

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Payne offered the following:

Amendment (with title amendment)

Remove lines 283-1953 and insert:

shall be a secretary, who shall be appointed by the Governor
~~and, with the concurrence of three members of the Cabinet. The~~
~~secretary shall be confirmed by the Florida Senate. The~~
secretary shall serve at the pleasure of the Governor.

Section 4. Paragraphs (a) and (b) of subsection (7) of
section 373.036, Florida Statutes, are amended to read:

373.036 Florida water plan; district water management
plans.-

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.-

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14 (a) By March 1, annually, each water management district
15 shall prepare and submit to the Office of Economic and
16 Demographic Research, the department, the Governor, the
17 President of the Senate, and the Speaker of the House of
18 Representatives a consolidated water management district annual
19 report on the management of water resources. In addition, copies
20 must be provided by the water management districts to the chairs
21 of all legislative committees having substantive or fiscal
22 jurisdiction over the districts and the governing board of each
23 county in the district having jurisdiction or deriving any funds
24 for operations of the district. Copies of the consolidated
25 annual report must be made available to the public, either in
26 printed or electronic format.

27 (b) The consolidated annual report shall contain the
28 following elements, as appropriate to that water management
29 district:

30 1. A district water management plan annual report or the
31 annual work plan report allowed in subparagraph (2)(e)4.

32 2. The department-approved minimum flows and minimum water
33 levels annual priority list and schedule required by s.
34 373.042(3).

35 3. The annual 5-year capital improvements plan required by
36 s. 373.536(6)(a)3.

37 4. The alternative water supplies annual report required
38 by s. 373.707(8)(n).

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39 5. The final annual 5-year water resource development work
40 program required by s. 373.536(6) (a)4.

41 6. The Florida Forever Water Management District Work Plan
42 annual report required by s. 373.199(7).

43 7. The mitigation donation annual report required by s.
44 373.414(1) (b)2.

45 8. Information on all projects related to water quality or
46 water quantity as part of a 5-year work program, including:

47 a. A list of all specific projects identified to implement
48 a basin management action plan, including any projects to
49 connect onsite sewage treatment and disposal systems to central
50 sewerage systems and convert onsite sewage treatment and
51 disposal systems to enhanced nutrient reducing onsite sewage
52 treatment and disposal systems, or a recovery or prevention
53 strategy;

54 b. A priority ranking for each listed project for which
55 state funding through the water resources development work
56 program is requested, which must be made available to the public
57 for comment at least 30 days before submission of the
58 consolidated annual report;

59 c. The estimated cost for each listed project;

60 d. The estimated completion date for each listed project;

61 e. The source and amount of financial assistance to be
62 made available by the department, a water management district,
63 or other entity for each listed project; and

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64 f. A quantitative estimate of each listed project's
65 benefit to the watershed, water body, or water segment in which
66 it is located.

67 9. A grade for each watershed, water body, or water
68 segment in which a project listed under subparagraph 8. is
69 located representing the level of impairment and violations of
70 adopted minimum flow or minimum water levels. The grading system
71 must reflect the severity of the impairment of the watershed,
72 water body, or water segment.

73 Section 5. Bottled water industry study.—The department
74 shall, in coordination with the water management districts,
75 conduct a study on the bottled water industry in this state.

76 (1) The study must:

77 (a) Identify all springs statewide that have an associated
78 consumptive use permit for a bottled water facility producing
79 its product with water derived from a spring. Such
80 identification must include:

81 1. The magnitude of the spring;

82 2. Whether the spring has been identified as an
83 Outstanding Florida Spring as defined in s. 373.802, Florida
84 Statutes;

85 3. Any department- or water management district-adopted
86 minimum flow or minimum water levels, the status of any adopted
87 minimum flow or minimum water levels, and any associated
88 recovery or prevention strategy;

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89 4. The permitted and actual use associated with the
90 consumptive use permits;

91 5. The reduction in flow associated with the permitted and
92 actual use associated with the consumptive use permits;

93 6. The impact on springs of bottled water facilities as
94 compared to other users; and

95 7. Types of water conservation measures employed at
96 bottled water facilities permitted to derive water from a
97 spring.

98 (b) Identify the labeling and marketing regulations
99 associated with the identification of bottled water as spring
100 water, including whether these regulations incentivize the
101 withdrawal of water from springs.

102 (c) Evaluate the direct and indirect economic benefits to
103 the local communities resulting from bottled water facilities
104 that derive water from springs, including, but not limited to,
105 tax revenue, job creation, and wages.

106 (d) Evaluate the direct and indirect costs to the local
107 communities located in proximity to springs impacted by
108 withdrawals from bottled water production, including, but not
109 limited to, the decreased recreational value of the springs and
110 the cost to other users for the development of alternative water
111 supply or reductions in permit durations and allocations.

112 (e) Include a cost-benefit analysis of withdrawing,
113 producing, marketing, selling, and consuming spring water as

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114 compared to other sources of bottled water.

115 (f) Evaluate how much bottled water derived from Florida
116 springs is sold in this state.

117 (2) By June 30, 2021, the department shall submit a report
118 containing the findings of the study to the Governor, the
119 President of the Senate, the Speaker of the House of
120 Representatives, and the Office of Economic and Demographic
121 Research.

122 (3) As used in this section, the term "bottled water" has
123 the same meaning as in s. 500.03, Florida Statutes, and the term
124 "water derived from a spring" means water derived from an
125 underground formation from which water flows naturally to the
126 surface of the earth in the manner described in 21 C.F.R.
127 165.110(a)(2)(vi).

128 Section 6. Subsection (5) of section 373.4131, Florida
129 Statutes, is amended, and subsection (6) is added to that
130 section, to read:

131 373.4131 Statewide environmental resource permitting
132 rules.—

133 (5) To ensure consistent implementation and interpretation
134 of the rules adopted pursuant to this section, the department
135 shall conduct or oversee regular assessment and training of its
136 staff and the staffs of the water management districts and local
137 governments delegated local pollution control program authority
138 under s. 373.441. The training must include field inspections of

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139 publicly and privately owned stormwater structural controls,
140 such as stormwater retention and detention ponds.

141 (6) By January 1, 2021:

142 (a) The department and the water management districts
143 shall initiate rulemaking to update the stormwater design and
144 operation regulations, including updates to the Environmental
145 Resource Permit Applicant's Handbook, using the most recent
146 scientific information available. As part of rule development,
147 the department shall consider and address low-impact design best
148 management practices and design criteria that increase the
149 removal of nutrients from stormwater discharges, and measures
150 for consistent application of the net improvement performance
151 standard to ensure significant reductions of any pollutant
152 loadings to a waterbody.

153 (b) The department shall review and evaluate permits and
154 inspection data by those entities that submit a self-
155 certification under s. 403.814(12) for compliance with state
156 water quality standards and provide the Legislature with
157 recommendations for improvements to the self-certification
158 process, including, but not limited to, additional staff
159 resources for department review of portions of the process where
160 high-priority water quality issues justify such action.

161 Section 7. Subsection (7) is added to section 381.0065,
162 Florida Statutes, to read:

163 381.0065 Onsite sewage treatment and disposal systems;

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164 regulation.-

165 (7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE
166 TREATMENT AND DISPOSAL SYSTEMS.-To meet the requirements of a
167 total maximum daily load, the department shall implement a fast-
168 track approval process of no longer than 6 months for the
169 determination of the use of American National Standards
170 Institute 245 systems approved by NSF International before July
171 1, 2020.

172 Section 8. Effective July 1, 2021, present paragraphs (d)
173 through (q) of subsection (2) of section 381.0065, Florida
174 Statutes, are redesignated as paragraphs (e) through (r),
175 respectively, subsections (3) and (4) of that section are
176 amended, and a new paragraph (d) is added to subsection (2) of
177 that section, to read:

178 381.0065 Onsite sewage treatment and disposal systems;
179 regulation.-

180 (2) DEFINITIONS.-As used in ss. 381.0065-381.0067, the
181 term:

182 (d) "Department" means the Department of Environmental
183 Protection.

184 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL
185 PROTECTION HEALTH.-The department shall:

186 (a) Adopt rules to administer ss. 381.0065-381.0067,
187 including definitions that are consistent with the definitions
188 in this section, ~~decreases to setback requirements where no~~

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189 ~~health hazard exists,~~ increases for the lot-flow allowance for
190 performance-based systems, requirements for separation from
191 water table elevation during the wettest season, requirements
192 for the design and construction of any component part of an
193 onsite sewage treatment and disposal system, application and
194 permit requirements for persons who maintain an onsite sewage
195 treatment and disposal system, requirements for maintenance and
196 service agreements for aerobic treatment units and performance-
197 based treatment systems, and recommended standards, including
198 disclosure requirements, for voluntary system inspections to be
199 performed by individuals who are authorized by law to perform
200 such inspections and who shall inform a person having ownership,
201 control, or use of an onsite sewage treatment and disposal
202 system of the inspection standards and of that person's
203 authority to request an inspection based on all or part of the
204 standards.

205 (b) Perform application reviews and site evaluations,
206 issue permits, and conduct inspections and complaint
207 investigations associated with the construction, installation,
208 maintenance, modification, abandonment, operation, use, or
209 repair of an onsite sewage treatment and disposal system for a
210 residence or establishment with an estimated domestic sewage
211 flow of 10,000 gallons or less per day, or an estimated
212 commercial sewage flow of 5,000 gallons or less per day, which
213 is not currently regulated under chapter 403.

