



1                                   A bill to be entitled  
2           An act relating to environmental regulation; amending  
3           s. 373.250, F.S.; deleting an obsolete provision;  
4           providing examples of reclaimed water use that may  
5           create an impact offset; revising the required  
6           provisions of the water resource implementation rule;  
7           amending s. 373.413, F.S.; directing the Department of  
8           Environmental Protection and water management  
9           districts to reissue the construction phase of an  
10          expired environmental resource permit under certain  
11          conditions; providing requirements for requesting  
12          reissuance of such permit; authorizing the department,  
13          in coordination with the water management districts,  
14          to adopt rules; amending s. 403.064, F.S.; encouraging  
15          the development of aquifer recharge for reuse  
16          implementation; requiring the department and water  
17          management districts to develop and enter into a  
18          memorandum of agreement providing for a coordinated  
19          review of any reclaimed water project requiring a  
20          reclaimed water facility permit, an underground  
21          injection control permit, and a consumptive use  
22          permit; specifying the required provisions of such  
23          memorandum; specifying the date by which the  
24          memorandum must be developed and executed; amending s.  
25          403.706, F.S.; requiring counties and municipalities



26 | to address contamination of recyclable material in  
27 | specified contracts; prohibiting counties and  
28 | municipalities from requiring the collection or  
29 | transport of contaminated recyclable material by  
30 | residential recycling collectors; defining the term  
31 | "residential recycling collector"; specifying required  
32 | contract provisions in residential recycling collector  
33 | and materials recovery facility contracts with  
34 | counties and municipalities; providing applicability;  
35 | amending s. 403.813, F.S.; prohibiting a local  
36 | government from requiring further department  
37 | verification for certain projects; revising the types  
38 | of dock and pier replacements and repairs that are  
39 | exempt from such verification and certain permitting  
40 | requirements; amending s. 373.4135, F.S.; providing an  
41 | exemption from certain requirements for mitigation  
42 | areas created by a local government under a permit  
43 | issued before a specified date and for certain  
44 | mitigation banks; amending s. 373.4598, F.S.; revising  
45 | requirements related to the operation of water storage  
46 | and use for Phase I and Phase II of the C-51 reservoir  
47 | project if state funds are appropriated for such  
48 | phases; authorizing the South Florida Water Management  
49 | District to enter into certain capacity allocation  
50 | agreements and to request a waiver for repayment of



51 certain loans; authorizing the Department of  
52 Environmental Protection to waive such loan repayment  
53 under certain conditions; providing that the district  
54 is not responsible for repayment of such loans;  
55 creating s. 403.1839, F.S.; providing definitions;  
56 providing legislative findings; establishing the blue  
57 star collection system assessment and maintenance  
58 program and providing its purpose; requiring the  
59 Department of Environmental Protection to adopt rules  
60 and review and approve program applications for  
61 certification; specifying the documentation utilities  
62 must submit to qualify for certification; providing  
63 for certification expiration and renewal; requiring  
64 the department to publish an annual list of certified  
65 blue star utilities; requiring the department to allow  
66 public and private, nonprofit utilities to participate  
67 in the Clean Water State Revolving Fund Program under  
68 certain conditions; authorizing the department to  
69 reduce penalties for sanitary sewer overflows at  
70 certified utilities and for investments in certain  
71 assessment and maintenance activities; amending s.  
72 403.067, F.S.; creating a presumption of compliance  
73 for certain total maximum daily load requirements for  
74 certified utilities; amending s. 403.087, F.S.;  
75 requiring the department to issue extended operating



76 |       permits to certified utilities under certain  
 77 |       conditions; amending s. 403.161, F.S.; authorizing the  
 78 |       department to reduce penalties based on certain system  
 79 |       investments for permitted facilities; amending s.  
 80 |       403.1838, F.S.; authorizing additional recipients and  
 81 |       uses of Small Community Sewer Construction grants;  
 82 |       providing an effective date.

83 |

84 | Be It Enacted by the Legislature of the State of Florida:

85 |

86 |       Section 1. Subsection (5) of section 373.250, Florida  
 87 |       Statutes, is amended to read:

88 |       373.250 Reuse of reclaimed water.—

89 |       (5) (a) ~~No later than October 1, 2012, the department shall~~  
 90 | ~~initiate rulemaking to adopt revisions to~~ The water resource  
 91 | implementation rule, as defined in s. 373.019(25), must ~~which~~  
 92 | ~~shall~~ include:

93 |       1. Criteria for the use of a proposed impact offset  
 94 |       derived from the use of reclaimed water when a water management  
 95 |       district evaluates an application for a consumptive use permit.  
 96 |       As used in this subparagraph, the term "impact offset" means the  
 97 |       use of reclaimed water to reduce or eliminate a harmful impact  
 98 |       that has occurred or would otherwise occur as a result of other  
 99 |       surface water or groundwater withdrawals. Examples of reclaimed  
 100 | water use that may create an impact offset include, but are not



101 limited to, the use of reclaimed water to:  
102 a. Prevent or stop further saltwater intrusion;  
103 b. Raise aquifer levels;  
104 c. Improve the water quality of an aquifer; or  
105 d. Augment surface water to increase the quantity of water  
106 available for water supply.

107 2. Criteria for the use of substitution credits where a  
108 water management district has adopted rules establishing  
109 withdrawal limits from a specified water resource within a  
110 defined geographic area. As used in this subparagraph, the term  
111 "substitution credit" means the use of reclaimed water to  
112 replace all or a portion of an existing permitted use of  
113 resource-limited surface water or groundwater, allowing a  
114 different user or use to initiate a withdrawal or increase its  
115 withdrawal from the same resource-limited surface water or  
116 groundwater source provided that the withdrawal creates no net  
117 adverse impact on the limited water resource or creates a net  
118 positive impact if required by water management district rule as  
119 part of a strategy to protect or recover a water resource.

120 3. Criteria by which an impact offset or substitution  
121 credit may be applied to the issuance, renewal, or extension of  
122 the utility's or another user's consumptive use permit or may be  
123 used to address additional water resource constraints imposed  
124 through the adoption of a recovery or prevention strategy under  
125 s. 373.0421.



126 (b) Within 60 days after the final adoption by the  
127 department of the revisions to the water resource implementation  
128 rule required under paragraph (a), each water management  
129 district must ~~shall~~ initiate rulemaking to incorporate those  
130 revisions by reference into the rules of the district.

131 Section 2. Subsection (7) is added to section 373.413,  
132 Florida Statutes, to read:

133 373.413 Permits for construction or alteration.—

134 (7) (a) The governing board or department shall reissue the  
135 construction phase of an expired individual permit upon a  
136 demonstration by an applicant that:

137 1. The applicant could not reasonably be expected to  
138 complete the original permitted activity within the original  
139 permit period;

140 2. The applicant can meet the plans, terms, and conditions  
141 of the original permit for the duration of the reissued permit  
142 period;

143 3. The site conditions or significant information  
144 regarding the site or activity have not changed since the  
145 original permit was issued to an extent that the permitted  
146 activity would create additional adverse impacts; and

147 4. No more than 3 years have passed since the expiration  
148 of the original permit.

