

By the Committees on Appropriations; Community Affairs; and Environmental Preservation and Conservation; and Senator Perry

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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. 403.064, F.S.; encouraging the use of
8 aquifer recharge; requiring the Department of
9 Environmental Protection and the water management
10 districts to develop and enter into a memorandum of
11 agreement providing for a coordinated review of any
12 reclaimed water project requiring a reclaimed water
13 facility permit, an underground injection control
14 permit, and a consumptive use permit; specifying
15 required provisions for such memorandum; specifying
16 the date by which the memorandum must be developed and
17 executed; amending s. 403.706, F.S.; requiring
18 counties and municipalities to address contamination
19 of recyclable material in specified contracts;
20 prohibiting counties and municipalities from requiring
21 the collection or transport of contaminated recyclable
22 material by residential recycling collectors except
23 under certain conditions; defining the term
24 "residential recycling collector"; prohibiting
25 counties and municipalities from requiring the
26 processing of contaminated recyclable material by
27 recovered materials processing facilities except under
28 certain conditions; specifying required contract
29 provisions in residential recycling collector and

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30 recovered materials processing facility contracts with
31 counties and municipalities; providing applicability;
32 amending s. 403.813, F.S.; prohibiting a local
33 government from requiring an individual to provide
34 further department verification for certain projects;
35 revising the types of dock and pier replacements and
36 repairs that are exempt from such verification and
37 certain permitting requirements; creating s. 403.1839,
38 F.S.; defining terms; providing legislative findings;
39 establishing the blue star collection system
40 assessment and maintenance program; specifying the
41 purpose of the program; requiring the department to
42 adopt rules and review and, if appropriate, approve
43 applications for certification under the program;
44 requiring a utility applying for certification to
45 provide reasonable documentation demonstrating that it
46 meets specified certification standards; providing
47 that certifications expire after a specified period of
48 time; specifying requirements to maintain program
49 certification; requiring the department to annually
50 publish a list of certified blue star utilities,
51 beginning on a specified date; requiring the
52 department to allow public and private, nonprofit
53 utilities to participate in the Clean Water State
54 Revolving Fund Program for certain purposes;
55 authorizing the department to reduce certain penalties
56 for a certified utility under specified conditions;
57 amending s. 403.067, F.S.; creating a presumption of
58 compliance with certain total maximum daily load

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59 requirements for certified blue star utilities;
60 amending s. 403.087, F.S.; requiring the department to
61 provide extended operating permits when a certified
62 blue star utility applies for permit renewal under
63 certain conditions; amending s. 403.161, F.S.;
64 authorizing the department to reduce a penalty based
65 on certain system investments for permitted
66 facilities; amending s. 403.1838, F.S.; allowing for
67 additional recipients and uses of Small Community
68 Sewer Construction grants; providing effective dates.
69

70 Be It Enacted by the Legislature of the State of Florida:
71

72 Section 1. Subsection (5) of section 373.250, Florida
73 Statutes, is amended to read:

74 373.250 Reuse of reclaimed water.—

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

79 1. Criteria for the use of a proposed impact offset derived
80 from the use of reclaimed water when a water management district
81 evaluates an application for a consumptive use permit. As used
82 in this subparagraph, the term "impact offset" means the use of
83 reclaimed water to reduce or eliminate a harmful impact that has
84 occurred or would otherwise occur as a result of other surface
85 water or groundwater withdrawals. Examples of reclaimed water
86 use that may create an impact offset include, but are not
87 limited to, the use of reclaimed water to:

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88 a. Prevent or stop further saltwater intrusion;
89 b. Raise aquifer levels;
90 c. Improve the water quality of an aquifer; or
91 d. Augment surface water to increase the quantity of water
92 available for water supply.

93 2. Criteria for the use of substitution credits where a
94 water management district has adopted rules establishing
95 withdrawal limits from a specified water resource within a
96 defined geographic area. As used in this subparagraph, the term
97 "substitution credit" means the use of reclaimed water to
98 replace all or a portion of an existing permitted use of
99 resource-limited surface water or groundwater, allowing a
100 different user or use to initiate a withdrawal or increase its
101 withdrawal from the same resource-limited surface water or
102 groundwater source provided that the withdrawal creates no net
103 adverse impact on the limited water resource or creates a net
104 positive impact if required by water management district rule as
105 part of a strategy to protect or recover a water resource.

106 3. Criteria by which an impact offset or substitution
107 credit may be applied to the issuance, renewal, or extension of
108 the utility's or another user's consumptive use permit or may be
109 used to address additional water resource constraints imposed
110 through the adoption of a recovery or prevention strategy under
111 s. 373.0421.

112 (b) Within 60 days after the final adoption by the
113 department of the revisions to the water resource implementation
114 rule required under paragraph (a), each water management
115 district must ~~shall~~ initiate rulemaking to incorporate those
116 revisions by reference into the rules of the district.

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117 Section 2. Subsection (1) of section 403.064, Florida
118 Statutes, is amended, and subsection (17) is added to that
119 section, to read:

120 403.064 Reuse of reclaimed water.—

121 (1) The encouragement and promotion of water conservation,
122 and reuse of reclaimed water, as defined by the department, are
123 state objectives and are considered to be in the public
124 interest. The Legislature finds that the reuse of reclaimed
125 water is a critical component of meeting the state's existing
126 and future water supply needs while sustaining natural systems.
127 The Legislature further finds that for those wastewater
128 treatment plants permitted and operated under an approved reuse
129 program by the department, the reclaimed water shall be
130 considered environmentally acceptable and not a threat to public
131 health and safety. The Legislature encourages the development of
132 aquifer recharge and incentive-based programs for reuse
133 implementation.

