



131272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2019	.	
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The Committee on Environment and Natural Resources (Gruters) recommended the following:

1 **Senate Amendment to Amendment (354422) (with title**
2 **amendment)**

3
4 Delete lines 35 - 103
5 and insert:

6 Section 2. Present subsection (4) of section 403.141,
7 Florida Statutes, is redesignated as subsection (5), and a new
8 subsection (4) is added to that section, to read:

9 403.141 Civil liability; joint and several liability.—

10 (4) In addition to the civil penalty limitation set forth



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11 in subsection (1), a wastewater treatment facility that
12 unlawfully discharges 1,000 gallons or more of raw or partially
13 treated sewage into any waterway or aquifer, in violation of the
14 conditions set forth in a permit issued pursuant to s. 403.0885,
15 must:

16 (a) Remit to the department a penalty of \$1 for each gallon
17 of sewage discharged; or

18 (b) Calculate or provide an estimate of the number of
19 gallons of sewage discharged and, with the department's
20 approval, spend \$2 per gallon to upgrade and repair the
21 wastewater system to prevent future unlawful discharges. Such
22 funds may be used to smoke test sewer lines, repair and replace
23 sewer mains and laterals, repair manholes, purchase and maintain
24 generators for lift stations, increase wastewater treatment
25 facility capacity, and provide incremental nutrient reduction
26 technology.

27 1. If a wastewater treatment facility is unable to
28 calculate or estimate the volume discharged, the facility must
29 remit to the department a minimum penalty of \$10,000.

30 2. If the cost of all potential repairs and upgrades is
31 less than the calculated penalty amount, the total funds used to
32 perform repairs and upgrades may not exceed the cost identified.

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete lines 117 - 126

37 and insert:

38 notifications; amending s. 403.141, F.S.; providing
39 penalties for wastewater treatment facilities that



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40 unlawfully discharge a specified volume of sewage into
41 designated areas; providing an