149 (b) A new property owner may apply for reissuance of the  
150 construction phase of an expired individual permit. The new



151 owner must demonstrate the criteria required in paragraph (a)  
152 and provide sufficient evidence of ownership pursuant to  
153 governing board or department rule.

154 (c) An applicant for the reissuance of the construction  
155 phase of an expired individual permit must submit to the  
156 governing board or department, in writing or electronically:

- 157 1. The applicant's name and contact information;  
158 2. The permit number;  
159 3. A clear statement explaining why the permitted activity  
160 could not be completed within the original permit period; and  
161 4. A certification from a professional registered in or  
162 licensed by the state and practicing under chapter 471, chapter  
163 472, chapter 481, or chapter 492 that:

164 a. The permitted activity remains consistent with plans,  
165 terms, and conditions of the original permit and the rules of  
166 the governing board or department that were in effect when the  
167 original permit was issued.

168 b. The site conditions or significant information  
169 regarding the site or activity have not changed since the  
170 original permit was issued to an extent that the permitted  
171 activity would create additional adverse impacts.

172 (d) The department, in coordination with the water  
173 management districts, may adopt rules to administer this  
174 subsection.

175 Section 3. Subsection (1) of section 403.064, Florida



176 Statutes, is amended, and subsection (17) is added to that  
177 section, to read:

178 403.064 Reuse of reclaimed water.—

179 (1) The encouragement and promotion of water conservation,  
180 and reuse of reclaimed water, as defined by the department, are  
181 state objectives and are considered to be in the public  
182 interest. The Legislature finds that the reuse of reclaimed  
183 water is a critical component of meeting the state's existing  
184 and future water supply needs while sustaining natural systems.  
185 The Legislature further finds that for those wastewater  
186 treatment plants permitted and operated under an approved reuse  
187 program by the department, the reclaimed water shall be  
188 considered environmentally acceptable and not a threat to public  
189 health and safety. The Legislature encourages the development of  
190 aquifer recharge and incentive-based programs for reuse  
191 implementation.

192 (17) The department and the water management districts  
193 shall develop and enter into a memorandum of agreement providing  
194 for a coordinated review of any reclaimed water project  
195 requiring a reclaimed water facility permit, an underground  
196 injection control permit, and a consumptive use permit. The  
197 memorandum of agreement must provide that the coordinated review  
198 is performed only if the applicant for such permits requests a  
199 coordinated review. The goal of the coordinated review is to  
200 share information, avoid requesting the applicant to submit





201 redundant information, and ensure, to the extent feasible, a  
202 harmonized review of the reclaimed water project under these  
203 various permitting programs, including the use of a proposed  
204 impact offset or substitution credit in accordance with s.  
205 373.250(5). The department and the water management districts  
206 must develop and execute such memorandum of agreement no later  
207 than December 1, 2018.

208 Section 4. Present subsection (22) of section 403.706,  
209 Florida Statutes, is renumbered as subsection (23), and a new  
210 subsection (22) is added to that section, to read:

211 403.706 Local government solid waste responsibilities.—

212 (22) Counties and municipalities must address the  
213 contamination of recyclable material in contracts for the  
214 collection, transportation, and processing of residential  
215 recyclable material based upon the following:

216 (a) A residential recycling collector may not be required  
217 to collect or transport contaminated recyclable material, except  
218 pursuant to a contract consistent with paragraph (c). As used in  
219 this subsection, the term "residential recycling collector"  
220 means a for-profit business entity that collects and transports  
221 residential recyclable material on behalf of a county or  
222 municipality.

223 (b) A recovered materials processing facility may not be  
224 required to process contaminated recyclable material, except  
225 pursuant to a contract consistent with paragraph (d).



226       (c) Each contract between a residential recycling  
227 collector and a county or municipality for the collection or  
228 transport of residential recyclable material, and each request  
229 for proposal or other solicitation for the collection of  
230 residential recyclable material, must define the term  
231 "contaminated recyclable material." The term should be defined  
232 in a manner that is appropriate for the local community, taking  
233 into consideration available markets for recyclable material,  
234 available waste composition studies, and other relevant factors.  
235 The contract and request for proposal or other solicitation must  
236 include:

237       1. The respective strategies and obligations of the county  
238 or municipality and the residential recycling collector to  
239 reduce the amount of contaminated recyclable material being  
240 collected;

241       2. The procedures for identifying, documenting, managing,  
242 and rejecting residential recycling containers, truck loads,  
243 carts, or bins that contain contaminated recyclable material;

244       3. The remedies authorized to be used if a container,  
245 cart, or bin contains contaminated recyclable material; and

246       4. The education and enforcement measures that will be  
247 used to reduce the amount of contaminated recyclable material.

248       (d) Each contract between a recovered materials processing  
249 facility and a county or municipality for processing residential  
250 recyclable material, and each request for proposal or other



251 solicitation for processing residential recyclable material,  
252 must define the term "contaminated recyclable material." The  
253 term should be defined in a manner that is appropriate for the  
254 local community, taking into consideration available markets for  
255 recyclable material, available waste composition studies, and  
256 other relevant factors. The contract and request for proposal  
257 must include:

258 1. The respective strategies and obligations of the county  
259 or municipality and the facility to reduce the amount of  
260 contaminated recyclable material being collected and processed;

261 2. The procedures for identifying, documenting, managing,  
262 and rejecting residential recycling containers, truck loads,  
263 carts, or bins that contain contaminated recyclable material;  
264 and

265 3. The remedies authorized to be used if a container or  
266 truck load contains contaminated recyclable material.

267 (e) This subsection applies to each contract between a  
268 municipality or county and a residential recycling collector or  
269 recovered materials processing facility executed or renewed  
270 after July 1, 2018.

271 (f) This subsection applies only to the collection and  
272 processing of material obtained from residential recycling  
273 activities. As used in this subsection, the term "contaminated  
274 recyclable material" refers only to recyclable material that is  
275 comingled or mixed with solid waste or other nonhazardous



276 material. The term does not include contamination as that term  
277 or a derivation of that term is used in chapter 376 and other  
278 sections of chapter 403, including, but not limited to,  
279 brownfield site cleanup, water quality remediation, dry cleaning  
280 solvent contaminated site cleanup, petroleum contaminated site  
281 cleanup, cattle dipping vat site cleanup, or other hazardous  
282 waste remediation.

283 Section 5. Subsection (1) of section 403.813, Florida  
284 Statutes, is amended to read:

285 403.813 Permits issued at district centers; exceptions.—

286 (1) A permit is not required under this chapter, chapter  
287 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
288 chapter 25270, 1949, Laws of Florida, and a local government may  
289 not require a person claiming this exception to provide further  
290 department verification, for activities associated with the  
291 following types of projects; however, except as otherwise  
292 provided in this subsection, this subsection does not relieve an  
293 applicant from any requirement to obtain permission to use or  
294 occupy lands owned by the Board of Trustees of the Internal  
295 Improvement Trust Fund or a water management district in its  
296 governmental or proprietary capacity or from complying with  
297 applicable local pollution control programs authorized under  
298 this chapter or other requirements of county and municipal  
299 governments:

300 (a) The installation of overhead transmission lines,



301 having ~~with~~ support structures that ~~which~~ are not constructed in  
302 waters of the state and which do not create a navigational  
303 hazard.