134 (17) The department and the water management districts
135 shall develop and enter into a memorandum of agreement providing
136 for a coordinated review of any reclaimed water project
137 requiring a reclaimed water facility permit, an underground
138 injection control permit, and a consumptive use permit. The
139 memorandum of agreement must provide that the coordinated review
140 is performed only if the applicant for such permits requests a
141 coordinated review. The goal of the coordinated review is to
142 share information, avoid requesting the applicant to submit
143 redundant information, and ensure, to the extent feasible, a
144 harmonized review of the reclaimed water project under these
145 various permitting programs, including the use of a proposed

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146 impact offset or substitution credit in accordance with s.
147 373.250(5). The department and the water management districts
148 must develop and execute such memorandum of agreement no later
149 than December 1, 2018.

150 Section 3. Present subsection (22) of section 403.706,
151 Florida Statutes, is renumbered as subsection (23), and a new
152 subsection (22) is added to that section, to read:

153 403.706 Local government solid waste responsibilities.—

154 (22) Counties and municipalities must address the
155 contamination of recyclable material in contracts for the
156 collection, transportation, and processing of residential
157 recyclable material based upon the following:

158 (a) A residential recycling collector may not be required
159 to collect or transport contaminated recyclable material, except
160 pursuant to a contract consistent with paragraph (c). As used in
161 this subsection, the term "residential recycling collector"
162 means a for-profit business entity that collects and transports
163 residential recyclable material on behalf of a county or
164 municipality.

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

168 (c) Each contract between a residential recycling collector
169 and a county or municipality for the collection or transport of
170 residential recyclable material, and each request for proposal
171 or other solicitation for residential recyclable material, must
172 define the term "contaminated recyclable material." The term
173 should be defined in a manner that is appropriate for the local
174 community, taking into consideration available markets for

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175 recyclable material, available waste composition studies, and
176 other relevant factors. The contract and request for proposal or
177 other solicitation must include:

178 1. The respective strategies and obligations of the county
179 or municipality and the residential recycling collector to
180 reduce the amount of contaminated recyclable material being
181 collected;

182 2. The procedures for identifying, documenting, managing,
183 and rejecting residential recycling containers, carts, or bins
184 that contain contaminated recyclable material;

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

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

189 (d) Each contract between a recovered materials processing
190 facility and a county or municipality for processing residential
191 recyclable material, and each request for proposal or other
192 solicitation for processing residential recyclable material,
193 must define the term "contaminated recyclable material." The
194 term should be defined in a manner that is appropriate for the
195 local community, taking into consideration available markets for
196 recyclable material, available waste composition studies, and
197 other relevant factors. The contract and request for proposal
198 must include:

199 1. The respective strategies and obligations of the county
200 or municipality and the facility to reduce the amount of
201 contaminated recyclable material being collected and processed;

202 2. The procedures for identifying, documenting, managing,
203 and rejecting residential recycling containers, carts, or bins

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204 that contain contaminated recyclable material; and

205 3. The remedies authorized to be used if a container or
206 load contains contaminated recyclable material.

207 (e) This subsection applies to each contract between a
208 municipality or county and a residential recycling collector or
209 recovered materials processing facility executed or renewed
210 after July 1, 2018.

211 Section 4. Subsection (1) of section 403.813, Florida
212 Statutes, is amended to read:

213 403.813 Permits issued at district centers; exceptions.—

214 (1) A permit is not required under this chapter, chapter
215 373, chapter 61-691, Laws of Florida, or chapter 25214 or
216 chapter 25270, 1949, Laws of Florida, and a local government may
217 not require an individual claiming this exemption to provide
218 further department verification, for activities associated with
219 the following types of projects; however, except as otherwise
220 provided in this subsection, this subsection does not relieve an
221 applicant from any requirement to obtain permission to use or
222 occupy lands owned by the Board of Trustees of the Internal
223 Improvement Trust Fund or a water management district in its
224 governmental or proprietary capacity or from complying with
225 applicable local pollution control programs authorized under
226 this chapter or other requirements of county and municipal
227 governments:

228 (a) The installation of overhead transmission lines, having
229 ~~with~~ support structures that ~~which~~ are not constructed in waters
230 of the state and which do not create a navigational hazard.

231 (b) The installation and repair of mooring pilings and
232 dolphins associated with private docking facilities or piers and

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233 the installation of private docks, piers, and recreational
234 docking facilities, or piers and recreational docking facilities
235 of local governmental entities when the local governmental
236 entity's activities will not take place in any manatee habitat,
237 any of which docks:

238 1. Has 500 square feet or less of over-water surface area
239 for a dock ~~which is~~ located in an area designated as Outstanding
240 Florida Waters or 1,000 square feet or less of over-water
241 surface area for a dock ~~which is~~ located in an area that ~~which~~
242 is not designated as Outstanding Florida Waters;

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

246 3. May ~~Shall~~ not substantially impede the flow of water or
247 create a navigational hazard;

248 4. Is used for recreational, noncommercial activities
249 associated with the mooring or storage of boats and boat
250 paraphernalia; and

251 5. Is the sole dock constructed pursuant to this exemption
252 as measured along the shoreline for a distance of 65 feet,
253 unless the parcel of land or individual lot as platted is less
254 than 65 feet in length along the shoreline, in which case there
255 may be one exempt dock allowed per parcel or lot.

