

1                   A bill to be entitled  
2           An act relating to water quality improvements;  
3           requiring the Department of Health to provide a report  
4           regarding the Onsite Sewage Program to the Governor  
5           and Legislature by a specified date; directing the  
6           Department of Health and the Department of  
7           Environmental Protection to submit recommendations  
8           regarding the transfer of the program to the Governor  
9           and Legislature by a specified date; requiring the  
10          departments to enter into an interagency agreement  
11          that meets certain requirements by a specified date;  
12          transferring the Onsite Sewage Program in the  
13          Department of Health to the Department of  
14          Environmental Protection; providing that certain  
15          employees retain and transfer certain types of leave  
16          upon the transfer; amending s. 373.036, F.S.;  
17          directing water management districts to submit  
18          consolidated annual reports to the Office of Economic  
19          and Demographic Research; requiring such reports to  
20          include connection and conversion projects for onsite  
21          sewage treatment and disposal systems; amending s.  
22          373.4131, F.S.; requiring the Department of  
23          Environmental Protection to include stormwater  
24          structural control inspections as part of its regular  
25          staff training; requiring the department and the water

26 management districts to adopt rules regarding  
27 stormwater design and operation by a specified date;  
28 requiring the department to evaluate data relating to  
29 self-certification and provide the Legislature with  
30 recommendation amending s. 373.811, F.S.; providing  
31 criteria for calculating lot size within priority  
32 focus areas for Outstanding Florida Springs; amending  
33 s. 381.0065, F.S.; requiring the department to adopt  
34 rules for the location of onsite sewage treatment and  
35 disposal systems and complete such rulemaking by a  
36 specified date; requiring the department to evaluate  
37 certain data relating to the self-certification  
38 process for statewide environmental resource permits  
39 and provide the Legislature with recommendations by a  
40 specified date; providing that certain provisions  
41 relating to existing setback requirements are  
42 applicable to permits only until the adoption of  
43 certain rules by the department; directing the  
44 Department of Health to determine that a hardship  
45 exists for certain onsite sewage treatment and  
46 disposal system variance requests and to allow the use  
47 of specified nutrient removing onsite sewage treatment  
48 and disposal systems to meet water quality protection  
49 and restoration requirements; providing a definition;  
50 conforming provisions to changes made by the act;

51 removing provisions requiring certain onsite sewage  
52 treatment and disposal system research projects to be  
53 approved by a Department of Health technical review  
54 and advisory panel; removing provisions prohibiting  
55 the award of research projects to certain entities;  
56 removing provisions establishing a Department of  
57 Health onsite sewage treatment and disposal system  
58 research review and advisory committee; amending s.  
59 381.00651, F.S.; directing county health departments  
60 to coordinate with the Department of Environmental  
61 Protection to administer onsite sewage treatment and  
62 disposal system evaluation and assessment programs;  
63 conforming provisions to changes made by the act;  
64 creating s. 381.00652, F.S.; authorizing the  
65 Department of Environmental Protection, in  
66 consultation with the Department of Health, to appoint  
67 an onsite sewage treatment and disposal systems  
68 technical advisory committee; providing for committee  
69 purpose, membership, and expiration; requiring the  
70 committee to submit its recommendations to the  
71 Governor and Legislature; repealing s. 381.0068, F.S.,  
72 relating to the Department of Health onsite sewage  
73 treatment and disposal systems technical review and  
74 advisory panel; amending s. 403.061, F.S.; requiring  
75 the department to adopt rules relating to the

76 | underground pipes of wastewater collection systems;  
77 | requiring the department to adopt rules to require  
78 | public utilities or their affiliated companies that  
79 | hold or are seeking a wastewater discharge permit to  
80 | file certain reports and data with the department;  
81 | creating s. 403.0616, F.S.; requiring the department,  
82 | subject to legislative appropriation, to establish a  
83 | real-time water quality monitoring program;  
84 | encouraging the formation of public-private  
85 | partnerships; amending s. 403.067, F.S.; requiring  
86 | basin management action plans for nutrient total  
87 | maximum daily loads to include wastewater treatment  
88 | and onsite sewage treatment and disposal system  
89 | remediation plans that meet certain requirements;  
90 | requiring the Department of Agriculture and Consumer  
91 | Services to collect fertilization and nutrient records  
92 | from certain agricultural producers and provide the  
93 | information to the department annually by a specified  
94 | date; requiring the Department of Agriculture and  
95 | Consumer Services to perform onsite inspections of the  
96 | agricultural producers at specified intervals;  
97 | authorizing certain entities to develop research plans  
98 | and legislative budget requests relating to best  
99 | management practices by a specified date; requiring  
100 | the University of Florida Institute of Food and

101 Agricultural Sciences to submit such plans to the  
102 department and the Department of Agriculture and  
103 Consumer Services by a specific date; creating s.  
104 403.0671, F.S.; directing the Department of  
105 Environmental Protection, in coordination with the  
106 county health departments, wastewater treatment  
107 facilities, and other governmental entities, to submit  
108 a report to the Governor and Legislature by a  
109 specified date and to submit certain wastewater  
110 project cost estimates to the Office of Economic and  
111 Demographic Research; creating s. 403.0673, F.S.;  
112 establishing a wastewater grant program within the  
113 Department of Environmental Protection; authorizing  
114 the department to distribute appropriated funds for  
115 certain projects; providing requirements for the  
116 distribution; requiring the department to coordinate  
117 with each water management district to identify grant  
118 recipients; requiring an annual report to the Governor  
119 and Legislature by a specified date; creating s.  
120 403.0855, F.S.; providing legislative findings  
121 regarding the regulation of biosolids management in  
122 this state; requiring the department to adopt rules  
123 for biosolids management; providing that such rules  
124 are not effective until ratified by the Legislature;  
125 amending s. 403.086, F.S.; prohibiting sewage disposal