304 (b) The installation and repair of mooring pilings and  
305 dolphins associated with private docking facilities or piers and  
306 the installation of private docks, piers, and recreational  
307 docking facilities, or piers and recreational docking facilities  
308 of local governmental entities when the local governmental  
309 entity's activities will not take place in any manatee habitat,  
310 any of which docks:

311 1. Has 500 square feet or less of over-water surface area  
312 for a dock ~~which is~~ located in an area designated as Outstanding  
313 Florida Waters or 1,000 square feet or less of over-water  
314 surface area for a dock ~~which is~~ located in an area that ~~which~~  
315 is not designated as Outstanding Florida Waters;

316 2. Is constructed on or held in place by pilings or is a  
317 floating dock ~~which is~~ constructed so as not to involve filling  
318 or dredging other than that necessary to install the pilings;

319 3. May ~~shall~~ not substantially impede the flow of water or  
320 create a navigational hazard;

321 4. Is used for recreational, noncommercial activities  
322 associated with the mooring or storage of boats and boat  
323 paraphernalia; and

324 5. Is the sole dock constructed pursuant to this exemption  
325 as measured along the shoreline for a distance of 65 feet,



326 unless the parcel of land or individual lot as platted is less  
327 than 65 feet in length along the shoreline, in which case there  
328 may be one exempt dock allowed per parcel or lot.

329  
330 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department  
331 from taking appropriate enforcement action pursuant to this  
332 chapter to abate or prohibit any activity otherwise exempt from  
333 permitting pursuant to this paragraph if the department can  
334 demonstrate that the exempted activity has caused water  
335 pollution in violation of this chapter.

336 (c) The installation and maintenance to design  
337 specifications of boat ramps on artificial bodies of water where  
338 navigational access to the proposed ramp exists or the  
339 installation of boat ramps open to the public in any waters of  
340 the state where navigational access to the proposed ramp exists  
341 and where the construction of the proposed ramp will be less  
342 than 30 feet wide and will involve the removal of less than 25  
343 cubic yards of material from the waters of the state, and the  
344 maintenance to design specifications of such ramps; however, the  
345 material to be removed shall be placed upon a self-contained  
346 upland site so as to prevent the escape of the spoil material  
347 into the waters of the state.

348 (d) The replacement or repair of existing docks and piers,  
349 except that fill material may not be used and the replacement or  
350 repaired dock or pier must be within 5 feet of the same location



351 and no larger in size than the existing dock or pier, and no  
352 additional aquatic resources may be adversely and permanently  
353 impacted by such replacement or repair ~~in the same location and~~  
354 ~~of the same configuration and dimensions as the dock or pier~~  
355 ~~being replaced or repaired.~~ This does not preclude the use of  
356 different construction materials or minor deviations to allow  
357 upgrades to current structural and design standards.

358 (e) The restoration of seawalls at their previous  
359 locations or upland of, or within 18 inches waterward of, their  
360 previous locations. However, this may ~~shall~~ not affect the  
361 permitting requirements of chapter 161, and department rules  
362 shall clearly indicate that this exception does not constitute  
363 an exception from the permitting requirements of chapter 161.

364 (f) The performance of maintenance dredging of existing  
365 manmade canals, channels, intake and discharge structures, and  
366 previously dredged portions of natural water bodies within  
367 drainage rights-of-way or drainage easements which have been  
368 recorded in the public records of the county, where the spoil  
369 material is to be removed and deposited on a self-contained,  
370 upland spoil site which will prevent the escape of the spoil  
371 material into the waters of the state, provided that no more  
372 dredging is to be performed than is necessary to restore the  
373 canals, channels, and intake and discharge structures, and  
374 previously dredged portions of natural water bodies, to original  
375 design specifications or configurations, provided that the work



376 is conducted in compliance with s. 379.2431(2)(d), provided that  
377 no significant impacts occur to previously undisturbed natural  
378 areas, and provided that control devices for return flow and  
379 best management practices for erosion and sediment control are  
380 utilized to prevent bank erosion and scouring and to prevent  
381 turbidity, dredged material, and toxic or deleterious substances  
382 from discharging into adjacent waters during maintenance  
383 dredging. Further, for maintenance dredging of previously  
384 dredged portions of natural water bodies within recorded  
385 drainage rights-of-way or drainage easements, an entity that  
386 seeks an exemption must notify the department or water  
387 management district, as applicable, at least 30 days before  
388 ~~prior to~~ dredging and provide documentation of original design  
389 specifications or configurations where such exist. This  
390 exemption applies to all canals and previously dredged portions  
391 of natural water bodies within recorded drainage rights-of-way  
392 or drainage easements constructed before ~~prior to~~ April 3, 1970,  
393 and to those canals and previously dredged portions of natural  
394 water bodies constructed on or after April 3, 1970, pursuant to  
395 all necessary state permits. This exemption does not apply to  
396 the removal of a natural or manmade barrier separating a canal  
397 or canal system from adjacent waters. When no previous permit  
398 has been issued by the Board of Trustees of the Internal  
399 Improvement Trust Fund or the United States Army Corps of  
400 Engineers for construction or maintenance dredging of the





401 existing manmade canal or intake or discharge structure, such  
402 maintenance dredging shall be limited to a depth of no more than  
403 5 feet below mean low water. The Board of Trustees of the  
404 Internal Improvement Trust Fund may fix and recover from the  
405 permittee an amount equal to the difference between the fair  
406 market value and the actual cost of the maintenance dredging for  
407 material removed during such maintenance dredging. However, no  
408 charge shall be exacted by the state for material removed during  
409 such maintenance dredging by a public port authority. The  
410 removing party may subsequently sell such material; however,  
411 proceeds from such sale that exceed the costs of maintenance  
412 dredging shall be remitted to the state and deposited in the  
413 Internal Improvement Trust Fund.

414 (g) The maintenance of existing insect control structures,  
415 dikes, and irrigation and drainage ditches, provided that spoil  
416 material is deposited on a self-contained, upland spoil site  
417 which will prevent the escape of the spoil material into waters  
418 of the state. In the case of insect control structures, if the  
419 cost of using a self-contained upland spoil site is so  
420 excessive, as determined by the Department of Health, pursuant  
421 to s. 403.088(1), that it will inhibit proposed insect control,  
422 then-existing spoil sites or dikes may be used, upon  
423 notification to the department. In the case of insect control  
424 where upland spoil sites are not used pursuant to this  
425 exemption, turbidity control devices shall be used to confine



426 the spoil material discharge to that area previously disturbed  
427 when the receiving body of water is used as a potable water  
428 supply, is designated as shellfish harvesting waters, or  
429 functions as a habitat for commercially or recreationally  
430 important shellfish or finfish. In all cases, no more dredging  
431 is to be performed than is necessary to restore the dike or  
432 irrigation or drainage ditch to its original design  
433 specifications.