256
257 ~~Nothing in~~ This paragraph does not ~~shall~~ prohibit the department
258 from taking appropriate enforcement action pursuant to this
259 chapter to abate or prohibit any activity otherwise exempt from
260 permitting pursuant to this paragraph if the department can
261 demonstrate that the exempted activity has caused water

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262 pollution in violation of this chapter.

263 (c) The installation and maintenance to design
264 specifications of boat ramps on artificial bodies of water where
265 navigational access to the proposed ramp exists or the
266 installation of boat ramps open to the public in any waters of
267 the state where navigational access to the proposed ramp exists
268 and where the construction of the proposed ramp will be less
269 than 30 feet wide and will involve the removal of less than 25
270 cubic yards of material from the waters of the state, and the
271 maintenance to design specifications of such ramps; however, the
272 material to be removed shall be placed upon a self-contained
273 upland site so as to prevent the escape of the spoil material
274 into the waters of the state.

275 (d) The replacement or repair of existing docks and piers,
276 except that fill material may not be used and the replacement or
277 repaired dock or pier must be within 5 feet of the same location
278 and no larger in size than the existing dock or pier, and
279 additional aquatic resources may not be adversely and
280 permanently impacted by such replacement or repair ~~in the same~~
281 ~~location and of the same configuration and dimensions as the~~
282 ~~dock or pier being replaced or repaired.~~ This does not preclude
283 the use of different construction materials or minor deviations
284 to allow upgrades to current structural and design standards.

285 (e) The restoration of seawalls at their previous locations
286 or upland of, or within 18 inches waterward of, their previous
287 locations. However, this may ~~shall~~ not affect the permitting
288 requirements of chapter 161, and department rules shall clearly
289 indicate that this exception does not constitute an exception
290 from the permitting requirements of chapter 161.

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291 (f) The performance of maintenance dredging of existing
292 manmade canals, channels, intake and discharge structures, and
293 previously dredged portions of natural water bodies within
294 drainage rights-of-way or drainage easements which have been
295 recorded in the public records of the county, where the spoil
296 material is to be removed and deposited on a self-contained,
297 upland spoil site which will prevent the escape of the spoil
298 material into the waters of the state, provided that no more
299 dredging is to be performed than is necessary to restore the
300 canals, channels, and intake and discharge structures, and
301 previously dredged portions of natural water bodies, to original
302 design specifications or configurations, provided that the work
303 is conducted in compliance with s. 379.2431(2)(d), provided that
304 no significant impacts occur to previously undisturbed natural
305 areas, and provided that control devices for return flow and
306 best management practices for erosion and sediment control are
307 utilized to prevent bank erosion and scouring and to prevent
308 turbidity, dredged material, and toxic or deleterious substances
309 from discharging into adjacent waters during maintenance
310 dredging. Further, for maintenance dredging of previously
311 dredged portions of natural water bodies within recorded
312 drainage rights-of-way or drainage easements, an entity that
313 seeks an exemption must notify the department or water
314 management district, as applicable, at least 30 days before
315 ~~prior to~~ dredging and provide documentation of original design
316 specifications or configurations where such exist. This
317 exemption applies to all canals and previously dredged portions
318 of natural water bodies within recorded drainage rights-of-way
319 or drainage easements constructed before ~~prior to~~ April 3, 1970,

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320 and to those canals and previously dredged portions of natural
321 water bodies constructed on or after April 3, 1970, pursuant to
322 all necessary state permits. This exemption does not apply to
323 the removal of a natural or manmade barrier separating a canal
324 or canal system from adjacent waters. When no previous permit
325 has been issued by the Board of Trustees of the Internal
326 Improvement Trust Fund or the United States Army Corps of
327 Engineers for construction or maintenance dredging of the
328 existing manmade canal or intake or discharge structure, such
329 maintenance dredging shall be limited to a depth of no more than
330 5 feet below mean low water. The Board of Trustees of the
331 Internal Improvement Trust Fund may fix and recover from the
332 permittee an amount equal to the difference between the fair
333 market value and the actual cost of the maintenance dredging for
334 material removed during such maintenance dredging. However, no
335 charge shall be exacted by the state for material removed during
336 such maintenance dredging by a public port authority. The
337 removing party may subsequently sell such material; however,
338 proceeds from such sale that exceed the costs of maintenance
339 dredging shall be remitted to the state and deposited in the
340 Internal Improvement Trust Fund.

341 (g) The maintenance of existing insect control structures,
342 dikes, and irrigation and drainage ditches, provided that spoil
343 material is deposited on a self-contained, upland spoil site
344 which will prevent the escape of the spoil material into waters
345 of the state. In the case of insect control structures, if the
346 cost of using a self-contained upland spoil site is so
347 excessive, as determined by the Department of Health, pursuant
348 to s. 403.088(1), that it will inhibit proposed insect control,

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349 then-existing spoil sites or dikes may be used, upon
350 notification to the department. In the case of insect control
351 where upland spoil sites are not used pursuant to this
352 exemption, turbidity control devices shall be used to confine
353 the spoil material discharge to that area previously disturbed
354 when the receiving body of water is used as a potable water
355 supply, is designated as shellfish harvesting waters, or
356 functions as a habitat for commercially or recreationally
357 important shellfish or finfish. In all cases, no more dredging
358 is to be performed than is necessary to restore the dike or
359 irrigation or drainage ditch to its original design
360 specifications.