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214 (c) Develop a comprehensive program to ensure that onsite
215 sewage treatment and disposal systems regulated by the
216 department are sized, designed, constructed, installed, sited,
217 repaired, modified, abandoned, used, operated, and maintained in
218 compliance with this section and rules adopted under this
219 section to prevent groundwater contamination, including impacts
220 from nutrient pollution, and surface water contamination and to
221 preserve the public health. The department is the final
222 administrative interpretive authority regarding rule
223 interpretation. In the event of a conflict regarding rule
224 interpretation, the Secretary of Environmental Protection ~~State~~
225 ~~Surgeon General,~~ or his or her designee, shall timely assign a
226 staff person to resolve the dispute.

227 (d) Grant variances in hardship cases under the conditions
228 prescribed in this section and rules adopted under this section.

229 (e) Permit the use of a limited number of innovative
230 systems for a specific period of time, when there is compelling
231 evidence that the system will function properly and reliably to
232 meet the requirements of this section and rules adopted under
233 this section.

234 (f) Issue annual operating permits under this section.

235 (g) Establish and collect fees as established under s.
236 381.0066 for services provided with respect to onsite sewage
237 treatment and disposal systems.

238 (h) Conduct enforcement activities, including imposing

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239 fines, issuing citations, suspensions, revocations, injunctions,
240 and emergency orders for violations of this section, part I of
241 chapter 386, or part III of chapter 489 or for a violation of
242 any rule adopted under this section, part I of chapter 386, or
243 part III of chapter 489.

244 (i) Provide or conduct education and training of
245 department personnel, service providers, and the public
246 regarding onsite sewage treatment and disposal systems.

247 (j) Supervise research on, demonstration of, and training
248 on the performance, environmental impact, and public health
249 impact of onsite sewage treatment and disposal systems within
250 this state. Research fees collected under s. 381.0066(2)(k) must
251 be used to develop and fund hands-on training centers designed
252 to provide practical information about onsite sewage treatment
253 and disposal systems to septic tank contractors, master septic
254 tank contractors, contractors, inspectors, engineers, and the
255 public and must also be used to fund research projects which
256 focus on improvements of onsite sewage treatment and disposal
257 systems, including use of performance-based standards and
258 reduction of environmental impact. Research projects shall be
259 ~~initially approved by the technical review and advisory panel~~
260 ~~and shall be~~ applicable to and reflect the soil conditions
261 specific to this state ~~Florida~~. Such projects shall be awarded
262 through competitive negotiation, using the procedures provided
263 in s. 287.055, to public or private entities that have

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264 | experience in onsite sewage treatment and disposal systems in
265 | this state Florida and that are principally located in this
266 | state Florida. ~~Research projects shall not be awarded to firms~~
267 | ~~or entities that employ or are associated with persons who serve~~
268 | ~~on either the technical review and advisory panel or the~~
269 | ~~research review and advisory committee.~~

270 | (k) Approve the installation of individual graywater
271 | disposal systems in which blackwater is treated by a central
272 | sewerage system.

273 | (l) Regulate and permit the sanitation, handling,
274 | treatment, storage, reuse, and disposal of byproducts from any
275 | system regulated under this chapter ~~and not regulated by the~~
276 | ~~Department of Environmental Protection.~~

277 | (m) Permit and inspect portable or temporary toilet
278 | services and holding tanks. The department shall review
279 | applications, perform site evaluations, and issue permits for
280 | the temporary use of holding tanks, privies, portable toilet
281 | services, or any other toilet facility that is intended for use
282 | on a permanent or nonpermanent basis, including facilities
283 | placed on construction sites when workers are present. The
284 | department may specify standards for the construction,
285 | maintenance, use, and operation of any such facility for
286 | temporary use.

287 | (n) Regulate and permit maintenance entities for
288 | performance-based treatment systems and aerobic treatment unit

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289 systems. To ensure systems are maintained and operated according
290 to manufacturer's specifications and designs, the department
291 shall establish by rule minimum qualifying criteria for
292 maintenance entities. The criteria shall include: training,
293 access to approved spare parts and components, access to
294 manufacturer's maintenance and operation manuals, and service
295 response time. The maintenance entity shall employ a contractor
296 licensed under s. 489.105(3)(m), or part III of chapter 489, or
297 a state-licensed wastewater plant operator, who is responsible
298 for maintenance and repair of all systems under contract.

299 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
300 not construct, repair, modify, abandon, or operate an onsite
301 sewage treatment and disposal system without first obtaining a
302 permit approved by the department. The department may issue
303 permits to carry out this section, ~~but shall not make the~~
304 ~~issuance of such permits contingent upon prior approval by the~~
305 ~~department of Environmental Protection~~, except that the issuance
306 of a permit for work seaward of the coastal construction control
307 line established under s. 161.053 shall be contingent upon
308 receipt of any required coastal construction control line permit
309 from the department ~~of Environmental Protection~~. A construction
310 permit is valid for 18 months after ~~from~~ the date of issuance
311 ~~date~~ and may be extended by the department for one 90-day period
312 under rules adopted by the department. A repair permit is valid
313 for 90 days after ~~from~~ the date of issuance. An operating permit

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314 must be obtained before ~~prior~~ to the use of any aerobic
315 treatment unit or if the establishment generates commercial
316 waste. Buildings or establishments that use an aerobic treatment
317 unit or generate commercial waste shall be inspected by the
318 department at least annually to assure compliance with the terms
319 of the operating permit. The operating permit for a commercial
320 wastewater system is valid for 1 year after ~~from~~ the date of
321 issuance and must be renewed annually. The operating permit for
322 an aerobic treatment unit is valid for 2 years after ~~from~~ the
323 date of issuance and must be renewed every 2 years. If all
324 information pertaining to the siting, location, and installation
325 conditions or repair of an onsite sewage treatment and disposal
326 system remains the same, a construction or repair permit for the
327 onsite sewage treatment and disposal system may be transferred
328 to another person, if the transferee files, within 60 days after
329 the transfer of ownership, an amended application providing all
330 corrected information and proof of ownership of the property. A
331 ~~There is no fee~~ is not associated with the processing of this
332 supplemental information. A person may not contract to
333 construct, modify, alter, repair, service, abandon, or maintain
334 any portion of an onsite sewage treatment and disposal system
335 without being registered under part III of chapter 489. A
336 property owner who personally performs construction,
337 maintenance, or repairs to a system serving his or her own
338 owner-occupied single-family residence is exempt from

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339 registration requirements for performing such construction,
340 maintenance, or repairs on that residence, but is subject to all
341 permitting requirements. A municipality or political subdivision
342 of the state may not issue a building or plumbing permit for any
343 building that requires the use of an onsite sewage treatment and
344 disposal system unless the owner or builder has received a
345 construction permit for such system from the department. A
346 building or structure may not be occupied and a municipality,
347 political subdivision, or any state or federal agency may not
348 authorize occupancy until the department approves the final
349 installation of the onsite sewage treatment and disposal system.
350 A municipality or political subdivision of the state may not
351 approve any change in occupancy or tenancy of a building that
352 uses an onsite sewage treatment and disposal system until the
353 department has reviewed the use of the system with the proposed
354 change, approved the change, and amended the operating permit.

355 (a) Subdivisions and lots in which each lot has a minimum
356 area of at least one-half acre and either a minimum dimension of
357 100 feet or a mean of at least 100 feet of the side bordering
358 the street and the distance formed by a line parallel to the
359 side bordering the street drawn between the two most distant
360 points of the remainder of the lot may be developed with a water
361 system regulated under s. 381.0062 and onsite sewage treatment
362 and disposal systems, provided the projected daily sewage flow
363 does not exceed an average of 1,500 gallons per acre per day,

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364 and provided satisfactory drinking water can be obtained and all
365 distance and setback, soil condition, water table elevation, and
366 other related requirements of this section and rules adopted
367 under this section can be met.

368 (b) Subdivisions and lots using a public water system as
369 defined in s. 403.852 may use onsite sewage treatment and
370 disposal systems, provided there are no more than four lots per
371 acre, provided the projected daily sewage flow does not exceed
372 an average of 2,500 gallons per acre per day, and provided that
373 all distance and setback, soil condition, water table elevation,
374 and other related requirements that are generally applicable to
375 the use of onsite sewage treatment and disposal systems are met.

376 (c) Notwithstanding paragraphs (a) and (b), for
377 subdivisions platted of record on or before October 1, 1991,
378 when a developer or other appropriate entity has previously made
379 or makes provisions, including financial assurances or other
380 commitments, acceptable to the department ~~of Health~~, that a
381 central water system will be installed by a regulated public
382 utility based on a density formula, private potable wells may be
383 used with onsite sewage treatment and disposal systems until the
384 agreed-upon densities are reached. In a subdivision regulated by
385 this paragraph, the average daily sewage flow may not exceed
386 2,500 gallons per acre per day. This section does not affect the
387 validity of existing prior agreements. After October 1, 1991,
388 the exception provided under this paragraph is not available to

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389 a developer or other appropriate entity.

390 (d) Paragraphs (a) and (b) do not apply to any proposed
391 residential subdivision with more than 50 lots or to any
392 proposed commercial subdivision with more than 5 lots where a
393 publicly owned or investor-owned sewage treatment sewerage
394 system is available. ~~It is the intent of~~ This paragraph does not
395 to allow development of additional proposed subdivisions in
396 order to evade the requirements of this paragraph.

397 (e) The department shall adopt rules relating to the
398 location of onsite sewage treatment and disposal systems,
399 including establishing setback distances, to prevent groundwater
400 contamination and surface water contamination and to preserve
401 the public health. The rulemaking process for such rules must be
402 completed by July 1, 2022, and the department shall notify the
403 Division of Law Revision of the date such rules take effect. The
404 rules must consider conventional and enhanced nutrient-reducing
405 onsite sewage treatment and disposal system designs, impaired or
406 degraded water bodies, domestic wastewater and drinking water
407 infrastructure, potable water sources, nonpotable wells,
408 stormwater infrastructure, the onsite sewage treatment and
409 disposal system remediation plans developed pursuant to s.
410 403.067(7)(a)9.b., nutrient pollution, and the recommendations
411 of the onsite sewage treatment and disposal systems technical
412 advisory committee established pursuant to s. 381.00652. The
413 rules must also allow a person to apply for and receive a

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414 variance from a rule requirement upon demonstration that the
415 requirement would cause an undue hardship and granting the
416 variance would not cause or contribute to the exceedance of a
417 total maximum daily load.