434 (h) The repair or replacement of existing functional pipes  
435 or culverts the purpose of which is the discharge or conveyance  
436 of stormwater. In all cases, the invert elevation, the diameter,  
437 and the length of the culvert may ~~shall~~ not be changed. However,  
438 the material used for the culvert may be different from the  
439 original.

440 (i) The construction of private docks of 1,000 square feet  
441 or less of over-water surface area and seawalls in artificially  
442 created waterways where such construction will not violate  
443 existing water quality standards, impede navigation, or affect  
444 flood control. This exemption does not apply to the construction  
445 of vertical seawalls in estuaries or lagoons unless the proposed  
446 construction is within an existing manmade canal where the  
447 shoreline is currently occupied in whole or part by vertical  
448 seawalls.

449 (j) The construction and maintenance of swales.

450 (k) The installation of aids to navigation and buoys



451 associated with such aids, provided the devices are marked  
452 pursuant to s. 327.40.

453 (l) The replacement or repair of existing open-trestle  
454 foot bridges and vehicular bridges that are 100 feet or less in  
455 length and two lanes or less in width, provided that no more  
456 dredging or filling of submerged lands is performed other than  
457 that which is necessary to replace or repair pilings and that  
458 the structure to be replaced or repaired is the same length, the  
459 same configuration, and in the same location as the original  
460 bridge. No debris from the original bridge shall be allowed to  
461 remain in the waters of the state.

462 (m) The installation of subaqueous transmission and  
463 distribution lines laid on, or embedded in, the bottoms of  
464 waters in the state, except in Class I and Class II waters and  
465 aquatic preserves, provided no dredging or filling is necessary.

466 (n) The replacement or repair of subaqueous transmission  
467 and distribution lines laid on, or embedded in, the bottoms of  
468 waters of the state.

469 (o) The construction of private seawalls in wetlands or  
470 other surface waters where such construction is between and  
471 adjoins at both ends existing seawalls; follows a continuous and  
472 uniform seawall construction line with the existing seawalls; is  
473 no more than 150 feet in length; and does not violate existing  
474 water quality standards, impede navigation, or affect flood  
475 control. However, in estuaries and lagoons the construction of



476 vertical seawalls is limited to the circumstances and purposes  
477 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect  
478 the permitting requirements of chapter 161, and department rules  
479 must clearly indicate that this exception does not constitute an  
480 exception from the permitting requirements of chapter 161.

481 (p) The restoration of existing insect control impoundment  
482 dikes which are less than 100 feet in length. Such impoundments  
483 shall be connected to tidally influenced waters for 6 months  
484 each year beginning September 1 and ending February 28 if  
485 feasible or operated in accordance with an impoundment  
486 management plan approved by the department. A dike restoration  
487 may involve no more dredging than is necessary to restore the  
488 dike to its original design specifications. For the purposes of  
489 this paragraph, restoration does not include maintenance of  
490 impoundment dikes of operating insect control impoundments.

491 (q) The construction, operation, or maintenance of  
492 stormwater management facilities which are designed to serve  
493 single-family residential projects, including duplexes,  
494 triplexes, and quadruplexes, if they are less than 10 acres  
495 total land and have less than 2 acres of impervious surface and  
496 if the facilities:

497 1. Comply with all regulations or ordinances applicable to  
498 stormwater management and adopted by a city or county;

499 2. Are not part of a larger common plan of development or  
500 sale; and



501           3. Discharge into a stormwater discharge facility exempted  
502 or permitted by the department under this chapter which has  
503 sufficient capacity and treatment capability as specified in  
504 this chapter and is owned, maintained, or operated by a city,  
505 county, special district with drainage responsibility, or water  
506 management district; however, this exemption does not authorize  
507 discharge to a facility without the facility owner's prior  
508 written consent.

509           (r) The removal of aquatic plants, the removal of  
510 tussocks, the associated replanting of indigenous aquatic  
511 plants, and the associated removal from lakes of organic  
512 detrital material when such planting or removal is performed and  
513 authorized by permit or exemption granted under s. 369.20 or s.  
514 369.25, provided that:

515           1. Organic detrital material that exists on the surface of  
516 natural mineral substrate shall be allowed to be removed to a  
517 depth of 3 feet or to the natural mineral substrate, whichever  
518 is less;

519           2. All material removed pursuant to this paragraph shall  
520 be deposited in an upland site in a manner that will prevent the  
521 reintroduction of the material into waters in the state except  
522 when spoil material is permitted to be used to create wildlife  
523 islands in freshwater bodies of the state when a governmental  
524 entity is permitted pursuant to s. 369.20 to create such islands  
525 as a part of a restoration or enhancement project;



526 3. All activities are performed in a manner consistent  
527 with state water quality standards; and

528 4. No activities under this exemption are conducted in  
529 wetland areas, as defined in s. 373.019(27), which are supported  
530 by a natural soil as shown in applicable United States  
531 Department of Agriculture county soil surveys, except when a  
532 governmental entity is permitted pursuant to s. 369.20 to  
533 conduct such activities as a part of a restoration or  
534 enhancement project.

535

536 The department may not adopt implementing rules for this  
537 paragraph, notwithstanding any other provision of law.

538 (s) The construction, installation, operation, or  
539 maintenance of floating vessel platforms or floating boat lifts,  
540 provided that such structures:

541 1. Float at all times in the water for the sole purpose of  
542 supporting a vessel so that the vessel is out of the water when  
543 not in use;

544 2. Are wholly contained within a boat slip previously  
545 permitted under ss. 403.91-403.929, 1984 Supplement to the  
546 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
547 do not exceed a combined total of 500 square feet, or 200 square  
548 feet in an Outstanding Florida Water, when associated with a  
549 dock that is exempt under this subsection or associated with a  
550 permitted dock with no defined boat slip or attached to a



551 bulkhead on a parcel of land where there is no other docking  
552 structure;

553 3. Are not used for any commercial purpose or for mooring  
554 vessels that remain in the water when not in use, and do not  
555 substantially impede the flow of water, create a navigational  
556 hazard, or unreasonably infringe upon the riparian rights of  
557 adjacent property owners, as defined in s. 253.141;

558 4. Are constructed and used so as to minimize adverse  
559 impacts to submerged lands, wetlands, shellfish areas, aquatic  
560 plant and animal species, and other biological communities,  
561 including locating such structures in areas where seagrasses are  
562 least dense adjacent to the dock or bulkhead; and

563 5. Are not constructed in areas specifically prohibited  
564 for boat mooring under conditions of a permit issued in  
565 accordance with ss. 403.91-403.929, 1984 Supplement to the  
566 Florida Statutes 1983, as amended, or part IV of chapter 373, or  
567 other form of authorization issued by a local government.