361 (h) The repair or replacement of existing functional pipes
362 or culverts the purpose of which is the discharge or conveyance
363 of stormwater. In all cases, the invert elevation, the diameter,
364 and the length of the culvert may ~~shall~~ not be changed. However,
365 the material used for the culvert may be different from the
366 original.

367 (i) The construction of private docks of 1,000 square feet
368 or less of over-water surface area and seawalls in artificially
369 created waterways where such construction will not violate
370 existing water quality standards, impede navigation, or affect
371 flood control. This exemption does not apply to the construction
372 of vertical seawalls in estuaries or lagoons unless the proposed
373 construction is within an existing manmade canal where the
374 shoreline is currently occupied in whole or part by vertical
375 seawalls.

376 (j) The construction and maintenance of swales.

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

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378 associated with such aids, provided the devices are marked
379 pursuant to s. 327.40.

380 (l) The replacement or repair of existing open-trestle foot
381 bridges and vehicular bridges that are 100 feet or less in
382 length and two lanes or less in width, provided that no more
383 dredging or filling of submerged lands is performed other than
384 that which is necessary to replace or repair pilings and that
385 the structure to be replaced or repaired is the same length, the
386 same configuration, and in the same location as the original
387 bridge. No debris from the original bridge shall be allowed to
388 remain in the waters of the state.

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

393 (n) The replacement or repair of subaqueous transmission
394 and distribution lines laid on, or embedded in, the bottoms of
395 waters of the state.

396 (o) The construction of private seawalls in wetlands or
397 other surface waters where such construction is between and
398 adjoins at both ends existing seawalls; follows a continuous and
399 uniform seawall construction line with the existing seawalls; is
400 no more than 150 feet in length; and does not violate existing
401 water quality standards, impede navigation, or affect flood
402 control. However, in estuaries and lagoons the construction of
403 vertical seawalls is limited to the circumstances and purposes
404 stated in s. 373.414(5)(b)1.-4. This paragraph does not affect
405 the permitting requirements of chapter 161, and department rules
406 must clearly indicate that this exception does not constitute an

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407 exception from the permitting requirements of chapter 161.

408 (p) The restoration of existing insect control impoundment
409 dikes which are less than 100 feet in length. Such impoundments
410 shall be connected to tidally influenced waters for 6 months
411 each year beginning September 1 and ending February 28 if
412 feasible or operated in accordance with an impoundment
413 management plan approved by the department. A dike restoration
414 may involve no more dredging than is necessary to restore the
415 dike to its original design specifications. For the purposes of
416 this paragraph, restoration does not include maintenance of
417 impoundment dikes of operating insect control impoundments.

418 (q) The construction, operation, or maintenance of
419 stormwater management facilities which are designed to serve
420 single-family residential projects, including duplexes,
421 triplexes, and quadruplexes, if they are less than 10 acres
422 total land and have less than 2 acres of impervious surface and
423 if the facilities:

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

426 2. Are not part of a larger common plan of development or
427 sale; and

428 3. Discharge into a stormwater discharge facility exempted
429 or permitted by the department under this chapter which has
430 sufficient capacity and treatment capability as specified in
431 this chapter and is owned, maintained, or operated by a city,
432 county, special district with drainage responsibility, or water
433 management district; however, this exemption does not authorize
434 discharge to a facility without the facility owner's prior
435 written consent.

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436 (r) The removal of aquatic plants, the removal of tussocks,
437 the associated replanting of indigenous aquatic plants, and the
438 associated removal from lakes of organic detrital material when
439 such planting or removal is performed and authorized by permit
440 or exemption granted under s. 369.20 or s. 369.25, provided
441 that:

442 1. Organic detrital material that exists on the surface of
443 natural mineral substrate shall be allowed to be removed to a
444 depth of 3 feet or to the natural mineral substrate, whichever
445 is less;

446 2. All material removed pursuant to this paragraph shall be
447 deposited in an upland site in a manner that will prevent the
448 reintroduction of the material into waters in the state except
449 when spoil material is permitted to be used to create wildlife
450 islands in freshwater bodies of the state when a governmental
451 entity is permitted pursuant to s. 369.20 to create such islands
452 as a part of a restoration or enhancement project;

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

455 4. No activities under this exemption are conducted in
456 wetland areas, as defined in s. 373.019(27), which are supported
457 by a natural soil as shown in applicable United States
458 Department of Agriculture county soil surveys, except when a
459 governmental entity is permitted pursuant to s. 369.20 to
460 conduct such activities as a part of a restoration or
461 enhancement project.