418 (f)(e) Onsite sewage treatment and disposal systems that
419 are permitted before the rules in paragraph (e) take effect may
420 must not be placed closer than:

- 421 1. Seventy-five feet from a private potable well.
- 422 2. Two hundred feet from a public potable well serving a
423 residential or nonresidential establishment having a total
424 sewage flow of greater than 2,000 gallons per day.
- 425 3. One hundred feet from a public potable well serving a
426 residential or nonresidential establishment having a total
427 sewage flow of less than or equal to 2,000 gallons per day.
- 428 4. Fifty feet from any nonpotable well.
- 429 5. Ten feet from any storm sewer pipe, to the maximum
430 extent possible, but in no instance shall the setback be less
431 than 5 feet.
- 432 6. Seventy-five feet from the mean high-water line of a
433 tidally influenced surface water body.
- 434 7. Seventy-five feet from the mean annual flood line of a
435 permanent nontidal surface water body.
- 436 8. Fifteen feet from the design high-water line of
437 retention areas, detention areas, or swales designed to contain
438 standing or flowing water for less than 72 hours after a

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439 rainfall or the design high-water level of normally dry drainage
440 ditches or normally dry individual lot stormwater retention
441 areas.

442 ~~(f) Except as provided under paragraphs (c) and (t), no~~
443 ~~limitations shall be imposed by rule, relating to the distance~~
444 ~~between an onsite disposal system and any area that either~~
445 ~~permanently or temporarily has visible surface water.~~

446 (g) ~~All provisions of~~ This section and rules adopted under
447 this section relating to soil condition, water table elevation,
448 distance, and other setback requirements must be equally applied
449 to all lots, with the following exceptions:

450 1. Any residential lot that was platted and recorded on or
451 after January 1, 1972, or that is part of a residential
452 subdivision that was approved by the appropriate permitting
453 agency on or after January 1, 1972, and that was eligible for an
454 onsite sewage treatment and disposal system construction permit
455 on the date of such platting and recording or approval shall be
456 eligible for an onsite sewage treatment and disposal system
457 construction permit, regardless of when the application for a
458 permit is made. If rules in effect at the time the permit
459 application is filed cannot be met, residential lots platted and
460 recorded or approved on or after January 1, 1972, shall, to the
461 maximum extent possible, comply with the rules in effect at the
462 time the permit application is filed. At a minimum, however,
463 those residential lots platted and recorded or approved on or

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464 after January 1, 1972, but before January 1, 1983, shall comply
465 with those rules in effect on January 1, 1983, and those
466 residential lots platted and recorded or approved on or after
467 January 1, 1983, shall comply with those rules in effect at the
468 time of such platting and recording or approval. In determining
469 the maximum extent of compliance with current rules that is
470 possible, the department shall allow structures and
471 appurtenances thereto which were authorized at the time such
472 lots were platted and recorded or approved.

473 2. Lots platted before 1972 are subject to a 50-foot
474 minimum surface water setback and are not subject to lot size
475 requirements. The projected daily flow for onsite sewage
476 treatment and disposal systems for lots platted before 1972 may
477 not exceed:

478 a. Two thousand five hundred gallons per acre per day for
479 lots served by public water systems as defined in s. 403.852.

480 b. One thousand five hundred gallons per acre per day for
481 lots served by water systems regulated under s. 381.0062.

482 (h)1. The department may grant variances in hardship cases
483 which may be less restrictive than the provisions specified in
484 this section. If a variance is granted and the onsite sewage
485 treatment and disposal system construction permit has been
486 issued, the variance may be transferred with the system
487 construction permit, if the transferee files, within 60 days
488 after the transfer of ownership, an amended construction permit

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489 application providing all corrected information and proof of
490 ownership of the property and if the same variance would have
491 been required for the new owner of the property as was
492 originally granted to the original applicant for the variance. A
493 ~~There is no fee~~ is not associated with the processing of this
494 supplemental information. A variance may not be granted under
495 this section until the department is satisfied that:

496 a. The hardship was not caused intentionally by the action
497 of the applicant;

498 b. A ~~no~~ reasonable alternative, taking into consideration
499 factors such as cost, does not exist ~~exists~~ for the treatment of
500 the sewage; and

501 c. The discharge from the onsite sewage treatment and
502 disposal system will not adversely affect the health of the
503 applicant or the public or significantly degrade the groundwater
504 or surface waters.

505

506 Where soil conditions, water table elevation, and setback
507 provisions are determined by the department to be satisfactory,
508 special consideration must be given to those lots platted before
509 1972.

510 2. The department shall appoint and staff a variance
511 review and advisory committee, which shall meet monthly to
512 recommend agency action on variance requests. The committee
513 shall make its recommendations on variance requests at the

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514 meeting in which the application is scheduled for consideration,
515 except for an extraordinary change in circumstances, the receipt
516 of new information that raises new issues, or when the applicant
517 requests an extension. The committee shall consider the criteria
518 in subparagraph 1. in its recommended agency action on variance
519 requests and shall also strive to allow property owners the full
520 use of their land where possible. The committee consists of the
521 following:

522 a. The Secretary of Environmental Protection ~~State Surgeon~~
523 ~~General~~ or his or her designee.

524 b. A representative from the county health departments.

525 c. A representative from the home building industry
526 recommended by the Florida Home Builders Association.

527 d. A representative from the septic tank industry
528 recommended by the Florida Onsite Wastewater Association.

529 e. A representative from the Department of Health
530 ~~Environmental Protection~~.

531 f. A representative from the real estate industry who is
532 also a developer in this state who develops lots using onsite
533 sewage treatment and disposal systems, recommended by the
534 Florida Association of Realtors.

535 g. A representative from the engineering profession
536 recommended by the Florida Engineering Society.

537

538 Members shall be appointed for a term of 3 years, with such

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539 appointments being staggered so that the terms of no more than
540 two members expire in any one year. Members shall serve without
541 remuneration, but if requested, shall be reimbursed for per diem
542 and travel expenses as provided in s. 112.061.

543 (i) A construction permit may not be issued for an onsite
544 sewage treatment and disposal system in any area zoned or used
545 for industrial or manufacturing purposes, or its equivalent,
546 where a publicly owned or investor-owned sewage treatment system
547 is available, or where a likelihood exists that the system will
548 receive toxic, hazardous, or industrial waste. An existing
549 onsite sewage treatment and disposal system may be repaired if a
550 publicly owned or investor-owned sewage treatment ~~sewerage~~
551 system is not available within 500 feet of the building sewer
552 stub-out and if system construction and operation standards can
553 be met. This paragraph does not require publicly owned or
554 investor-owned sewage ~~sewerage~~ treatment systems to accept
555 anything other than domestic wastewater.

556 1. A building located in an area zoned or used for
557 industrial or manufacturing purposes, or its equivalent, when
558 such building is served by an onsite sewage treatment and
559 disposal system, must not be occupied until the owner or tenant
560 has obtained written approval from the department. The
561 department may ~~shall~~ not grant approval when the proposed use of
562 the system is to dispose of toxic, hazardous, or industrial
563 wastewater or toxic or hazardous chemicals.

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564 2. Each person who owns or operates a business or facility
565 in an area zoned or used for industrial or manufacturing
566 purposes, or its equivalent, or who owns or operates a business
567 that has the potential to generate toxic, hazardous, or
568 industrial wastewater or toxic or hazardous chemicals, and uses
569 an onsite sewage treatment and disposal system that is installed
570 on or after July 5, 1989, must obtain an annual system operating
571 permit from the department. A person who owns or operates a
572 business that uses an onsite sewage treatment and disposal
573 system that was installed and approved before July 5, 1989, does
574 not need to ~~not~~ obtain a system operating permit. However, upon
575 change of ownership or tenancy, the new owner or operator must
576 notify the department of the change, and the new owner or
577 operator must obtain an annual system operating permit,
578 regardless of the date that the system was installed or
579 approved.

580 3. The department shall periodically review and evaluate
581 the continued use of onsite sewage treatment and disposal
582 systems in areas zoned or used for industrial or manufacturing
583 purposes, or its equivalent, and may require the collection and
584 analyses of samples from within and around such systems. If the
585 department finds that toxic or hazardous chemicals or toxic,
586 hazardous, or industrial wastewater have been or are being
587 disposed of through an onsite sewage treatment and disposal
588 system, the department shall initiate enforcement actions

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589 against the owner or tenant to ensure adequate cleanup,
590 treatment, and disposal.

591 (j) An onsite sewage treatment and disposal system
592 designed by a professional engineer registered in the state and
593 certified by such engineer as complying with performance
594 criteria adopted by the department must be approved by the
595 department subject to the following:

596 1. The performance criteria applicable to engineer-
597 designed systems must be limited to those necessary to ensure
598 that such systems do not adversely affect the public health or
599 significantly degrade the groundwater or surface water. Such
600 performance criteria shall include consideration of the quality
601 of system effluent, the proposed total sewage flow per acre,
602 wastewater treatment capabilities of the natural or replaced
603 soil, water quality classification of the potential surface-
604 water-receiving body, and the structural and maintenance
605 viability of the system for the treatment of domestic
606 wastewater. However, performance criteria shall address only the
607 performance of a system and not a system's design.