568  
569 Structures that qualify for this exemption are relieved from any  
570 requirement to obtain permission to use or occupy lands owned by  
571 the Board of Trustees of the Internal Improvement Trust Fund  
572 and, with the exception of those structures attached to a  
573 bulkhead on a parcel of land where there is no docking  
574 structure, may ~~shall~~ not be subject to any more stringent  
575 permitting requirements, registration requirements, or other



576 regulation by any local government. Local governments may  
577 require either permitting or one-time registration of floating  
578 vessel platforms to be attached to a bulkhead on a parcel of  
579 land where there is no other docking structure as necessary to  
580 ensure compliance with local ordinances, codes, or regulations.  
581 Local governments may require either permitting or one-time  
582 registration of all other floating vessel platforms as necessary  
583 to ensure compliance with the exemption criteria in this  
584 section; to ensure compliance with local ordinances, codes, or  
585 regulations relating to building or zoning, which are no more  
586 stringent than the exemption criteria in this section or address  
587 subjects other than subjects addressed by the exemption criteria  
588 in this section; and to ensure proper installation, maintenance,  
589 and precautionary or evacuation action following a tropical  
590 storm or hurricane watch of a floating vessel platform or  
591 floating boat lift that is proposed to be attached to a bulkhead  
592 or parcel of land where there is no other docking structure. The  
593 exemption provided in this paragraph shall be in addition to the  
594 exemption provided in paragraph (b). The department shall adopt  
595 a general permit by rule for the construction, installation,  
596 operation, or maintenance of those floating vessel platforms or  
597 floating boat lifts that do not qualify for the exemption  
598 provided in this paragraph but do not cause significant adverse  
599 impacts to occur individually or cumulatively. The issuance of  
600 such general permit shall also constitute permission to use or





601 occupy lands owned by the Board of Trustees of the Internal  
602 Improvement Trust Fund. No local government shall impose a more  
603 stringent regulation, permitting requirement, registration  
604 requirement, or other regulation covered by such general permit.  
605 Local governments may require either permitting or one-time  
606 registration of floating vessel platforms as necessary to ensure  
607 compliance with the general permit in this section; to ensure  
608 compliance with local ordinances, codes, or regulations relating  
609 to building or zoning that are no more stringent than the  
610 general permit in this section; and to ensure proper  
611 installation and maintenance of a floating vessel platform or  
612 floating boat lift that is proposed to be attached to a bulkhead  
613 or parcel of land where there is no other docking structure.

614 (t) The repair, stabilization, or paving of existing  
615 county maintained roads and the repair or replacement of bridges  
616 that are part of the roadway, within the Northwest Florida Water  
617 Management District and the Suwannee River Water Management  
618 District, provided:

619 1. The road and associated bridge were in existence and in  
620 use as a public road or bridge, and were maintained by the  
621 county as a public road or bridge on or before January 1, 2002;

622 2. The construction activity does not realign the road or  
623 expand the number of existing traffic lanes of the existing  
624 road; however, the work may include the provision of safety  
625 shoulders, clearance of vegetation, and other work reasonably



626 necessary to repair, stabilize, pave, or repave the road,  
627 provided that the work is constructed by generally accepted  
628 engineering standards;

629         3. The construction activity does not expand the existing  
630 width of an existing vehicular bridge in excess of that  
631 reasonably necessary to properly connect the bridge with the  
632 road being repaired, stabilized, paved, or repaved to safely  
633 accommodate the traffic expected on the road, which may include  
634 expanding the width of the bridge to match the existing  
635 connected road. However, no debris from the original bridge  
636 shall be allowed to remain in waters of the state, including  
637 wetlands;

638         4. Best management practices for erosion control shall be  
639 employed as necessary to prevent water quality violations;

640         5. Roadside swales or other effective means of stormwater  
641 treatment must be incorporated as part of the project;

642         6. No more dredging or filling of wetlands or water of the  
643 state is performed than that which is reasonably necessary to  
644 repair, stabilize, pave, or repave the road or to repair or  
645 replace the bridge, in accordance with generally accepted  
646 engineering standards; and

647         7. Notice of intent to use the exemption is provided to  
648 the department, if the work is to be performed within the  
649 Northwest Florida Water Management District, or to the Suwannee  
650 River Water Management District, if the work is to be performed



651 within the Suwannee River Water Management District, 30 days  
652 before ~~prior to~~ performing any work under the exemption.

653  
654 Within 30 days after this act becomes a law, the department  
655 shall initiate rulemaking to adopt a no fee general permit for  
656 the repair, stabilization, or paving of existing roads that are  
657 maintained by the county and the repair or replacement of  
658 bridges that are part of the roadway where such activities do  
659 not cause significant adverse impacts to occur individually or  
660 cumulatively. The general permit shall apply statewide and, with  
661 no additional rulemaking required, apply to qualified projects  
662 reviewed by the Suwannee River Water Management District, the  
663 St. Johns River Water Management District, the Southwest Florida  
664 Water Management District, and the South Florida Water  
665 Management District under the division of responsibilities  
666 contained in the operating agreements applicable to part IV of  
667 chapter 373. Upon adoption, this general permit shall, pursuant  
668 to ~~the provisions of~~ subsection (2), supersede and replace the  
669 exemption in this paragraph.

670 (u) Notwithstanding any provision to the contrary in this  
671 subsection, a permit or other authorization under chapter 253,  
672 chapter 369, chapter 373, or this chapter is not required for an  
673 individual residential property owner for the removal of organic  
674 detrital material from freshwater rivers or lakes that have a  
675 natural sand or rocky substrate and that are not Aquatic



676 Preserves or for the associated removal and replanting of  
677 aquatic vegetation for the purpose of environmental enhancement,  
678 providing that:

679 1. No activities under this exemption are conducted in  
680 wetland areas, as defined in s. 373.019(27), which are supported  
681 by a natural soil as shown in applicable United States  
682 Department of Agriculture county soil surveys.

683 2. No filling or peat mining is allowed.

684 3. No removal of native wetland trees, including, but not  
685 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

686 4. When removing organic detrital material, no portion of  
687 the underlying natural mineral substrate or rocky substrate is  
688 removed.

689 5. Organic detrital material and plant material removed is  
690 deposited in an upland site in a manner that will not cause  
691 water quality violations.

692 6. All activities are conducted in such a manner, and with  
693 appropriate turbidity controls, so as to prevent any water  
694 quality violations outside the immediate work area.

695 7. Replanting with a variety of aquatic plants native to  
696 the state shall occur in a minimum of 25 percent of the  
697 preexisting vegetated areas where organic detrital material is  
698 removed, except for areas where the material is removed to bare  
699 rocky substrate; however, an area may be maintained clear of  
700 vegetation as an access corridor. The access corridor width may



701 not exceed 50 percent of the property owner's frontage or 50  
702 feet, whichever is less, and may be a sufficient length  
703 waterward to create a corridor to allow access for a boat or  
704 swimmer to reach open water. Replanting must be at a minimum  
705 density of 2 feet on center and be completed within 90 days  
706 after removal of existing aquatic vegetation, except that under  
707 dewatered conditions replanting must be completed within 90 days  
708 after reflooding. The area to be replanted must extend waterward  
709 from the ordinary high water line to a point where normal water  
710 depth would be 3 feet or the preexisting vegetation line,  
711 whichever is less. Individuals are required to make a reasonable  
712 effort to maintain planting density for a period of 6 months  
713 after replanting is complete, and the plants, including  
714 naturally recruited native aquatic plants, must be allowed to  
715 expand and fill in the revegetation area. Native aquatic plants  
716 to be used for revegetation must be salvaged from the  
717 enhancement project site or obtained from an aquatic plant  
718 nursery regulated by the Department of Agriculture and Consumer  
719 Services. Plants that are not native to the state may not be  
720 used for replanting.

