance, and replacement of
306 stormwater management facilities; central sewage collection;
307 treatment and disposal facilities; and the installation and
308 proper operation and maintenance of onsite sewage treatment and
309 disposal systems.
- 310 (j) Ensuring the improvement of nearshore water quality by
311 requiring the construction and operation of wastewater
312 management facilities that meet the requirements of s.
313 381.0065(4)(l) and s. 403.086(10), as applicable, and by
314 directing growth to areas served by central wastewater treatment
315 facilities through permit allocation systems.
- 316 ~~(k)-(i)~~ Limiting ~~To limit~~ the adverse impacts of public
317 investments on the environmental resources of the Florida Keys.
- 318 ~~(l)-(j)~~ Making ~~To make~~ available adequate affordable housing
319 for all sectors of the population of the Florida Keys.

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320 (m) ~~(k)~~ Providing ~~To provide~~ adequate alternatives for the
321 protection of public safety and welfare in the event of a
322 natural or manmade disaster and for a postdisaster
323 reconstruction plan.

324 (n) ~~(l)~~ Protecting ~~To protect~~ the public health, safety, and
325 welfare of the citizens of the Florida Keys and maintain the
326 Florida Keys as a unique Florida resource.

327 (9) MODIFICATION TO PLANS AND REGULATIONS.—

328 (a) Any land development regulation or element of a local
329 comprehensive plan in the Florida Keys Area may be enacted,
330 amended, or rescinded by a local government, but the enactment,
331 amendment, or rescission becomes ~~shall become~~ effective only
332 upon ~~the~~ approval ~~thereof~~ by the state land planning agency. The
333 state land planning agency shall review the proposed change to
334 determine if it is in compliance with the principles for guiding
335 development specified ~~set forth~~ in chapter 27F-8, Florida
336 Administrative Code, as amended effective August 23, 1984, and
337 must ~~shall either~~ approve or reject the requested changes within
338 60 days after ~~of~~ receipt ~~thereof~~. Amendments to local
339 comprehensive plans in the Florida Keys Area must also be
340 reviewed for compliance with the following:

341 1. Construction schedules and detailed capital financing
342 plans for wastewater management improvements in the annually
343 adopted capital improvements element, and standards for the
344 construction of wastewater treatment and disposal facilities or
345 collection systems that meet or exceed the criteria in s.
346 403.086(10) for wastewater treatment and disposal facilities or
347 s. 381.0065(4)(1) for onsite sewage treatment and disposal
348 systems.

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349 2. Goals, objectives, and policies to protect public safety
350 and welfare in the event of a natural disaster by maintaining a
351 hurricane evacuation clearance time for permanent residents of
352 no more than 24 hours. The hurricane evacuation clearance time
353 shall be determined by a hurricane evacuation study conducted in
354 accordance with a professionally accepted methodology and
355 approved by the state land planning agency.

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

367 Section 3. Paragraph (1) of subsection (4) of section
368 381.0065, Florida Statutes, is amended to read:

369 381.0065 Onsite sewage treatment and disposal systems;
370 regulation.—

371 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
372 construct, repair, modify, abandon, or operate an onsite sewage
373 treatment and disposal system without first obtaining a permit
374 approved by the department. The department may issue permits to
375 carry out this section, but shall not make the issuance of such
376 permits contingent upon prior approval by the Department of
377 Environmental Protection, except that the issuance of a permit

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378 for work seaward of the coastal construction control line
379 established under s. 161.053 shall be contingent upon receipt of
380 any required coastal construction control line permit from the
381 Department of Environmental Protection. A construction permit is
382 valid for 18 months from the issuance date and may be extended
383 by the department for one 90-day period under rules adopted by
384 the department. A repair permit is valid for 90 days following
385 ~~from~~ the date of issuance. An operating permit must be obtained
386 prior to the use of any aerobic treatment unit or if the
387 establishment generates commercial waste. Buildings or
388 establishments that use an aerobic treatment unit or generate
389 commercial waste shall be inspected by the department at least
390 annually to assure compliance with the terms of the operating
391 permit. The operating permit for a commercial wastewater system
392 is valid for 1 year from the date of issuance and must be
393 renewed annually. The operating permit for an aerobic treatment
394 unit is valid for 2 years from the date of issuance and must be
395 renewed every 2 years. If all information pertaining to the
396 siting, location, and installation conditions or repair of an
397 onsite sewage treatment and disposal system remains the same, a
398 construction or repair permit for the onsite sewage treatment
399 and disposal system may be transferred to another person, if the
400 transferee files, within 60 days after the transfer of
401 ownership, an amended application providing all corrected
402 information and proof of ownership of the property. There is no
403 fee associated with the processing of this supplemental
404 information. A person may not contract to construct, modify,
405 alter, repair, service, abandon, or maintain any portion of an
406 onsite sewage treatment and disposal system without being

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407 registered under part III of chapter 489. A property owner who
408 personally performs construction, maintenance, or repairs to a
409 system serving his or her own owner-occupied single-family
410 residence is exempt from registration requirements for
411 performing such construction, maintenance, or repairs on that
412 residence, but is subject to all permitting requirements. A
413 municipality or political subdivision of the state may not issue
414 a building or plumbing permit for any building that requires the
415 use of an onsite sewage treatment and disposal system unless the
416 owner or builder has received a construction permit for such
417 system from the department. A building or structure may not be
418 occupied and a municipality, political subdivision, or any state
419 or federal agency may not authorize occupancy until the
420 department approves the final installation of the onsite sewage
421 treatment and disposal system. A municipality or political
422 subdivision of the state may not approve any change in occupancy
423 or tenancy of a building that uses an onsite sewage treatment
424 and disposal system until the department has reviewed the use of
425 the system with the proposed change, approved the change, and
426 amended the operating permit.