608 2. A person electing to use ~~utilize~~ an engineer-designed
609 system shall, upon completion of the system design, submit such
610 design, certified by a registered professional engineer, to the
611 county health department. The county health department may use
612 ~~utilize~~ an outside consultant to review the engineer-designed
613 system, with the actual cost of such review to be borne by the

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614 applicant. Within 5 working days after receiving an engineer-
615 designed system permit application, the county health department
616 shall request additional information if the application is not
617 complete. Within 15 working days after receiving a complete
618 application for an engineer-designed system, the county health
619 department ~~either~~ shall issue the permit or, if it determines
620 that the system does not comply with the performance criteria,
621 shall notify the applicant of that determination and refer the
622 application to the department for a determination as to whether
623 the system should be approved, disapproved, or approved with
624 modification. The department engineer's determination shall
625 prevail over the action of the county health department. The
626 applicant shall be notified in writing of the department's
627 determination and of the applicant's rights to pursue a variance
628 or seek review under the provisions of chapter 120.

629 3. The owner of an engineer-designed performance-based
630 system must maintain a current maintenance service agreement
631 with a maintenance entity permitted by the department. The
632 maintenance entity shall inspect each system at least twice each
633 year and shall report quarterly to the department on the number
634 of systems inspected and serviced. The reports may be submitted
635 electronically.

636 4. The property owner of an owner-occupied, single-family
637 residence may be approved and permitted by the department as a
638 maintenance entity for his or her own performance-based

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639 treatment system upon written certification from the system
640 manufacturer's approved representative that the property owner
641 has received training on the proper installation and service of
642 the system. The maintenance service agreement must conspicuously
643 disclose that the property owner has the right to maintain his
644 or her own system and is exempt from contractor registration
645 requirements for performing construction, maintenance, or
646 repairs on the system but is subject to all permitting
647 requirements.

648 5. The property owner shall obtain a biennial system
649 operating permit from the department for each system. The
650 department shall inspect the system at least annually, or on
651 such periodic basis as the fee collected permits, and may
652 collect system-effluent samples if appropriate to determine
653 compliance with the performance criteria. The fee for the
654 biennial operating permit shall be collected beginning with the
655 second year of system operation.

656 6. If an engineer-designed system fails to properly
657 function or fails to meet performance standards, the system
658 shall be re-engineered, if necessary, to bring the system into
659 compliance with the provisions of this section.

660 (k) An innovative system may be approved in conjunction
661 with an engineer-designed site-specific system that ~~which~~ is
662 certified by the engineer to meet the performance-based criteria
663 adopted by the department.

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664 (1) For the Florida Keys, the department shall adopt a
665 special rule for the construction, installation, modification,
666 operation, repair, maintenance, and performance of onsite sewage
667 treatment and disposal systems which considers the unique soil
668 conditions and water table elevations, densities, and setback
669 requirements. On lots where a setback distance of 75 feet from
670 surface waters, saltmarsh, and buttonwood association habitat
671 areas cannot be met, an injection well, approved and permitted
672 by the department, may be used for disposal of effluent from
673 onsite sewage treatment and disposal systems. The following
674 additional requirements apply to onsite sewage treatment and
675 disposal systems in Monroe County:

676 1. The county, each municipality, and those special
677 districts established for the purpose of the collection,
678 transmission, treatment, or disposal of sewage shall ensure, in
679 accordance with the specific schedules adopted by the
680 Administration Commission under s. 380.0552, the completion of
681 onsite sewage treatment and disposal system upgrades to meet the
682 requirements of this paragraph.

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

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

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689 b. Suspended Solids of 10 mg/l.

690 c. Total Nitrogen, expressed as N, of 10 mg/l or a
691 reduction in nitrogen of at least 70 percent. A system that has
692 been tested and certified to reduce nitrogen concentrations by
693 at least 70 percent shall be deemed to be in compliance with
694 this standard.

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

696

697 In addition, onsite sewage treatment and disposal systems
698 discharging to an injection well must provide basic disinfection
699 as defined by department rule.

700 3. In areas not scheduled to be served by a central
701 sewerage system sewer, onsite sewage treatment and disposal
702 systems must, by December 31, 2015, comply with department rules
703 and provide the level of treatment described in subparagraph 2.

704 4. In areas scheduled to be served by a central sewerage
705 system sewer by December 31, 2015, if the property owner has
706 paid a connection fee or assessment for connection to the
707 central sewerage sewer system, the property owner may install a
708 holding tank with a high water alarm or an onsite sewage
709 treatment and disposal system that meets the following minimum
710 standards:

711 a. The existing tanks must be pumped and inspected and
712 certified as being watertight and free of defects in accordance
713 with department rule; and

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

716 5. Onsite sewage treatment and disposal systems must be
717 monitored for total nitrogen and total phosphorus concentrations
718 as required by department rule.

719 6. The department shall enforce proper installation,
720 operation, and maintenance of onsite sewage treatment and
721 disposal systems pursuant to this chapter, including ensuring
722 that the appropriate level of treatment described in
723 subparagraph 2. is met.

724 7. The authority of a local government, including a
725 special district, to mandate connection of an onsite sewage
726 treatment and disposal system is governed by s. 4, chapter 99-
727 395, Laws of Florida.

728 8. Notwithstanding any other ~~provision of~~ law, an onsite
729 sewage treatment and disposal system installed after July 1,
730 2010, in unincorporated Monroe County, excluding special
731 wastewater districts, that complies with the standards in
732 subparagraph 2. is not required to connect to a central sewerage
733 ~~sewer~~ system until December 31, 2020.

734 (m) A ~~No~~ product sold in the state for use in onsite
735 sewage treatment and disposal systems may not contain any
736 substance in concentrations or amounts that would interfere with
737 or prevent the successful operation of such system, or that
738 would cause discharges from such systems to violate applicable

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739 water quality standards. The department shall publish criteria
740 for products known or expected to meet the conditions of this
741 paragraph. ~~If In the event~~ a product does not meet such
742 criteria, such product may be sold if the manufacturer
743 satisfactorily demonstrates to the department that the
744 conditions of this paragraph are met.

745 (n) Evaluations for determining the seasonal high-water
746 table elevations or the suitability of soils for the use of a
747 new onsite sewage treatment and disposal system shall be
748 performed by department personnel, professional engineers
749 registered in the state, or such other persons with expertise,
750 as defined by rule, in making such evaluations. Evaluations for
751 determining mean annual flood lines shall be performed by those
752 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department
753 shall accept evaluations submitted by professional engineers and
754 such other persons as meet the expertise established by this
755 section or by rule unless the department has a reasonable
756 scientific basis for questioning the accuracy or completeness of
757 the evaluation.

758 ~~(o) The department shall appoint a research review and~~
759 ~~advisory committee, which shall meet at least semiannually. The~~
760 ~~committee shall advise the department on directions for new~~
761 ~~research, review and rank proposals for research contracts, and~~
762 ~~review draft research reports and make comments. The committee~~
763 ~~is comprised of:~~

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764 ~~1. A representative of the State Surgeon General, or his~~
765 ~~or her designee.~~

766 ~~2. A representative from the septic tank industry.~~

767 ~~3. A representative from the home building industry.~~

768 ~~4. A representative from an environmental interest group.~~

769 ~~5. A representative from the State University System, from~~
770 ~~a department knowledgeable about onsite sewage treatment and~~
771 ~~disposal systems.~~

772 ~~6. A professional engineer registered in this state who~~
773 ~~has work experience in onsite sewage treatment and disposal~~
774 ~~systems.~~

775 ~~7. A representative from local government who is~~
776 ~~knowledgeable about domestic wastewater treatment.~~

777 ~~8. A representative from the real estate profession.~~

778 ~~9. A representative from the restaurant industry.~~

779 ~~10. A consumer.~~

780
781 ~~Members shall be appointed for a term of 3 years, with the~~
782 ~~appointments being staggered so that the terms of no more than~~
783 ~~four members expire in any one year. Members shall serve without~~
784 ~~remuneration, but are entitled to reimbursement for per diem and~~
785 ~~travel expenses as provided in s. 112.061.~~

786 ~~(o) (p)~~ An application for an onsite sewage treatment and
787 disposal system permit shall be completed in full, signed by the
788 owner or the owner's authorized representative, or by a

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789 contractor licensed under chapter 489, and shall be accompanied
790 by all required exhibits and fees. ~~No~~ Specific documentation of
791 property ownership is not shall be required as a prerequisite to
792 the review of an application or the issuance of a permit. The
793 issuance of a permit does not constitute determination by the
794 department of property ownership.

795 (p) ~~(q)~~ The department may not require any form of
796 subdivision analysis of property by an owner, developer, or
797 subdivider before ~~prior to~~ submission of an application for an
798 onsite sewage treatment and disposal system.

799 (q) ~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the
800 power of a municipality or county to enforce other laws for the
801 protection of the public health and safety.

802 (r) ~~(s)~~ In the siting of onsite sewage treatment and
803 disposal systems, including drainfields, shoulders, and slopes,
804 guttering may shall not be required on single-family residential
805 dwelling units for systems located greater than 5 feet from the
806 roof drip line of the house. If guttering is used on residential
807 dwelling units, the downspouts shall be directed away from the
808 drainfield.