721 8. No activity occurs any farther than 100 feet waterward  
722 of the ordinary high water line, and all activities must be  
723 designed and conducted in a manner that will not unreasonably  
724 restrict or infringe upon the riparian rights of adjacent upland  
725 riparian owners.



726           9. The person seeking this exemption notifies the  
727 applicable department district office in writing at least 30  
728 days before commencing work and allows the department to conduct  
729 a preconstruction site inspection. Notice must include an  
730 organic-detrimental-material removal and disposal plan and, if  
731 applicable, a vegetation-removal and revegetation plan.

732           10. The department is provided written certification of  
733 compliance with the terms and conditions of this paragraph  
734 within 30 days after completion of any activity occurring under  
735 this exemption.

736           (v) Notwithstanding any other provision in this chapter,  
737 chapter 373, or chapter 161, a permit or other authorization is  
738 not required for the following exploratory activities associated  
739 with beach restoration and nourishment projects and inlet  
740 management activities:

741           1. The collection of geotechnical, geophysical, and  
742 cultural resource data, including surveys, mapping, acoustic  
743 soundings, benthic and other biologic sampling, and coring.

744           2. Oceanographic instrument deployment, including  
745 temporary installation on the seabed of coastal and  
746 oceanographic data collection equipment.

747           3. Incidental excavation associated with any of the  
748 activities listed under subparagraph 1. or subparagraph 2.

749           Section 6. Paragraph (b) of subsection (1) of section  
750 373.4135, Florida Statutes, is amended to read:



751           373.4135 Mitigation banks and offsite regional  
752 mitigation.—

753           (1) The Legislature finds that the adverse impacts of  
754 activities regulated under this part may be offset by the  
755 creation, maintenance, and use of mitigation banks and offsite  
756 regional mitigation. Mitigation banks and offsite regional  
757 mitigation can enhance the certainty of mitigation and provide  
758 ecological value due to the improved likelihood of environmental  
759 success associated with their proper construction, maintenance,  
760 and management. Therefore, the department and the water  
761 management districts are directed to participate in and  
762 encourage the establishment of private and public mitigation  
763 banks and offsite regional mitigation. Mitigation banks and  
764 offsite regional mitigation should emphasize the restoration and  
765 enhancement of degraded ecosystems and the preservation of  
766 uplands and wetlands as intact ecosystems rather than alteration  
767 of landscapes to create wetlands. This is best accomplished  
768 through restoration of ecological communities that were  
769 historically present.

770           (b) Notwithstanding the provisions of this section, a  
771 governmental entity may not create or provide mitigation for a  
772 project other than its own unless the governmental entity uses  
773 land that was not previously purchased for conservation and  
774 unless the governmental entity provides the same financial  
775 assurances as required for mitigation banks permitted under s.



776 | 373.4136. This paragraph does not apply to:

777 |       1. Mitigation banks permitted before December 31, 2011,  
778 | under s. 373.4136;

779 |       2. Offsite regional mitigation areas established before  
780 | December 31, 2011, under subsection (6) or, when credits are not  
781 | available at a mitigation bank permitted under s. 373.4136,  
782 | mitigation areas created by a local government which were  
783 | awarded mitigation credits pursuant to the uniform mitigation  
784 | assessment method as provided in chapter 62-345, Florida  
785 | Administrative Code, under a permit issued before December 31,  
786 | 2011;

787 |       3. Mitigation for transportation projects under ss.  
788 | 373.4137 and 373.4139;

789 |       4. Mitigation for impacts from mining activities under s.  
790 | 373.41492;

791 |       5. Mitigation provided for single-family lots or  
792 | homeowners under subsection (7);

793 |       6. Entities authorized in chapter 98-492, Laws of Florida;

794 |       7. Mitigation provided for electric utility impacts  
795 | certified under part II of chapter 403; or

796 |       8. Mitigation provided on sovereign submerged lands under  
797 | subsection (6).

798 |       Section 7. Paragraph (d) of subsection (9) of section  
799 | 373.4598, Florida Statutes, is amended and paragraph (f) is  
800 | added to that subsection to read:





801 373.4598 Water storage reservoirs.—

802 (9) C-51 RESERVOIR PROJECT.—

803 (d) If state funds are appropriated for Phase I or Phase  
804 II of the C-51 reservoir project:

805 1. The district, to the extent practicable, must ~~shall~~  
806 operate either Phase I or Phase II of the reservoir project to  
807 maximize the reduction of high-volume Lake Okeechobee regulatory  
808 releases to the St. Lucie or Caloosahatchee estuaries, in  
809 addition to maximizing the reduction of harmful discharges  
810 ~~providing relief~~ to the Lake Worth Lagoon. However, the  
811 operation of Phase I of the C-51 reservoir project must be in  
812 accordance with any operation and maintenance agreement adopted  
813 by the district;

814 2. Water made available by Phase I or Phase II of the  
815 reservoir must ~~shall~~ be used for natural systems in addition to  
816 any permitted ~~allocated~~ amounts for water supply; and

817 3. ~~Any~~ Water received from Lake Okeechobee may only ~~not~~ be  
818 available to support consumptive use permits if such use is in  
819 accordance with district rules.

820 (f) The district may enter into a capacity allocation  
821 agreement with a water supply entity for a pro rata share of  
822 unreserved capacity in the water storage facility and may  
823 request the department to waive repayment of all or a portion of  
824 the loan issued pursuant to s. 373.475. The department may  
825 authorize such waiver if the department determines it has



826 received reasonable value for such waiver. The district is not  
827 responsible for repaying any portion of a loan issued pursuant  
828 to s. 373.475 which is waived pursuant to this paragraph.

829 Section 8. Section 403.1839, Florida Statutes, is created  
830 to read:

831 403.1839 Blue star collection system assessment and  
832 maintenance program.—

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

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

836 (b) "Domestic wastewater collection system" has the same  
837 meaning as provided in s. 403.866.

838 (c) "Program" means the blue star collection system  
839 assessment and maintenance program.

840 (d) "Sanitary sewer overflow" means the unauthorized  
841 overflow, spill, release, discharge or diversion of untreated or  
842 partially treated domestic wastewater.

843 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

844 (a) The implementation of domestic wastewater collection  
845 system assessment and maintenance practices has been shown to  
846 effectively limit sanitary sewer overflows and the unauthorized  
847 discharge of pathogens.