427 (1) For the Florida Keys, the department shall adopt a
428 special rule for the construction, installation, modification,
429 operation, repair, maintenance, and performance of onsite sewage
430 treatment and disposal systems which considers the unique soil
431 conditions and ~~which considers~~ water table elevations,
432 densities, and setback requirements. On lots where a setback
433 distance of 75 feet from surface waters, saltmarsh, and
434 buttonwood association habitat areas cannot be met, an injection
435 well, approved and permitted by the department, may be used for

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436 disposal of effluent from onsite sewage treatment and disposal
437 systems. The following additional requirements apply to onsite
438 sewage treatment and disposal systems in Monroe County:

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

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

- 451 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
452 b. Suspended Solids of 10 mg/l.
453 c. Total Nitrogen, expressed as N, of 10 mg/l.
454 d. Total Phosphorus, expressed as P, of 1 mg/l.

455
456 In addition, onsite sewage treatment and disposal systems
457 discharging to an injection well must provide basic disinfection
458 as defined by department rule.

459 3. On or after July 1, 2010, all new, modified, and
460 repaired onsite sewage treatment and disposal systems must
461 provide the level of treatment described in subparagraph 2.
462 However, in areas scheduled to be served by central sewer by
463 December 31, 2015, if the property owner has paid a connection
464 fee or assessment for connection to the central sewer system, an

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465 onsite sewage treatment and disposal system may be repaired to
466 the following minimum standards:

467 a. The existing tanks must be pumped and inspected and
468 certified as being watertight and free of defects in accordance
469 with department rule; and

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

472 4. Onsite sewage treatment and disposal systems must be
473 monitored for total nitrogen and total phosphorus concentrations
474 as required by department rule.

475 5. The department shall enforce proper installation,
476 operation, and maintenance of onsite sewage treatment and
477 disposal systems pursuant to this chapter, including ensuring
478 that the appropriate level of treatment described in
479 subparagraph 2. is met.

480 6. The county, each municipality, and those special
481 districts established for the purpose of collection,
482 transmission, treatment, or disposal of sewage may require
483 connecting onsite sewage treatment and disposal systems to a
484 central sewer system within 30 days after notice of availability
485 of service.

486 Section 4. Subsection (10) is added to section 403.086,
487 Florida Statutes, to read:

488 403.086 Sewage disposal facilities; advanced and secondary
489 waste treatment.—

490 (10) The Legislature finds that the discharge of
491 inadequately treated and managed domestic wastewater from dozens
492 of small wastewater facilities and thousands of septic tanks and
493 other onsite systems in the Florida Keys compromises the quality

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494 of the coastal environment, including nearshore and offshore
495 waters, and threatens the quality of life and local economies
496 that depend on those resources. The Legislature also finds that
497 the only practical and cost-effective way to fundamentally
498 improve wastewater management in the Florida Keys is for the
499 local governments in Monroe County, including those special
500 districts established for the purpose of collection,
501 transmission, treatment, or disposal of sewage, to timely
502 complete the wastewater or sewage treatment and disposal
503 facilities initiated under the work program of Administration
504 Commission rule 28-20, Florida Administrative Code, and the
505 Monroe County Sanitary Master Wastewater Plan, dated June 2000.
506 The Legislature therefore declares that the construction and
507 operation of comprehensive central wastewater systems in
508 accordance with this subsection is in the public interest. To
509 give effect to those findings, the requirements of this
510 subsection apply to all domestic wastewater facilities in Monroe
511 County, including privately owned facilities, unless otherwise
512 provided under this subsection.

513 (a) The discharge of domestic wastewater into surface
514 waters is prohibited.

515 (b) Monroe County, each municipality, and those special
516 districts established for the purpose of collection,
517 transmission, treatment, or disposal of sewage in Monroe County
518 shall complete the wastewater collection, treatment, and
519 disposal facilities within its jurisdiction designated as hot
520 spots in the Monroe County Sanitary Master Wastewater Plan,
521 dated June 2000, specifically listed in Exhibits 6-1 through 6-3
522 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F

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523 of the plan. The required facilities and connections, and any
524 additional facilities or other adjustments required by rules
525 adopted by the Administration Commission under s. 380.0552, must
526 be completed by December 31, 2015, pursuant to specific
527 schedules established by the commission. Domestic wastewater
528 facilities located outside local government and special district
529 service areas must meet the treatment and disposal requirements
530 of this subsection by December 31, 2015.