462

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

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465 (s) The construction, installation, operation, or
466 maintenance of floating vessel platforms or floating boat lifts,
467 provided that such structures:

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

471 2. Are wholly contained within a boat slip previously
472 permitted under ss. 403.91-403.929, 1984 Supplement to the
473 Florida Statutes 1983, as amended, or part IV of chapter 373, or
474 do not exceed a combined total of 500 square feet, or 200 square
475 feet in an Outstanding Florida Water, when associated with a
476 dock that is exempt under this subsection or associated with a
477 permitted dock with no defined boat slip or attached to a
478 bulkhead on a parcel of land where there is no other docking
479 structure;

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

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

490 5. Are not constructed in areas specifically prohibited for
491 boat mooring under conditions of a permit issued in accordance
492 with ss. 403.91-403.929, 1984 Supplement to the Florida Statutes
493 1983, as amended, or part IV of chapter 373, or other form of

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494 authorization issued by a local government.

495

496 Structures that qualify for this exemption are relieved from any
497 requirement to obtain permission to use or occupy lands owned by
498 the Board of Trustees of the Internal Improvement Trust Fund
499 and, with the exception of those structures attached to a
500 bulkhead on a parcel of land where there is no docking
501 structure, may ~~shall~~ not be subject to any more stringent
502 permitting requirements, registration requirements, or other
503 regulation by any local government. Local governments may
504 require either permitting or one-time registration of floating
505 vessel platforms to be attached to a bulkhead on a parcel of
506 land where there is no other docking structure as necessary to
507 ensure compliance with local ordinances, codes, or regulations.
508 Local governments may require either permitting or one-time
509 registration of all other floating vessel platforms as necessary
510 to ensure compliance with the exemption criteria in this
511 section; to ensure compliance with local ordinances, codes, or
512 regulations relating to building or zoning, which are no more
513 stringent than the exemption criteria in this section or address
514 subjects other than subjects addressed by the exemption criteria
515 in this section; and to ensure proper installation, maintenance,
516 and precautionary or evacuation action following a tropical
517 storm or hurricane watch of a floating vessel platform or
518 floating boat lift that is proposed to be attached to a bulkhead
519 or parcel of land where there is no other docking structure. The
520 exemption provided in this paragraph shall be in addition to the
521 exemption provided in paragraph (b). The department shall adopt
522 a general permit by rule for the construction, installation,

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523 operation, or maintenance of those floating vessel platforms or
524 floating boat lifts that do not qualify for the exemption
525 provided in this paragraph but do not cause significant adverse
526 impacts to occur individually or cumulatively. The issuance of
527 such general permit shall also constitute permission to use or
528 occupy lands owned by the Board of Trustees of the Internal
529 Improvement Trust Fund. No local government shall impose a more
530 stringent regulation, permitting requirement, registration
531 requirement, or other regulation covered by such general permit.
532 Local governments may require either permitting or one-time
533 registration of floating vessel platforms as necessary to ensure
534 compliance with the general permit in this section; to ensure
535 compliance with local ordinances, codes, or regulations relating
536 to building or zoning that are no more stringent than the
537 general permit in this section; and to ensure proper
538 installation and maintenance of a floating vessel platform or
539 floating boat lift that is proposed to be attached to a bulkhead
540 or parcel of land where there is no other docking structure.

541 (t) The repair, stabilization, or paving of existing county
542 maintained roads and the repair or replacement of bridges that
543 are part of the roadway, within the Northwest Florida Water
544 Management District and the Suwannee River Water Management
545 District, provided:

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

549 2. The construction activity does not realign the road or
550 expand the number of existing traffic lanes of the existing
551 road; however, the work may include the provision of safety

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552 shoulders, clearance of vegetation, and other work reasonably
553 necessary to repair, stabilize, pave, or repave the road,
554 provided that the work is constructed by generally accepted
555 engineering standards;

556 3. The construction activity does not expand the existing
557 width of an existing vehicular bridge in excess of that
558 reasonably necessary to properly connect the bridge with the
559 road being repaired, stabilized, paved, or repaved to safely
560 accommodate the traffic expected on the road, which may include
561 expanding the width of the bridge to match the existing
562 connected road. However, no debris from the original bridge
563 shall be allowed to remain in waters of the state, including
564 wetlands;

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

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

569 6. No more dredging or filling of wetlands or water of the
570 state is performed than that which is reasonably necessary to
571 repair, stabilize, pave, or repave the road or to repair or
572 replace the bridge, in accordance with generally accepted
573 engineering standards; and

574 7. Notice of intent to use the exemption is provided to the
575 department, if the work is to be performed within the Northwest
576 Florida Water Management District, or to the Suwannee River
577 Water Management District, if the work is to be performed within
578 the Suwannee River Water Management District, 30 days before
579 ~~prior to~~ performing any work under the exemption.

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581 Within 30 days after this act becomes a law, the department
582 shall initiate rulemaking to adopt a no fee general permit for
583 the repair, stabilization, or paving of existing roads that are
584 maintained by the county and the repair or replacement of
585 bridges that are part of the roadway where such activities do
586 not cause significant adverse impacts to occur individually or
587 cumulatively. The general permit shall apply statewide and, with
588 no additional rulemaking required, apply to qualified projects
589 reviewed by the Suwannee River Water Management District, the
590 St. Johns River Water Management District, the Southwest Florida
591 Water Management District, and the South Florida Water
592 Management District under the division of responsibilities
593 contained in the operating agreements applicable to part IV of
594 chapter 373. Upon adoption, this general permit shall, pursuant
595 to ~~the provisions of~~ subsection (2), supersede and replace the
596 exemption in this paragraph.