809 (s) ~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph
810 (g)1., onsite sewage treatment and disposal systems located in
811 floodways of the Suwannee and Aucilla Rivers must adhere to the
812 following requirements:

813 1. The absorption surface of the drainfield may shall not

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814 be subject to flooding based on 10-year flood elevations.
815 Provided, however, for lots or parcels created by the
816 subdivision of land in accordance with applicable local
817 government regulations before ~~prior to~~ January 17, 1990, if an
818 applicant cannot construct a drainfield system with the
819 absorption surface of the drainfield at an elevation equal to or
820 above 10-year flood elevation, the department shall issue a
821 permit for an onsite sewage treatment and disposal system within
822 the 10-year floodplain of rivers, streams, and other bodies of
823 flowing water if all of the following criteria are met:

- 824 a. The lot is at least one-half acre in size;
- 825 b. The bottom of the drainfield is at least 36 inches
826 above the 2-year flood elevation; and
- 827 c. The applicant installs ~~either:~~ a waterless,
828 incinerating, or organic waste composting toilet and a graywater
829 system and drainfield in accordance with department rules; an
830 aerobic treatment unit and drainfield in accordance with
831 department rules; a system ~~approved by the State Health Office~~
832 that is capable of reducing effluent nitrate by at least 50
833 percent in accordance with department rules; or a system other
834 than a system using alternative drainfield materials in
835 accordance with department rules ~~approved by the county health~~
836 ~~department pursuant to department rule other than a system using~~
837 ~~alternative drainfield materials~~. The United States Department
838 of Agriculture Soil Conservation Service soil maps, State of

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839 Florida Water Management District data, and Federal Emergency
840 Management Agency Flood Insurance maps are resources that shall
841 be used to identify flood-prone areas.

842 2. The use of fill or mounding to elevate a drainfield
843 system out of the 10-year floodplain of rivers, streams, or
844 other bodies of flowing water may ~~shall~~ not be permitted if such
845 a system lies within a regulatory floodway of the Suwannee and
846 Aucilla Rivers. In cases where the 10-year flood elevation does
847 not coincide with the boundaries of the regulatory floodway, the
848 regulatory floodway will be considered for the purposes of this
849 subsection to extend at a minimum to the 10-year flood
850 elevation.

851 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system
852 shall maintain a current maintenance service agreement with an
853 aerobic treatment unit maintenance entity permitted by the
854 department. The maintenance entity shall inspect each aerobic
855 treatment unit system at least twice each year and shall report
856 quarterly to the department on the number of aerobic treatment
857 unit systems inspected and serviced. The reports may be
858 submitted electronically.

859 2. The property owner of an owner-occupied, single-family
860 residence may be approved and permitted by the department as a
861 maintenance entity for his or her own aerobic treatment unit
862 system upon written certification from the system manufacturer's
863 approved representative that the property owner has received

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864 training on the proper installation and service of the system.
865 The maintenance entity service agreement must conspicuously
866 disclose that the property owner has the right to maintain his
867 or her own system and is exempt from contractor registration
868 requirements for performing construction, maintenance, or
869 repairs on the system but is subject to all permitting
870 requirements.

871 3. A septic tank contractor licensed under part III of
872 chapter 489, if approved by the manufacturer, may not be denied
873 access by the manufacturer to aerobic treatment unit system
874 training or spare parts for maintenance entities. After the
875 original warranty period, component parts for an aerobic
876 treatment unit system may be replaced with parts that meet
877 manufacturer's specifications but are manufactured by others.
878 The maintenance entity shall maintain documentation of the
879 substitute part's equivalency for 2 years and shall provide such
880 documentation to the department upon request.

881 4. The owner of an aerobic treatment unit system shall
882 obtain a system operating permit from the department and allow
883 the department to inspect during reasonable hours each aerobic
884 treatment unit system at least annually, and such inspection may
885 include collection and analysis of system-effluent samples for
886 performance criteria established by rule of the department.

887 (u)~~(v)~~ The department may require the submission of
888 detailed system construction plans that are prepared by a

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889 professional engineer registered in this state. The department
890 shall establish by rule criteria for determining when such a
891 submission is required.

892 ~~(v)-(w)~~ Any permit issued and approved by the department
893 for the installation, modification, or repair of an onsite
894 sewage treatment and disposal system shall transfer with the
895 title to the property in a real estate transaction. A title may
896 not be encumbered at the time of transfer by new permit
897 requirements by a governmental entity for an onsite sewage
898 treatment and disposal system which differ from the permitting
899 requirements in effect at the time the system was permitted,
900 modified, or repaired. An inspection of a system may not be
901 mandated by a governmental entity at the point of sale in a real
902 estate transaction. This paragraph does not affect a septic tank
903 phase-out deferral program implemented by a consolidated
904 government as defined in s. 9, Art. VIII of the State
905 Constitution (1885).

906 ~~(w)-(*)~~ A governmental entity, including a municipality,
907 county, or statutorily created commission, may not require an
908 engineer-designed performance-based treatment system, excluding
909 a passive engineer-designed performance-based treatment system,
910 before the completion of the Florida Onsite Sewage Nitrogen
911 Reduction Strategies Project. This paragraph does not apply to a
912 governmental entity, including a municipality, county, or
913 statutorily created commission, which adopted a local law,

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914 ordinance, or regulation on or before January 31, 2012.
915 Notwithstanding this paragraph, an engineer-designed
916 performance-based treatment system may be used to meet the
917 requirements of the variance review and advisory committee
918 recommendations.

919 (x)1.~~(y)1.~~ An onsite sewage treatment and disposal system
920 is not considered abandoned if the system is disconnected from a
921 structure that was made unusable or destroyed following a
922 disaster and if the system was properly functioning at the time
923 of disconnection and was not adversely affected by the disaster.
924 The onsite sewage treatment and disposal system may be
925 reconnected to a rebuilt structure if:

926 a. The reconnection of the system is to the same type of
927 structure which contains the same number of bedrooms or fewer,
928 if the square footage of the structure is less than or equal to
929 110 percent of the original square footage of the structure that
930 existed before the disaster;

931 b. The system is not a sanitary nuisance; and

932 c. The system has not been altered without prior
933 authorization.

934 2. An onsite sewage treatment and disposal system that
935 serves a property that is foreclosed upon is not considered
936 abandoned.

937 (y)~~(z)~~ If an onsite sewage treatment and disposal system
938 permittee receives, relies upon, and undertakes construction of

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939 a system based upon a validly issued construction permit under
940 rules applicable at the time of construction but a change to a
941 rule occurs within 5 years after the approval of the system for
942 construction but before the final approval of the system, the
943 rules applicable and in effect at the time of construction
944 approval apply at the time of final approval if fundamental site
945 conditions have not changed between the time of construction
946 approval and final approval.

947 (z)~~(aa)~~ An existing-system inspection or evaluation and
948 assessment, or a modification, replacement, or upgrade of an
949 onsite sewage treatment and disposal system is not required for
950 a remodeling addition or modification to a single-family home if
951 a bedroom is not added. However, a remodeling addition or
952 modification to a single-family home may not cover any part of
953 the existing system or encroach upon a required setback or the
954 unobstructed area. To determine if a setback or the unobstructed
955 area is impacted, the local health department shall review and
956 verify a floor plan and site plan of the proposed remodeling
957 addition or modification to the home submitted by a remodeler
958 which shows the location of the system, including the distance
959 of the remodeling addition or modification to the home from the
960 onsite sewage treatment and disposal system. The local health
961 department may visit the site or otherwise determine the best
962 means of verifying the information submitted. A verification of
963 the location of a system is not an inspection or evaluation and

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964 assessment of the system. The review and verification must be
965 completed within 7 business days after receipt by the local
966 health department of a floor plan and site plan. If the review
967 and verification is not completed within such time, the
968 remodeling addition or modification to the single-family home,
969 for the purposes of this paragraph, is approved.

970 Section 9. Section 381.00652, Florida Statutes, is created
971 to read:

972 381.00652 Onsite sewage treatment and disposal systems
973 technical advisory committee.-

974 (1) As used in this section, the term "department" means
975 the Department of Environmental Protection.

976 (2) An onsite sewage treatment and disposal systems
977 technical advisory committee, a committee as defined in s.
978 20.03(8), is created within the department. The committee shall:

979 (a) Provide recommendations to increase the availability
980 of enhanced nutrient-reducing onsite sewage treatment and
981 disposal systems in the marketplace, including such systems that
982 are cost-effective, low maintenance, and reliable.

983 (b) Consider and recommend regulatory options, such as
984 fast-track approval, prequalification, or expedited permitting,
985 to facilitate the introduction and use of enhanced nutrient-
986 reducing onsite sewage treatment and disposal systems that have
987 been reviewed and approved by a national agency or organization,
988 such as the American National Standards Institute 245 systems

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989 approved by the NSF International.

990 (c) Provide recommendations for appropriate setback
991 distances for onsite sewage treatment and disposal systems from
992 surface water, groundwater, and wells.

993 (3) The department shall use existing and available
994 resources to administer and support the activities of the
995 committee.

996 (4) (a) By August 1, 2021, the department, in consultation
997 with the Department of Health, shall appoint no more than 10
998 members to the committee, as follows:

999 1. A professional engineer.

1000 2. A septic tank contractor.

1001 3. Two representatives from the home building industry.

1002 4. A representative from the real estate industry.

1003 5. A representative from the onsite sewage treatment and
1004 disposal system industry.

1005 6. A representative from local government.

1006 7. Two representatives from the environmental community.

1007 8. A representative of the scientific and technical
1008 community who has substantial expertise in the areas of the fate
1009 and transport of water pollutants, toxicology, epidemiology,
1010 geology, biology, or environmental sciences.

1011 (b) Members shall serve without compensation and are not
1012 entitled to reimbursement for per diem or travel expenses.

1013 (5) By January 1, 2022, the committee shall submit its

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1014 recommendations to the Governor, the President of the Senate,
1015 and the Speaker of the House of Representatives.

1016 (6) This section expires August 15, 2022.