848 (b) The voluntary implementation of domestic wastewater  
849 collection system assessment and maintenance practices beyond  
850 those required by law has the potential to further limit



851 sanitary sewer overflows.

852 (c) The unique geography, community, growth, size, and age  
853 of domestic wastewater collection systems across the state  
854 require diverse responses, using the best professional judgment  
855 of local utility operators, to ensure that programs designed to  
856 limit sanitary sewer overflows are effective.

857 (3) ESTABLISHMENT AND PURPOSE.—There is established in the  
858 department a blue star collection system assessment and  
859 maintenance program. The purpose of this voluntary incentive  
860 program is to assist public and private utilities in limiting  
861 sanitary sewer overflows and the unauthorized discharge of  
862 pathogens.

863 (4) APPROVAL AND STANDARDS.—

864 (a) The department shall adopt rules to administer the  
865 program, including the certification standards for the program  
866 in paragraph (b), and shall review and approve public and  
867 private domestic wastewater utilities that apply for  
868 certification or renewal under the program and that demonstrate  
869 maintenance of program certification pursuant to paragraph (c)  
870 based upon the certification standards.

871 (b) A utility must provide reasonable documentation of the  
872 following certification standards in order to be certified under  
873 the program:

874 1. The implementation of periodic collection system and  
875 pump station structural condition assessments and the



876 performance of as-needed maintenance and replacements.

877 2. The rate of reinvestment determined necessary by the  
878 utility for its collection system and pump station structural  
879 condition assessment and maintenance and replacement program.

880 3. The implementation of a program designed to limit the  
881 presence of fats, roots, oils, and grease in the collection  
882 system.

883 4. If the applicant is a public utility, a local law or  
884 building code requiring the private pump stations and lateral  
885 lines connecting to the public system to be free of:

886 a. Cracks, holes, missing parts, or similar defects; and

887 b. Direct stormwater connections that allow the direct  
888 inflow of stormwater into the private system and the public  
889 domestic wastewater collection system.

890 5. A power outage contingency plan that addresses  
891 mitigation of the impacts of power outages on the utility's  
892 collection system and pump stations.

893 (c) Program certifications shall expire after 5 years. A  
894 utility shall document its implementation of the program on an  
895 annual basis with the department and must demonstrate that the  
896 utility meets all program standards in order to maintain its  
897 program certification. The approval of an application for  
898 renewal certification must be based on the utility demonstrating  
899 maintenance of program standards. A utility applying for renewal  
900 certification must demonstrate maintenance of program standards



901 and progress in implementing the program.

902 (5) PUBLICATION.—The department shall annually publish on  
903 its website a list of certified blue star utilities beginning on  
904 January 1, 2020.

905 (6) FEDERAL PROGRAM PARTICIPATION.—The department shall  
906 allow public and private, nonprofit utilities to participate in  
907 the Clean Water State Revolving Fund Program for any purpose of  
908 the program that is consistent with federal requirements for  
909 participating in the Clean Water State Revolving Fund Program.

910 (7) REDUCED PENALTIES.—In the calculation of penalties  
911 pursuant to s. 403.161 for a sanitary sewer overflow, the  
912 department may reduce the penalty based on a utility's status as  
913 a certified blue star utility in accordance with this section.  
914 The department may also reduce a penalty based on a certified  
915 blue star utility's investment in assessment and maintenance  
916 activities to identify and address conditions that may cause  
917 sanitary sewer overflows or interruption of service to customers  
918 due to a physical condition or defect in the system.

919 Section 9. Paragraph (c) of subsection (7) of section  
920 403.067, Florida Statutes, is amended to read:

921 403.067 Establishment and implementation of total maximum  
922 daily loads.—

923 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
924 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

925 (c) *Best management practices.*—



926           1. The department, in cooperation with the water  
927 management districts and other interested parties, as  
928 appropriate, may develop suitable interim measures, best  
929 management practices, or other measures necessary to achieve the  
930 level of pollution reduction established by the department for  
931 nonagricultural nonpoint pollutant sources in allocations  
932 developed pursuant to subsection (6) and this subsection. These  
933 practices and measures may be adopted by rule by the department  
934 and the water management districts and, where adopted by rule,  
935 shall be implemented by those parties responsible for  
936 nonagricultural nonpoint source pollution.

937           2. The Department of Agriculture and Consumer Services may  
938 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
939 suitable interim measures, best management practices, or other  
940 measures necessary to achieve the level of pollution reduction  
941 established by the department for agricultural pollutant sources  
942 in allocations developed pursuant to subsection (6) and this  
943 subsection or for programs implemented pursuant to paragraph  
944 (12) (b). These practices and measures may be implemented by  
945 those parties responsible for agricultural pollutant sources and  
946 the department, the water management districts, and the  
947 Department of Agriculture and Consumer Services shall assist  
948 with implementation. In the process of developing and adopting  
949 rules for interim measures, best management practices, or other  
950 measures, the Department of Agriculture and Consumer Services



951 shall consult with the department, the Department of Health, the  
952 water management districts, representatives from affected  
953 farming groups, and environmental group representatives. Such  
954 rules must also incorporate provisions for a notice of intent to  
955 implement the practices and a system to assure the  
956 implementation of the practices, including site inspection and  
957 recordkeeping requirements.

958         3. Where interim measures, best management practices, or  
959 other measures are adopted by rule, the effectiveness of such  
960 practices in achieving the levels of pollution reduction  
961 established in allocations developed by the department pursuant  
962 to subsection (6) and this subsection or in programs implemented  
963 pursuant to paragraph (12)(b) must be verified at representative  
964 sites by the department. The department shall use best  
965 professional judgment in making the initial verification that  
966 the best management practices are reasonably expected to be  
967 effective and, where applicable, must notify the appropriate  
968 water management district or the Department of Agriculture and  
969 Consumer Services of its initial verification before the  
970 adoption of a rule proposed pursuant to this paragraph.  
971 Implementation, in accordance with rules adopted under this  
972 paragraph, of practices that have been initially verified to be  
973 effective, or verified to be effective by monitoring at  
974 representative sites, by the department, shall provide a  
975 presumption of compliance with state water quality standards and



976 | release from the provisions of s. 376.307(5) for those  
977 | pollutants addressed by the practices, and the department is not  
978 | authorized to institute proceedings against the owner of the  
979 | source of pollution to recover costs or damages associated with  
980 | the contamination of surface water or groundwater caused by  
981 | those pollutants. Research projects funded by the department, a  
982 | water management district, or the Department of Agriculture and  
983 | Consumer Services to develop or demonstrate interim measures or  
984 | best management practices shall be granted a presumption of  
985 | compliance with state water quality standards and a release from  
986 | the provisions of s. 376.307(5). The presumption of compliance  
987 | and release is limited to the research site and only for those  
988 | pollutants addressed by the interim measures or best management  
989 | practices. Eligibility for the presumption of compliance and  
990 | release is limited to research projects on sites where the owner  
991 | or operator of the research site and the department, a water  
992 | management district, or the Department of Agriculture and  
993 | Consumer Services have entered into a contract or other  
994 | agreement that, at a minimum, specifies the research objectives,  
995 | the cost-share responsibilities of the parties, and a schedule  
996 | that details the beginning and ending dates of the project.  
997 |       4. Where water quality problems are demonstrated, despite  
998 | the appropriate implementation, operation, and maintenance of  
999 | best management practices and other measures required by rules  
1000 | adopted under this paragraph, the department, a water management





1001 district, or the Department of Agriculture and Consumer  
1002 Services, in consultation with the department, shall institute a  
1003 reevaluation of the best management practice or other measure.  
1004 Should the reevaluation determine that the best management  
1005 practice or other measure requires modification, the department,  
1006 a water management district, or the Department of Agriculture  
1007 and Consumer Services, as appropriate, shall revise the rule to  
1008 require implementation of the modified practice within a  
1009 reasonable time period as specified in the rule.

