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1
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

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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

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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

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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

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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.

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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

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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

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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

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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).

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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

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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

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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,

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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,

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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

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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

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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

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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

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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

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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

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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

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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;

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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

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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

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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

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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

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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

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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

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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

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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.

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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-detrital-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:

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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.

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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:

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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

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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

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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

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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

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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.*—

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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

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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

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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

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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

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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

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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

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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,

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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

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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.