1017 Section 10. Effective July 1, 2021, section 381.0068,
1018 Florida Statutes, is repealed.

1019 Section 11. Present subsections (14) through (44) of
1020 section 403.061, Florida Statutes, are redesignated as
1021 subsections (15) through (45), respectively, subsection (7) is
1022 amended, and a new subsection (14) is added to that section, to
1023 read:

1024 403.061 Department; powers and duties.—The department
1025 shall have the power and the duty to control and prohibit
1026 pollution of air and water in accordance with the law and rules
1027 adopted and promulgated by it and, for this purpose, to:

1028 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1029 implement ~~the provisions of~~ this act. Any rule adopted pursuant
1030 to this act must ~~shall~~ be consistent with the provisions of
1031 federal law, if any, relating to control of emissions from motor
1032 vehicles, effluent limitations, pretreatment requirements, or
1033 standards of performance. A ~~No~~ county, municipality, or
1034 political subdivision may not ~~shall~~ adopt or enforce any local
1035 ordinance, special law, or local regulation requiring the
1036 installation of Stage II vapor recovery systems, as currently
1037 defined by department rule, unless such county, municipality, or
1038 political subdivision is or has been in the past designated by

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1039 federal regulation as a moderate, serious, or severe ozone
1040 nonattainment area. Rules adopted pursuant to this act ~~may shall~~
1041 not require dischargers of waste into waters of the state to
1042 improve natural background conditions. The department shall
1043 adopt rules to reasonably limit, reduce, and eliminate domestic
1044 wastewater collection and transmission system pipe leakages and
1045 inflow and infiltration. Discharges from steam electric
1046 generating plants existing or licensed under this chapter on
1047 July 1, 1984, ~~may shall~~ not be required to be treated to a
1048 greater extent than may be necessary to assure that the quality
1049 of nonthermal components of discharges from nonrecirculated
1050 cooling water systems is as high as the quality of the makeup
1051 waters; that the quality of nonthermal components of discharges
1052 from recirculated cooling water systems is no lower than is
1053 allowed for blowdown from such systems; or that the quality of
1054 noncooling system discharges which receive makeup water from a
1055 receiving body of water which does not meet applicable
1056 department water quality standards is as high as the quality of
1057 the receiving body of water. The department may not adopt
1058 standards more stringent than federal regulations, except as
1059 provided in s. 403.804.

1060 (14) In order to promote resilient utilities, require
1061 public utilities or their affiliated companies holding, applying
1062 for, or renewing a domestic wastewater discharge permit to file
1063 annual reports and other data regarding transactions or

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1064 allocations of common costs and expenditures on pollution
1065 mitigation and prevention among the utility's permitted systems,
1066 including, but not limited to, the prevention of sanitary sewer
1067 overflows, collection and transmission system pipe leakages, and
1068 inflow and infiltration. The department shall adopt rules to
1069 implement this subsection.

1070

1071 The department shall implement such programs in conjunction with
1072 its other powers and duties and shall place special emphasis on
1073 reducing and eliminating contamination that presents a threat to
1074 humans, animals or plants, or to the environment.

1075 Section 12. Section 403.0616, Florida Statutes, is created
1076 to read:

1077 403.0616 Real-time water quality monitoring program.-

1078 (1) Subject to appropriation, the department shall
1079 establish a real-time water quality monitoring program to assist
1080 in the restoration, preservation, and enhancement of impaired
1081 water bodies and coastal resources.

1082 (2) In order to expedite the creation and implementation
1083 of the program, the department is encouraged to form public-
1084 private partnerships with established scientific entities that
1085 have proven existing real-time water quality monitoring
1086 equipment and experience in deploying the equipment.

1087 Section 13. Subsection (17) is added to section 403.064,
1088 Florida Statutes, to read:

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1089 403.064 Reuse of reclaimed water.—

1090 (17) By December 31, 2020, the department shall initiate
1091 rule revisions based on the recommendations of the Potable Reuse
1092 Commission's 2020 report "Advancing Potable Reuse in Florida:
1093 Framework for the Implementation of Potable Reuse in Florida."
1094 Rules for potable reuse projects must address contaminants of
1095 emerging concern and meet or exceed federal and state drinking
1096 water quality standards and other applicable water quality
1097 standards. Reclaimed water is deemed a water source for public
1098 water supply systems.

1099 Section 14. Subsection (7) of section 403.067, Florida
1100 Statutes, is amended to read:

1101 403.067 Establishment and implementation of total maximum
1102 daily loads.—

1103 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1104 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1105 (a) *Basin management action plans.*—

1106 1. In developing and implementing the total maximum daily
1107 load for a water body, the department, or the department in
1108 conjunction with a water management district, may develop a
1109 basin management action plan that addresses some or all of the
1110 watersheds and basins tributary to the water body. Such plan
1111 must integrate the appropriate management strategies available
1112 to the state through existing water quality protection programs
1113 to achieve the total maximum daily loads and may provide for

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1114 | phased implementation of these management strategies to promote
1115 | timely, cost-effective actions as provided for in s. 403.151.
1116 | The plan must establish a schedule implementing the management
1117 | strategies, establish a basis for evaluating the plan's
1118 | effectiveness, and identify feasible funding strategies for
1119 | implementing the plan's management strategies. The management
1120 | strategies may include regional treatment systems or other
1121 | public works, when ~~where~~ appropriate, and voluntary trading of
1122 | water quality credits to achieve the needed pollutant load
1123 | reductions.

1124 | 2. A basin management action plan must equitably allocate,
1125 | pursuant to paragraph (6) (b), pollutant reductions to individual
1126 | basins, as a whole to all basins, or to each identified point
1127 | source or category of nonpoint sources, as appropriate. For
1128 | nonpoint sources for which best management practices have been
1129 | adopted, the initial requirement specified by the plan must be
1130 | those practices developed pursuant to paragraph (c). When ~~Where~~
1131 | appropriate, the plan may take into account the benefits of
1132 | pollutant load reduction achieved by point or nonpoint sources
1133 | that have implemented management strategies to reduce pollutant
1134 | loads, including best management practices, before the
1135 | development of the basin management action plan. The plan must
1136 | also identify the mechanisms that will address potential future
1137 | increases in pollutant loading.

1138 | 3. The basin management action planning process is

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1139 intended to involve the broadest possible range of interested
1140 parties, with the objective of encouraging the greatest amount
1141 of cooperation and consensus possible. In developing a basin
1142 management action plan, the department shall assure that key
1143 stakeholders, including, but not limited to, applicable local
1144 governments, water management districts, the Department of
1145 Agriculture and Consumer Services, other appropriate state
1146 agencies, local soil and water conservation districts,
1147 environmental groups, regulated interests, and affected
1148 pollution sources, are invited to participate in the process.
1149 The department shall hold at least one public meeting in the
1150 vicinity of the watershed or basin to discuss and receive
1151 comments during the planning process and shall otherwise
1152 encourage public participation to the greatest practicable
1153 extent. Notice of the public meeting must be published in a
1154 newspaper of general circulation in each county in which the
1155 watershed or basin lies at least not less than 5 days, but not
1156 ~~nor~~ more than 15 days, before the public meeting. A basin
1157 management action plan does not supplant or otherwise alter any
1158 assessment made under subsection (3) or subsection (4) or any
1159 calculation or initial allocation.

1160 4. Each new or revised basin management action plan shall
1161 include:

1162 a. The appropriate management strategies available through
1163 existing water quality protection programs to achieve total

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1164 maximum daily loads, which may provide for phased implementation
1165 to promote timely, cost-effective actions as provided for in s.
1166 403.151;

1167 b. A description of best management practices adopted by
1168 rule;

1169 c. A list of projects in priority ranking with a planning-
1170 level cost estimate and estimated date of completion for each
1171 listed project;

1172 d. The source and amount of financial assistance to be
1173 made available by the department, a water management district,
1174 or other entity for each listed project, if applicable; and

1175 e. A planning-level estimate of each listed project's
1176 expected load reduction, if applicable.

1177 5. The department shall adopt all or any part of a basin
1178 management action plan and any amendment to such plan by
1179 secretarial order pursuant to chapter 120 to implement ~~the~~
1180 ~~provisions of~~ this section.

1181 6. The basin management action plan must include
1182 milestones for implementation and water quality improvement, and
1183 an associated water quality monitoring component sufficient to
1184 evaluate whether reasonable progress in pollutant load
1185 reductions is being achieved over time. An assessment of
1186 progress toward these milestones shall be conducted every 5
1187 years, and revisions to the plan shall be made as appropriate.
1188 Revisions to the basin management action plan shall be made by

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1189 the department in cooperation with basin stakeholders. Revisions
1190 to the management strategies required for nonpoint sources must
1191 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised
1192 basin management action plans must be adopted pursuant to
1193 subparagraph 5.

1194 7. In accordance with procedures adopted by rule under
1195 paragraph (9)(c), basin management action plans, and other
1196 pollution control programs under local, state, or federal
1197 authority as provided in subsection (4), may allow point or
1198 nonpoint sources that will achieve greater pollutant reductions
1199 than required by an adopted total maximum daily load or
1200 wasteload allocation to generate, register, and trade water
1201 quality credits for the excess reductions to enable other
1202 sources to achieve their allocation; however, the generation of
1203 water quality credits does not remove the obligation of a source
1204 or activity to meet applicable technology requirements or
1205 adopted best management practices. Such plans must allow trading
1206 between NPDES permittees, and trading that may or may not
1207 involve NPDES permittees, where the generation or use of the
1208 credits involve an entity or activity not subject to department
1209 water discharge permits whose owner voluntarily elects to obtain
1210 department authorization for the generation and sale of credits.

1211 8. ~~The provisions of~~ The department's rule relating to the
1212 equitable abatement of pollutants into surface waters do not
1213 apply to water bodies or water body segments for which a basin

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1214 management plan that takes into account future new or expanded
1215 activities or discharges has been adopted under this section.