531 (c) After December 31, 2015, all new or expanded domestic
532 wastewater discharges must comply with the treatment and
533 disposal requirements of this subsection and department rules.

534 (d) Wastewater treatment facilities having design
535 capacities:

536 1. Greater than or equal to 100,000 gallons per day must
537 provide basic disinfection as defined by department rule and the
538 level of treatment which, on a permitted annual average basis,
539 produces an effluent that contains no more than the following
540 concentrations:

541 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.

542 b. Suspended Solids of 5 mg/l.

543 c. Total Nitrogen, expressed as N, of 3 mg/l.

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

545 2. Less than 100,000 gallons per day must provide basic
546 disinfection as defined by department rule and the level of
547 treatment which, on a permitted annual average basis, produces
548 an effluent that contains no more than the following
549 concentrations:

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

551 b. Suspended Solids of 10 mg/l.

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552 c. Total Nitrogen, expressed as N, of 10 mg/l.

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

554 (e) Class V injection wells, as defined by department or
555 Department of Health rule, must meet the following requirements
556 and otherwise comply with department or Department of Health
557 rules, as applicable:

558 1. If the design capacity of the facility is less than 1
559 million gallons per day, the injection well must be at least 90
560 feet deep and cased to a minimum depth of 60 feet or to such
561 greater cased depth and total well depth as may be required by
562 department rule.

563 2. Except as provided in subparagraph 3. for backup wells,
564 if the design capacity of the facility is equal to or greater
565 than 1 million gallons per day, each primary injection well must
566 be cased to a minimum depth of 2,000 feet or to such greater
567 depth as may be required by department rule.

568 3. If an injection well is used as a backup to a primary
569 injection well, the following conditions apply:

570 a. The backup well may be used only when the primary
571 injection well is out of service because of equipment failure,
572 power failure, or the need for mechanical integrity testing or
573 repair;

574 b. The backup well may not be used for more than a total of
575 500 hours during any 5-year period unless specifically
576 authorized in writing by the department;

577 c. The backup well must be at least 90 feet deep and cased
578 to a minimum depth of 60 feet, or to such greater cased depth
579 and total well depth as may be required by department rule; and

580 d. Fluid injected into the backup well must meet the

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581 requirements of paragraph (d).

582 (f) The requirements of paragraphs (d) and (e) do not apply
583 to:

584 1. Class I injection wells as defined by department rule,
585 including any authorized mechanical integrity tests;

586 2. Authorized mechanical integrity tests associated with
587 Class V wells as defined by department rule; or

588 3. The following types of reuse systems authorized by
589 department rule:

590 a. Slow-rate land application systems;

591 b. Industrial uses of reclaimed water; and

592 c. Use of reclaimed water for toilet flushing, fire
593 protection, vehicle washing, construction dust control, and
594 decorative water features.

595
596 However, disposal systems serving as backups to reuse systems
597 must comply with the other provisions of this subsection.

598 (g) For wastewater treatment facilities in operation as of
599 July 1, 2010, which are located within areas to be served by
600 Monroe County, municipalities in Monroe County, or those special
601 districts established for the purpose of collection,
602 transmission, treatment, or disposal of sewage but which are
603 owned by other entities, the requirements of paragraphs (d) and
604 (e) do not apply until January 1, 2016. Wastewater operating
605 permits issued pursuant to this chapter and in effect for these
606 facilities as of June 30, 2010, are extended until December 31,
607 2015, or until the facility is connected to a local government
608 central wastewater system, whichever occurs first. Wastewater
609 treatment facilities in operation after December 31, 2015, must

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610 comply with the treatment and disposal requirements of this
611 subsection and department rules.

612 (h) If it is demonstrated that a discharge, even if the
613 discharge is otherwise in compliance with this subsection, will
614 cause or contribute to a violation of state water quality
615 standards, the department shall:

- 616 1. Require more stringent effluent limitations;
- 617 2. Order the point or method of discharge changed;
- 618 3. Limit the duration or volume of the discharge; or
- 619 4. Prohibit the discharge.

620 (i) All sewage treatment facilities must monitor effluent
621 for total nitrogen and total phosphorus concentration as
622 required by department rule.

623 (j) The department shall require the levels of operator
624 certification and staffing necessary to ensure proper operation
625 and maintenance of sewage facilities.

626 (k) The department may adopt rules necessary to carry out
627 this subsection.

628 (l) The county, each municipality, and those special
629 districts established for the purpose of collection,
630 transmission, treatment, or disposal of sewage may require
631 connecting wastewater treatment facilities owned by other
632 entities to a central sewer system within 30 days after notice
633 of availability of service.

634 Section 5. Section 4 of chapter 99-395, Laws of Florida, as
635 amended by section 6 of chapter 2006-223, Laws of Florida;
636 section 5 of chapter 99-395, Laws of Florida; and section 6 of
637 chapter 99-395, Laws of Florida, as amended by section 1 of
638 chapter 2001-337 and section 1 of chapter 2004-455, Laws of

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639 Florida, are repealed.

640 Section 6. This act shall take effect upon becoming a law.