597 (u) Notwithstanding any provision to the contrary in this
598 subsection, a permit or other authorization under chapter 253,
599 chapter 369, chapter 373, or this chapter is not required for an
600 individual residential property owner for the removal of organic
601 detrital material from freshwater rivers or lakes that have a
602 natural sand or rocky substrate and that are not Aquatic
603 Preserves or for the associated removal and replanting of
604 aquatic vegetation for the purpose of environmental enhancement,
605 providing that:

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

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- 610 2. No filling or peat mining is allowed.
- 611 3. No removal of native wetland trees, including, but not
612 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.
- 613 4. When removing organic detrital material, no portion of
614 the underlying natural mineral substrate or rocky substrate is
615 removed.
- 616 5. Organic detrital material and plant material removed is
617 deposited in an upland site in a manner that will not cause
618 water quality violations.
- 619 6. All activities are conducted in such a manner, and with
620 appropriate turbidity controls, so as to prevent any water
621 quality violations outside the immediate work area.
- 622 7. Replanting with a variety of aquatic plants native to
623 the state shall occur in a minimum of 25 percent of the
624 preexisting vegetated areas where organic detrital material is
625 removed, except for areas where the material is removed to bare
626 rocky substrate; however, an area may be maintained clear of
627 vegetation as an access corridor. The access corridor width may
628 not exceed 50 percent of the property owner's frontage or 50
629 feet, whichever is less, and may be a sufficient length
630 waterward to create a corridor to allow access for a boat or
631 swimmer to reach open water. Replanting must be at a minimum
632 density of 2 feet on center and be completed within 90 days
633 after removal of existing aquatic vegetation, except that under
634 dewatered conditions replanting must be completed within 90 days
635 after reflooding. The area to be replanted must extend waterward
636 from the ordinary high water line to a point where normal water
637 depth would be 3 feet or the preexisting vegetation line,
638 whichever is less. Individuals are required to make a reasonable

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639 effort to maintain planting density for a period of 6 months
640 after replanting is complete, and the plants, including
641 naturally recruited native aquatic plants, must be allowed to
642 expand and fill in the revegetation area. Native aquatic plants
643 to be used for revegetation must be salvaged from the
644 enhancement project site or obtained from an aquatic plant
645 nursery regulated by the Department of Agriculture and Consumer
646 Services. Plants that are not native to the state may not be
647 used for replanting.

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

653 9. The person seeking this exemption notifies the
654 applicable department district office in writing at least 30
655 days before commencing work and allows the department to conduct
656 a preconstruction site inspection. Notice must include an
657 organic-detrital-material removal and disposal plan and, if
658 applicable, a vegetation-removal and revegetation plan.

659 10. The department is provided written certification of
660 compliance with the terms and conditions of this paragraph
661 within 30 days after completion of any activity occurring under
662 this exemption.

663 (v) Notwithstanding any other provision in this chapter,
664 chapter 373, or chapter 161, a permit or other authorization is
665 not required for the following exploratory activities associated
666 with beach restoration and nourishment projects and inlet
667 management activities:

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668 1. The collection of geotechnical, geophysical, and
669 cultural resource data, including surveys, mapping, acoustic
670 soundings, benthic and other biologic sampling, and coring.

671 2. Oceanographic instrument deployment, including temporary
672 installation on the seabed of coastal and oceanographic data
673 collection equipment.

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

676 Section 5. Effective January 1, 2019, section 403.1839,
677 Florida Statutes, is created to read:

678 403.1839 Blue star collection system assessment and
679 maintenance program.—

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

681 (a) "Domestic wastewater" has the same meaning as in s.
682 367.021.

683 (b) "Domestic wastewater collection system" has the same
684 meaning as in s. 403.866.

685 (c) "Program" means the blue star collection system
686 assessment and maintenance program created pursuant to this
687 section.

688 (d) "Sanitary sewer overflow" means the unauthorized
689 overflow, spill, release, discharge, or diversion of untreated
690 or partially treated domestic wastewater.

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

692 (a) The implementation of domestic wastewater collection
693 system assessment and maintenance practices has been shown to
694 effectively limit sanitary sewer overflows and the unauthorized
695 discharge of pathogens.

696 (b) The voluntary implementation of domestic wastewater

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697 collection system assessment and maintenance practices beyond
698 those required by law has the potential to further limit
699 sanitary sewer overflows.

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

705 (3) ESTABLISHMENT AND PURPOSE.—There is established in the
706 department a blue star collection system assessment and
707 maintenance program. The purpose of this voluntary incentive
708 program is to assist public and private utilities in limiting
709 sanitary sewer overflows and the unauthorized discharge of
710 pathogens.

711 (4) APPROVAL AND STANDARDS.—

712 (a) The department shall adopt rules to administer the
713 program, including program certification standards, and shall
714 review and, if appropriate, approve public and private domestic
715 wastewater utilities that apply for certification under the
716 program or that demonstrate continued compliance with program
717 certification requirements pursuant to paragraph (c).

718 (b) In order to be certified under the program, a utility
719 must provide reasonable documentation that demonstrates that it
720 meets the following certification standards:

721 1. Implementation of periodic collection system and pump
722 station structural condition assessments and the performance of
723 as-needed maintenance and replacement.