1216 9. In order to promote resilient wastewater utilities, if
1217 the department identifies domestic wastewater treatment
1218 facilities or onsite sewage treatment and disposal systems as
1219 contributors of at least 20 percent of point source or nonpoint
1220 source nutrient pollution or if the department determines
1221 remediation is necessary to achieve the total maximum daily
1222 load, a basin management action plan for a nutrient total
1223 maximum daily load must include the following:

1224 a. A wastewater treatment plan developed by each local
1225 government, in cooperation with the department, the water
1226 management district, and the public and private domestic
1227 wastewater treatment facilities within the jurisdiction of the
1228 local government, that addresses domestic wastewater. The
1229 wastewater treatment plan must:

1230 (I) Provide for construction, expansion, or upgrades
1231 necessary to achieve the total maximum daily load requirements
1232 applicable to the domestic wastewater treatment facility.

1233 (II) Include the permitted capacity in average annual
1234 gallons per day for the domestic wastewater treatment facility;
1235 the average nutrient concentration and the estimated average
1236 nutrient load of the domestic wastewater; a projected timeline
1237 of the dates by which the construction of any facility
1238 improvements will begin and be completed and the date by which

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1239 operations of the improved facility will begin; the estimated
1240 cost of the improvements; and the identity of responsible
1241 parties.

1242

1243 The wastewater treatment plan must be adopted as part of the
1244 basin management action plan no later than July 1, 2025. A local
1245 government that does not have a domestic wastewater treatment
1246 facility in its jurisdiction is not required to develop a
1247 wastewater treatment plan unless there is a demonstrated need to
1248 establish a domestic wastewater treatment facility within its
1249 jurisdiction to improve water quality necessary to achieve a
1250 total maximum daily load. A local government is not responsible
1251 for a private domestic wastewater facility's compliance with a
1252 basin management action plan unless such facility is operated
1253 through a public-private partnership to which the local
1254 government is a party.

1255 b. An onsite sewage treatment and disposal system
1256 remediation plan developed by each local government in
1257 cooperation with the department, the Department of Health, water
1258 management districts, and public and private domestic wastewater
1259 treatment facilities.

1260 (I) The onsite sewage treatment and disposal system
1261 remediation plan must identify cost-effective and financially
1262 feasible projects necessary to achieve the nutrient load
1263 reductions required for onsite sewage treatment and disposal

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1264 systems. To identify cost-effective and financially feasible
1265 projects for remediation of onsite sewage treatment and disposal
1266 systems, the local government shall:

1267 (A) Include an inventory of onsite sewage treatment and
1268 disposal systems based on the best information available;

1269 (B) Identify onsite sewage treatment and disposal systems
1270 that would be eliminated through connection to existing or
1271 future central domestic wastewater infrastructure in the
1272 jurisdiction or domestic wastewater service area of the local
1273 government, that would be replaced with or upgraded to enhanced
1274 nutrient-reducing onsite sewage treatment and disposal systems,
1275 or that would remain on conventional onsite sewage treatment and
1276 disposal systems;

1277 (C) Estimate the costs of potential onsite sewage
1278 treatment and disposal system connections, upgrades, or
1279 replacements; and

1280 (D) Identify deadlines and interim milestones for the
1281 planning, design, and construction of projects.

1282 (II) The department shall adopt the onsite sewage
1283 treatment and disposal system remediation plan as part of the
1284 basin management action plan no later than July 1, 2025, or as
1285 required for Outstanding Florida Springs under s. 373.807.

1286 10. When identifying wastewater projects in a basin
1287 management action plan, the department may not require the
1288 higher cost option if it achieves the same nutrient load

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1289 reduction as a lower cost option. A regulated entity may choose
1290 a different cost option if it complies with the pollutant
1291 reduction requirements of an adopted total maximum daily load
1292 and meets or exceeds the pollution reduction requirement of the
1293 original project.

1294 (b) *Total maximum daily load implementation.*—

1295 1. The department shall be the lead agency in coordinating
1296 the implementation of the total maximum daily loads through
1297 existing water quality protection programs. Application of a
1298 total maximum daily load by a water management district must be
1299 consistent with this section and does not require the issuance
1300 of an order or a separate action pursuant to s. 120.536(1) or s.
1301 120.54 for the adoption of the calculation and allocation
1302 previously established by the department. Such programs may
1303 include, but are not limited to:

1304 a. Permitting and other existing regulatory programs,
1305 including water-quality-based effluent limitations;

1306 b. Nonregulatory and incentive-based programs, including
1307 best management practices, cost sharing, waste minimization,
1308 pollution prevention, agreements established pursuant to s.
1309 403.061(22) ~~s. 403.061(21)~~, and public education;

1310 c. Other water quality management and restoration
1311 activities, for example surface water improvement and management
1312 plans approved by water management districts or basin management
1313 action plans developed pursuant to this subsection;

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1314 d. Trading of water quality credits or other equitable
1315 economically based agreements;

1316 e. Public works including capital facilities; or

1317 f. Land acquisition.

1318 2. For a basin management action plan adopted pursuant to
1319 paragraph (a), any management strategies and pollutant reduction
1320 requirements associated with a pollutant of concern for which a
1321 total maximum daily load has been developed, including effluent
1322 limits ~~set forth~~ for a discharger subject to NPDES permitting,
1323 if any, must be included in a timely manner in subsequent NPDES
1324 permits or permit modifications for that discharger. The
1325 department may not impose limits or conditions implementing an
1326 adopted total maximum daily load in an NPDES permit until the
1327 permit expires, the discharge is modified, or the permit is
1328 reopened pursuant to an adopted basin management action plan.

1329 a. Absent a detailed allocation, total maximum daily loads
1330 must be implemented through NPDES permit conditions that provide
1331 for a compliance schedule. In such instances, a facility's NPDES
1332 permit must allow time for the issuance of an order adopting the
1333 basin management action plan. The time allowed for the issuance
1334 of an order adopting the plan may not exceed 5 years. Upon
1335 issuance of an order adopting the plan, the permit must be
1336 reopened or renewed, as necessary, and permit conditions
1337 consistent with the plan must be established. Notwithstanding
1338 the other provisions of this subparagraph, upon request by an

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1339 NPDES permittee, the department as part of a permit issuance,
1340 renewal, or modification may establish individual allocations
1341 before the adoption of a basin management action plan.

1342 b. For holders of NPDES municipal separate storm sewer
1343 system permits and other stormwater sources, implementation of a
1344 total maximum daily load or basin management action plan must be
1345 achieved, to the maximum extent practicable, through the use of
1346 best management practices or other management measures.

1347 c. The basin management action plan does not relieve the
1348 discharger from any requirement to obtain, renew, or modify an
1349 NPDES permit or to abide by other requirements of the permit.

1350 d. Management strategies ~~set forth~~ in a basin management
1351 action plan to be implemented by a discharger subject to
1352 permitting by the department must be completed pursuant to the
1353 schedule ~~set forth~~ in the basin management action plan. This
1354 implementation schedule may extend beyond the 5-year term of an
1355 NPDES permit.

1356 e. Management strategies and pollution reduction
1357 requirements ~~set forth~~ in a basin management action plan for a
1358 specific pollutant of concern are not subject to challenge under
1359 chapter 120 at the time they are incorporated, in an identical
1360 form, into a subsequent NPDES permit or permit modification.

1361 f. For nonagricultural pollutant sources not subject to
1362 NPDES permitting but permitted pursuant to other state,
1363 regional, or local water quality programs, the pollutant

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1364 reduction actions adopted in a basin management action plan must
1365 be implemented to the maximum extent practicable as part of
1366 those permitting programs.

1367 g. A nonpoint source discharger included in a basin
1368 management action plan must demonstrate compliance with the
1369 pollutant reductions established under subsection (6) by
1370 implementing the appropriate best management practices
1371 established pursuant to paragraph (c) or conducting water
1372 quality monitoring prescribed by the department or a water
1373 management district. A nonpoint source discharger may, in
1374 accordance with department rules, supplement the implementation
1375 of best management practices with water quality credit trades in
1376 order to demonstrate compliance with the pollutant reductions
1377 established under subsection (6).

1378 h. A nonpoint source discharger included in a basin
1379 management action plan may be subject to enforcement action by
1380 the department or a water management district based upon a
1381 failure to implement the responsibilities ~~set forth~~ in sub-
1382 subparagraph g.

1383 i. A landowner, discharger, or other responsible person
1384 who is implementing applicable management strategies specified
1385 in an adopted basin management action plan may not be required
1386 by permit, enforcement action, or otherwise to implement
1387 additional management strategies, including water quality credit
1388 trading, to reduce pollutant loads to attain the pollutant

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1389 reductions established pursuant to subsection (6) and shall be
1390 deemed to be in compliance with this section. This subparagraph
1391 does not limit the authority of the department to amend a basin
1392 management action plan as specified in subparagraph (a)6.

1393 (c) *Best management practices.*—

1394 1. The department, in cooperation with the water
1395 management districts and other interested parties, as
1396 appropriate, may develop suitable interim measures, best
1397 management practices, or other measures necessary to achieve the
1398 level of pollution reduction established by the department for
1399 nonagricultural nonpoint pollutant sources in allocations
1400 developed pursuant to subsection (6) and this subsection. These
1401 practices and measures may be adopted by rule by the department
1402 and the water management districts and, where adopted by rule,
1403 shall be implemented by those parties responsible for
1404 nonagricultural nonpoint source pollution.