1010 5. Agricultural records relating to processes or methods  
1011 of production, costs of production, profits, or other financial  
1012 information held by the Department of Agriculture and Consumer  
1013 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
1014 rule adopted pursuant to subparagraph 2. are confidential and  
1015 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1016 Constitution. Upon request, records made confidential and exempt  
1017 pursuant to this subparagraph shall be released to the  
1018 department or any water management district provided that the  
1019 confidentiality specified by this subparagraph for such records  
1020 is maintained.

1021 6. The provisions of subparagraphs 1. and 2. do not  
1022 preclude the department or water management district from  
1023 requiring compliance with water quality standards or with  
1024 current best management practice requirements set forth in any  
1025 applicable regulatory program authorized by law for the purpose



1026 of protecting water quality. Additionally, subparagraphs 1. and  
1027 2. are applicable only to the extent that they do not conflict  
1028 with any rules adopted by the department that are necessary to  
1029 maintain a federally delegated or approved program.

1030 7. The department must provide a domestic wastewater  
1031 utility with a presumption of compliance with state water  
1032 quality standards for pathogens when the utility demonstrates a  
1033 history of compliance with wastewater disinfection requirements  
1034 incorporated in the utility's operating permit for any discharge  
1035 into the impaired surface water, and the utility implements and  
1036 maintains a program as a certified blue star utility in  
1037 accordance with s. 403.1839.

1038 Section 10. Subsection (11) is added to section 403.087,  
1039 Florida Statutes, to read:

1040 403.087 Permits; general issuance; denial; revocation;  
1041 prohibition; penalty.—

1042 (11) Subject to the permit duration limits for a utility  
1043 permitted pursuant to s. 403.0885, a blue star utility certified  
1044 pursuant to s. 403.1839 shall be issued a 10-year permit for the  
1045 same fee and under the same conditions as a 5-year permit upon  
1046 approval of its application for permit renewal by the department  
1047 if the certified blue star utility demonstrates that it:

1048 (a) Is in compliance with any consent order or an  
1049 accompanying administrative order to its permit;

1050 (b) Does not have any pending enforcement action against



1051 it by the United States Environmental Protection Agency, the  
1052 department, or a local program; and

1053 (c) If applicable, has submitted annual program  
1054 implementation reports demonstrating progress in the  
1055 implementation of the program.

1056 Section 11. Subsection (6) of section 403.161, Florida  
1057 Statutes, is renumbered as subsection (7), and a new subsection  
1058 (6) is added to that section, to read:

1059 403.161 Prohibitions, violation, penalty, intent.—

1060 (6) Notwithstanding any other law, the department may  
1061 reduce the amount of a penalty based on the person's investment  
1062 in the assessment, maintenance, rehabilitation, or expansion of  
1063 the permitted facility.

1064 Section 12. Subsection (2) and paragraphs (a) and (b) of  
1065 subsection (3) of section 403.1838, Florida Statutes, are  
1066 amended to read:

1067 403.1838 Small Community Sewer Construction Assistance  
1068 Act.—

1069 (2) The department shall use funds specifically  
1070 appropriated to award grants under this section to assist  
1071 financially disadvantaged small communities with their needs for  
1072 adequate sewer facilities. The department may use funds  
1073 specifically appropriated to award grants under this section to  
1074 assist private, nonprofit utilities providing wastewater  
1075 services to financially disadvantaged small communities. For



1076 purposes of this section, the term "financially disadvantaged  
1077 small community" means a county, municipality, or special  
1078 district that has a population of 10,000 or fewer, according to  
1079 the latest decennial census, and a per capita annual income less  
1080 than the state per capita annual income as determined by the  
1081 United States Department of Commerce. For purposes of this  
1082 subsection, the term "special district" has the same meaning as  
1083 provided in s. 189.012 and includes only those special districts  
1084 whose public purpose includes water and sewer services, utility  
1085 systems and services, or wastewater systems and services. The  
1086 department may waive the population requirement for an  
1087 independent special district that serves fewer than 10,000  
1088 wastewater customers, is located within a watershed with an  
1089 adopted total maximum daily load or basin management action plan  
1090 for pollutants associated with domestic wastewater pursuant to  
1091 s. 403.067, and is wholly located within a rural area of  
1092 opportunity as defined in s. 288.0656.

1093 (3) (a) In accordance with rules adopted by the  
1094 Environmental Regulation Commission under this section, the  
1095 department may provide grants, from funds specifically  
1096 appropriated for this purpose, to financially disadvantaged  
1097 small communities and to private, nonprofit utilities serving  
1098 financially disadvantaged small communities for up to 100  
1099 percent of the costs of planning, assessing, designing,  
1100 constructing, upgrading, or replacing wastewater collection,



1101 transmission, treatment, disposal, and reuse facilities,  
1102 including necessary legal and administrative expenses. Grants  
1103 issued pursuant to this section may also be used for planning  
1104 and implementing domestic wastewater collection system  
1105 assessment programs to identify conditions that may cause  
1106 sanitary sewer overflows or interruption of service to customers  
1107 due to a physical condition or defect in the system.

1108 (b) The rules of the Environmental Regulation Commission  
1109 must:

1110 1. Require that projects to plan, assess, design,  
1111 construct, upgrade, or replace wastewater collection,  
1112 transmission, treatment, disposal, and reuse facilities be cost-  
1113 effective, environmentally sound, permittable, and  
1114 implementable.

1115 2. Require appropriate user charges, connection fees, and  
1116 other charges sufficient to ensure the long-term operation,  
1117 maintenance, and replacement of the facilities constructed under  
1118 each grant.

1119 3. Require grant applications to be submitted on  
1120 appropriate forms with appropriate supporting documentation, and  
1121 require records to be maintained.

1122 4. Establish a system to determine eligibility of grant  
1123 applications.

1124 5. Establish a system to determine the relative priority  
1125 of grant applications. The system must consider public health



1126 protection and water pollution abatement.  
 1127         6. Establish requirements for competitive procurement of  
 1128 engineering and construction services, materials, and equipment.  
 1129         7. Provide for termination of grants when program  
 1130 requirements are not met.  
 1131         Section 13. This act shall take effect upon becoming a  
 1132 law.