724 2. Adequate reinvestment by the utility in its collection
725 system and pump station structural condition assessment and

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726 maintenance and replacement program to reasonably maintain the
727 working integrity of the system and station.

728 3. Implementation of a program designed to limit the
729 presence of fats, roots, oils, and grease in the collection
730 system.

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

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

735 b. Direct stormwater connections that allow the direct
736 inflow of stormwater into the private system and the public
737 domestic wastewater collection system.

738 5. Adoption of a power outage contingency plan that
739 addresses mitigation of the impacts of power outages on the
740 utility's collection system and pump stations.

741 (c) Program certifications expire after 5 years. During the
742 5-year certification period, a utility must annually provide
743 documentation to the department on the status of its
744 implementation of the program and must demonstrate that it meets
745 all program criteria in order to maintain its program
746 certification.

747 (5) PUBLICATION.—Beginning on January 1, 2020, the
748 department shall annually publish on its website a list of
749 certified blue star utilities.

750 (6) FEDERAL PROGRAM PARTICIPATION.—The department shall
751 allow public and private, nonprofit utilities to participate in
752 the Clean Water State Revolving Fund Program for any purpose of
753 the program which is consistent with federal requirements for
754 participating in the Clean Water State Revolving Fund Program.

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755 (7) REDUCED PENALTIES.—In the calculation of penalties for
756 a sanitary sewer overflow pursuant to s. 403.161, the department
757 may reduce the penalty based on a utility's status as a
758 certified blue star utility in accordance with this section. The
759 department may also reduce a penalty based on a certified blue
760 star utility's investment in assessment and maintenance
761 activities to identify and address conditions that may cause
762 sanitary sewer overflows or interruption of service to customers
763 due to a physical condition or defect in the system.

764 Section 6. Effective January 1, 2019, paragraph (c) of
765 subsection (7) of section 403.067, Florida Statutes, is amended
766 to read:

767 403.067 Establishment and implementation of total maximum
768 daily loads.—

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

771 (c) *Best management practices.*—

772 1. The department, in cooperation with the water management
773 districts and other interested parties, as appropriate, may
774 develop suitable interim measures, best management practices, or
775 other measures necessary to achieve the level of pollution
776 reduction established by the department for nonagricultural
777 nonpoint pollutant sources in allocations developed pursuant to
778 subsection (6) and this subsection. These practices and measures
779 may be adopted by rule by the department and the water
780 management districts and, where adopted by rule, must ~~shall~~ be
781 implemented by those parties responsible for nonagricultural
782 nonpoint source pollution.

783 2. The Department of Agriculture and Consumer Services may

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784 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
785 suitable interim measures, best management practices, or other
786 measures necessary to achieve the level of pollution reduction
787 established by the department for agricultural pollutant sources
788 in allocations developed pursuant to subsection (6) and this
789 subsection or for programs implemented pursuant to paragraph
790 (12) (b). These practices and measures may be implemented by
791 those parties responsible for agricultural pollutant sources and
792 the department, the water management districts, and the
793 Department of Agriculture and Consumer Services shall assist
794 with implementation. In the process of developing and adopting
795 rules for interim measures, best management practices, or other
796 measures, the Department of Agriculture and Consumer Services
797 must ~~shall~~ consult with the department, the Department of
798 Health, the water management districts, representatives from
799 affected farming groups, and environmental group
800 representatives. Such rules must also incorporate provisions for
801 a notice of intent to implement the practices and a system to
802 assure the implementation of the practices, including site
803 inspection and recordkeeping requirements.

804 3. Where interim measures, best management practices, or
805 other measures are adopted by rule, the effectiveness of such
806 practices in achieving the levels of pollution reduction
807 established in allocations developed by the department pursuant
808 to subsection (6) and this subsection or in programs implemented
809 pursuant to paragraph (12) (b) must be verified at representative
810 sites by the department. The department shall use best
811 professional judgment in making the initial verification that
812 the best management practices are reasonably expected to be

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813 effective and, where applicable, must notify the appropriate
814 water management district or the Department of Agriculture and
815 Consumer Services of its initial verification before the
816 adoption of a rule proposed pursuant to this paragraph.
817 Implementation, in accordance with rules adopted under this
818 paragraph, of practices that have been initially verified to be
819 effective, or verified to be effective by monitoring at
820 representative sites, by the department, shall provide a
821 presumption of compliance with state water quality standards and
822 release from the provisions of s. 376.307(5) for those
823 pollutants addressed by the practices, and the department is not
824 authorized to institute proceedings against the owner of the
825 source of pollution to recover costs or damages associated with
826 the contamination of surface water or groundwater caused by
827 those pollutants. Research projects funded by the department, a
828 water management district, or the Department of Agriculture and
829 Consumer Services to develop or demonstrate interim measures or
830 best management practices shall be granted a presumption of
831 compliance with state water quality standards and a release from
832 the provisions of s. 376.307(5). The presumption of compliance
833 and release is limited to the research site and only for those
834 pollutants addressed by the interim measures or best management
835 practices. Eligibility for the presumption of compliance and
836 release is limited to research projects on sites where the owner
837 or operator of the research site and the department, a water
838 management district, or the Department of Agriculture and
839 Consumer Services have entered into a contract or other
840 agreement that, at a minimum, specifies the research objectives,
841 the cost-share responsibilities of the parties, and a schedule

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842 that details the beginning and ending dates of the project.