1405 2. The Department of Agriculture and Consumer Services may
1406 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1407 suitable interim measures, best management practices, or other
1408 measures necessary to achieve the level of pollution reduction
1409 established by the department for agricultural pollutant sources
1410 in allocations developed pursuant to subsection (6) and this
1411 subsection or for programs implemented pursuant to paragraph
1412 (12) (b). These practices and measures may be implemented by
1413 those parties responsible for agricultural pollutant sources and

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1414 the department, the water management districts, and the
1415 Department of Agriculture and Consumer Services shall assist
1416 with implementation. In the process of developing and adopting
1417 rules for interim measures, best management practices, or other
1418 measures, the Department of Agriculture and Consumer Services
1419 shall consult with the department, the Department of Health, the
1420 water management districts, representatives from affected
1421 farming groups, and environmental group representatives. Such
1422 rules must also incorporate provisions for a notice of intent to
1423 implement the practices and a system to assure the
1424 implementation of the practices, including site inspection and
1425 recordkeeping requirements.

1426 3. When ~~where~~ interim measures, best management practices,
1427 or other measures are adopted by rule, the effectiveness of such
1428 practices in achieving the levels of pollution reduction
1429 established in allocations developed by the department pursuant
1430 to subsection (6) and this subsection or in programs implemented
1431 pursuant to paragraph (12)(b) must be verified at representative
1432 sites by the department. The department shall use best
1433 professional judgment in making the initial verification that
1434 the best management practices are reasonably expected to be
1435 effective and, when ~~where~~ applicable, shall ~~must~~ notify the
1436 appropriate water management district or the Department of
1437 Agriculture and Consumer Services of its initial verification
1438 before the adoption of a rule proposed pursuant to this

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1439 paragraph. Implementation, in accordance with rules adopted
1440 under this paragraph, of practices that have been initially
1441 verified to be effective, or verified to be effective by
1442 monitoring at representative sites, by the department, shall
1443 provide a presumption of compliance with state water quality
1444 standards and release from ~~the provisions of~~ s. 376.307(5) for
1445 those pollutants addressed by the practices, and the department
1446 is not authorized to institute proceedings against the owner of
1447 the source of pollution to recover costs or damages associated
1448 with the contamination of surface water or groundwater caused by
1449 those pollutants. Research projects funded by the department, a
1450 water management district, or the Department of Agriculture and
1451 Consumer Services to develop or demonstrate interim measures or
1452 best management practices shall be granted a presumption of
1453 compliance with state water quality standards and a release from
1454 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1455 and release is limited to the research site and only for those
1456 pollutants addressed by the interim measures or best management
1457 practices. Eligibility for the presumption of compliance and
1458 release is limited to research projects on sites where the owner
1459 or operator of the research site and the department, a water
1460 management district, or the Department of Agriculture and
1461 Consumer Services have entered into a contract or other
1462 agreement that, at a minimum, specifies the research objectives,
1463 the cost-share responsibilities of the parties, and a schedule

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1464 that details the beginning and ending dates of the project.

1465 4. When ~~where~~ water quality problems are demonstrated,
1466 despite the appropriate implementation, operation, and
1467 maintenance of best management practices and other measures
1468 required by rules adopted under this paragraph, the department,
1469 a water management district, or the Department of Agriculture
1470 and Consumer Services, in consultation with the department,
1471 shall institute a reevaluation of the best management practice
1472 or other measure. If ~~Should~~ the reevaluation determines
1473 ~~determine~~ that the best management practice or other measure
1474 requires modification, the department, a water management
1475 district, or the Department of Agriculture and Consumer
1476 Services, as appropriate, shall revise the rule to require
1477 implementation of the modified practice within a reasonable time
1478 period as specified in the rule.

1479 5. Subject to subparagraph 6., the Department of
1480 Agriculture and Consumer Services shall provide to the
1481 department information obtained pursuant to subparagraph (d)3.

1482 6.5. Agricultural records relating to processes or methods
1483 of production, costs of production, profits, or other financial
1484 information held by the Department of Agriculture and Consumer
1485 Services pursuant to subparagraphs 3. ~~and~~ 4., and 5. or pursuant
1486 to any rule adopted pursuant to subparagraph 2. are confidential
1487 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1488 Constitution. Upon request, records made confidential and exempt

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1489 pursuant to this subparagraph shall be released to the
1490 department or any water management district provided that the
1491 confidentiality specified by this subparagraph for such records
1492 is maintained.

1493 ~~7.6. The provisions of~~ Subparagraphs 1. and 2. do not
1494 preclude the department or water management district from
1495 requiring compliance with water quality standards or with
1496 current best management practice requirements ~~set forth~~ in any
1497 applicable regulatory program authorized by law for the purpose
1498 of protecting water quality. Additionally, subparagraphs 1. and
1499 2. are applicable only to the extent that they do not conflict
1500 with any rules adopted by the department that are necessary to
1501 maintain a federally delegated or approved program.

1502 (d) *Enforcement and verification of basin management*
1503 *action plans and management strategies.*—

1504 1. Basin management action plans are enforceable pursuant
1505 to this section and ss. 403.121, 403.141, and 403.161.
1506 Management strategies, including best management practices and
1507 water quality monitoring, are enforceable under this chapter.

1508 2. No later than January 1, 2017:

1509 a. The department, in consultation with the water
1510 management districts and the Department of Agriculture and
1511 Consumer Services, shall initiate rulemaking to adopt procedures
1512 to verify implementation of water quality monitoring required in
1513 lieu of implementation of best management practices or other

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1514 measures pursuant to sub-subparagraph (b)2.g.;

1515 b. The department, in consultation with the water
1516 management districts and the Department of Agriculture and
1517 Consumer Services, shall initiate rulemaking to adopt procedures
1518 to verify implementation of nonagricultural interim measures,
1519 best management practices, or other measures adopted by rule
1520 pursuant to subparagraph (c)1.; and

1521 c. The Department of Agriculture and Consumer Services, in
1522 consultation with the water management districts and the
1523 department, shall initiate rulemaking to adopt procedures to
1524 verify implementation of agricultural interim measures, best
1525 management practices, or other measures adopted by rule pursuant
1526 to subparagraph (c)2.

1527
1528 The rules required under this subparagraph shall include
1529 enforcement procedures applicable to the landowner, discharger,
1530 or other responsible person required to implement applicable
1531 management strategies, including best management practices or
1532 water quality monitoring as a result of noncompliance.

1533 3. At least every 2 years, the Department of Agriculture
1534 and Consumer Services shall perform onsite inspections of each
1535 agricultural producer that enrolls in a best management practice
1536 to ensure that such practice is being properly implemented. Such
1537 verification must include a collection and review of the best
1538 management practice documentation from the previous 2 years

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1539 required by rules adopted pursuant to subparagraph (c)2.,
1540 including, but not limited to, nitrogen and phosphorus
1541 fertilizer application records, which must be collected and
1542 retained pursuant to subparagraphs (c)3., 4., and 6. The
1543 Department of Agriculture and Consumer Services shall initially
1544 prioritize the inspection of agricultural producers located in
1545 the basin management action plans for Lake Okeechobee, the
1546 Indian River Lagoon, the Caloosahatchee River and Estuary, and
1547 Silver Springs.

1548 (e) Cooperative agricultural regional water quality
1549 improvement element.-

1550 1. The department, the Department of Agriculture and
1551 Consumer Services, and owners of agricultural operations in the
1552 basin shall develop a cooperative agricultural regional water
1553 quality improvement element as part of a basin management action
1554 plan only if:

1555 a. Agricultural measures have been adopted by the
1556 Department of Agriculture and Consumer Services pursuant to
1557 subparagraph (c)2. and have been implemented and the waterbody
1558 remains impaired;

1559 b. Agricultural nonpoint sources contribute to at least 20
1560 percent of nonpoint source nutrient discharges; and

1561 c. The department determines that additional measures, in
1562 combination with state-sponsored regional projects and other
1563 management strategies included in the basin management action

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1564 plan, are necessary to achieve the total maximum daily load.

1565 2. The element will be implemented through the use of
1566 cost-sharing projects. The element must include cost-effective
1567 and technically and financially practical cooperative regional
1568 agricultural nutrient reduction projects that can be implemented
1569 on private properties on a site-specific, cooperative basis.
1570 Such cooperative regional agricultural nutrient reduction
1571 projects may include land acquisition in fee or conservation
1572 easements on the lands of willing sellers and site-specific
1573 water quality improvement or dispersed water management projects
1574 on the lands of project participants.

1575 3. To qualify for participation in the cooperative
1576 agricultural regional water quality improvement element, the
1577 participant must have already implemented and be in compliance
1578 with best management practices or other measures adopted by the
1579 Department of Agriculture and Consumer Services pursuant to
1580 subparagraph (c)2. The element may be included in the basin
1581 management action plan as a part of the next 5-year assessment
1582 under subparagraph (a)6.

1583 4. The department may submit a legislative budget request
1584 to fund projects developed pursuant to this paragraph. In
1585 allocating funds for projects funded pursuant to this paragraph,
1586 the department shall provide at least 20 percent of its annual
1587 appropriation for projects in subbasins with the highest
1588 nutrient concentrations within a basin management action plan.

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T I T L E A M E N D M E N T

Remove lines 16-34 and insert:
upon the transfer; amending s. 20.255, F.S.; removing
the requirement that Cabinet members concur with the
appointment of the Secretary of Environmental
Protection; amending s. 373.036, F.S.; directing water
management districts to submit consolidated annual
reports to the Office of Economic and Demographic
Research; requiring such reports to include connection
and conversion projects for onsite sewage treatment
and disposal systems; requiring the Department of
Environmental Protection, in coordination with the
water management districts, to conduct a study on the
bottled water industry in the state; providing
requirements for the study; requiring the department
to submit a report to the Governor, Legislature, and
Office of Economic and Demographic Research by a
specified date; providing definitions; amending

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