843 4. Where water quality problems are demonstrated, despite
844 the appropriate implementation, operation, and maintenance of
845 best management practices and other measures required by rules
846 adopted under this paragraph, the department, a water management
847 district, or the Department of Agriculture and Consumer
848 Services, in consultation with the department, shall institute a
849 reevaluation of the best management practice or other measure.
850 Should the reevaluation determine that the best management
851 practice or other measure requires modification, the department,
852 a water management district, or the Department of Agriculture
853 and Consumer Services, as appropriate, must ~~shall~~ revise the
854 rule to require implementation of the modified practice within a
855 reasonable time period as specified in the rule.

856 5. Agricultural records relating to processes or methods of
857 production, costs of production, profits, or other financial
858 information held by the Department of Agriculture and Consumer
859 Services pursuant to subparagraphs 3. and 4. or pursuant to any
860 rule adopted pursuant to subparagraph 2. are confidential and
861 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
862 Constitution. Upon request, records made confidential and exempt
863 pursuant to this subparagraph shall be released to the
864 department or any water management district provided that the
865 confidentiality specified by this subparagraph for such records
866 is maintained.

867 6. The provisions of subparagraphs 1. and 2. do not
868 preclude the department or water management district from
869 requiring compliance with water quality standards or with
870 current best management practice requirements set forth in any

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871 applicable regulatory program authorized by law for the purpose
872 of protecting water quality. Additionally, subparagraphs 1. and
873 2. are applicable only to the extent that they do not conflict
874 with any rules adopted by the department that are necessary to
875 maintain a federally delegated or approved program.

876 7. The department must provide a domestic wastewater
877 utility that implements and maintains a program as a certified
878 blue star utility in accordance with s. 403.1839 with a
879 presumption of compliance with state water quality standards for
880 pathogens when the utility demonstrates a history of compliance
881 with wastewater disinfection requirements incorporated in the
882 utility's operating permit for any discharge into the impaired
883 surface water.

884 Section 7. Effective January 1, 2019, subsection (11) is
885 added to section 403.087, Florida Statutes, to read:

886 403.087 Permits; general issuance; denial; revocation;
887 prohibition; penalty.-

888 (11) Subject to the permit duration limits for a utility
889 permitted pursuant to s. 403.0885, the department must issue a
890 blue star utility certified pursuant to s. 403.1839 a 10-year
891 permit, for the same fee and under the same conditions that
892 apply to a 5-year permit, upon approval of its application for
893 permit renewal, if the certified blue star utility demonstrates
894 that it:

895 (a) Is in compliance with any consent order or an
896 accompanying administrative order related to its permit;

897 (b) Does not have any pending enforcement action against it
898 by the Environmental Protection Agency, the department, or a
899 local program; and

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900 (c) If applicable, has submitted annual program
901 implementation reports demonstrating progress in the
902 implementation of the program.

903 Section 8. Effective January 1, 2019, present subsection
904 (6) of section 403.161, Florida Statutes, is redesignated as
905 subsection (7), and a new subsection (6) is added to that
906 section, to read:

907 403.161 Prohibitions, violation, penalty, intent.—

908 (6) Notwithstanding any other law, the department may
909 reduce a penalty based on the person's investment in the
910 assessment, maintenance, rehabilitation, or expansion of the
911 permitted facility.

912 Section 9. Effective January 1, 2019, paragraphs (a) and
913 (b) of subsection (3) of section 403.1838, Florida Statutes, are
914 amended to read:

915 403.1838 Small Community Sewer Construction Assistance
916 Act.—

917 (3) (a) In accordance with rules adopted by the
918 Environmental Regulation Commission under this section, the
919 department may provide grants, from funds specifically
920 appropriated for this purpose, to financially disadvantaged
921 small communities and to private, nonprofit utilities serving
922 financially disadvantaged small communities for up to 100
923 percent of the costs of planning, assessing, designing,
924 constructing, upgrading, or replacing wastewater collection,
925 transmission, treatment, disposal, and reuse facilities,
926 including necessary legal and administrative expenses. Grants
927 issued pursuant to this section may also be used for planning
928 and implementing domestic wastewater collection system

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929 assessment programs to identify conditions that may cause
930 sanitary sewer overflows or interruption of service to customers
931 due to a physical condition or defect in the system.

932 (b) The rules of the Environmental Regulation Commission
933 must:

934 1. Require that projects to plan, assess, design,
935 construct, upgrade, or replace wastewater collection,
936 transmission, treatment, disposal, and reuse facilities be cost-
937 effective, environmentally sound, permittable, and
938 implementable.

939 2. Require appropriate user charges, connection fees, and
940 other charges sufficient to ensure the long-term operation,
941 maintenance, and replacement of the facilities constructed under
942 each grant.

943 3. Require grant applications to be submitted on
944 appropriate forms with appropriate supporting documentation, and
945 require records to be maintained.

946 4. Establish a system to determine eligibility of grant
947 applications.

948 5. Establish a system to determine the relative priority of
949 grant applications. The system must consider public health
950 protection and water pollution abatement.

951 6. Establish requirements for competitive procurement of
952 engineering and construction services, materials, and equipment.

953 7. Provide for termination of grants when program
954 requirements are not met.

955 Section 10. Except as otherwise expressly provided in this
956 act, this act shall take effect upon becoming a law.