126 facilities from disposing waste into the Indian River  
127 Lagoon beginning on a specified date without certain  
128 advanced waste treatment; directing the Department of  
129 Environmental Protection, in consultation with the  
130 water management districts and sewage disposal  
131 facilities, to submit a report to the Governor and  
132 Legislature by a specified date; requiring sewage  
133 disposal facilities to have a power outage contingency  
134 plan, to take steps to prevent overflows and leaks and  
135 ensure that the wastewater reaches the facility for  
136 appropriate treatment, and to provide the Department  
137 of Environmental Protection with certain information;  
138 requiring the department to adopt rules; providing  
139 that specified compliance is evidence in mitigation  
140 for assessment of certain penalties; amending s.  
141 403.087, F.S.; requiring the department to issue  
142 operation permits for certain domestic wastewater  
143 treatment facilities under certain circumstances;  
144 amending s. 403.088, F.S.; revising the permit  
145 conditions for a water pollution operation permit;  
146 requiring the department to submit a report  
147 identifying all wastewater utilities that experienced  
148 sanitary sewer overflows to the Governor and  
149 Legislature by a specified date; amending s. 403.0891,  
150 F.S.; requiring model stormwater management programs

151 to contain model ordinances for nutrient reduction  
152 practices and green infrastructure; amending s.  
153 403.121, F.S.; providing a civil penalty for failure  
154 to conduct certain surveys of wastewater collection  
155 systems and to take steps to reduce overflows, pipe  
156 leaks, and inflow and infiltration; amending s.  
157 403.885, F.S.; requiring the department to give  
158 certain domestic wastewater utilities funding priority  
159 within the Water Projects Grant Program; providing a  
160 determination and declaration of important state  
161 interest; amending ss. 153.54, 153.73, 163.3180,  
162 180.03, 311.105, 327.46, 373.250, 373.414, 373.705,  
163 373.707, 373.709, 373.807, 376.307, 380.0552, 381.006,  
164 381.0061, 381.0064, 403.08601, 403.0871, 403.0872,  
165 403.1835, 403.707, 403.861, 489.551, and 590.02, F.S.;  
166 conforming cross-references and provisions to changes  
167 made by the act; providing effective dates.

168

169 Be It Enacted by the Legislature of the State of Florida:

170

171 Section 1. (1) By July 1, 2020, the Department of Health  
172 must provide a report to the Governor, the President of the  
173 Senate, and the Speaker of the House of Representatives  
174 detailing the following information regarding the Onsite Sewage  
175 Program:

176        (a) The average number of permits issued each year;  
 177        (b) The number of department employees conducting work on  
 178 or related to the program each year; and  
 179        (c) The program's costs and expenditures, including, but  
 180 not limited to, salaries and benefits, equipment costs, and  
 181 contracting costs.

182        (2) By December 31, 2020, the Department of Health and the  
 183 Department of Environmental Protection shall submit  
 184 recommendations to the Governor, the President of the Senate,  
 185 and the Speaker of the House of Representatives regarding the  
 186 type two transfer of the Onsite Sewage Program in subsection  
 187 (4). The recommendations must address all aspects of the type  
 188 two transfer, including the continued role of the county health  
 189 departments in the permitting, inspection, and tracking of  
 190 onsite sewage treatment and disposal systems under the direction  
 191 of the Department of Environmental Protection.

192        (3) By June 30, 2021, the Department of Health and the  
 193 Department of Environmental Protection shall enter into an  
 194 interagency agreement based on the recommendations required  
 195 under subsection (2) and on recommendations from a plan that  
 196 must address all agency cooperation for a period of not less  
 197 than 5 years after the transfer, including:

198        (a) The continued role of the county health departments in  
 199 the permitting, inspection, data management, and tracking of  
 200 onsite sewage treatment and disposal systems under the direction



201 of the Department of Environmental Protection.

202 (b) The appropriate proportionate number of  
203 administrative, auditing, inspector general, attorney, and  
204 operational support positions, and their related funding levels  
205 and sources and assigned property, to be transferred from the  
206 Office of General Counsel, the Office of Inspector General, and  
207 the Division of Administrative Services or other relevant  
208 offices or divisions within the Department of Health to the  
209 Department of Environmental Protection.

210 (c) The development of a recommended plan to address the  
211 transfer or shared use of buildings, regional offices, and other  
212 facilities used or owned by the Department of Health.

213 (d) Any operating budget adjustments that are necessary to  
214 implement the requirements of this act. Adjustments made to the  
215 operating budgets of the agencies in the implementation of this  
216 act must be made in consultation with the appropriate  
217 substantive and fiscal committees of the Senate and the House of  
218 Representatives. The revisions to the approved operating budgets  
219 for the 2021-2022 fiscal year which are necessary to reflect the  
220 organizational changes made by this act must be implemented  
221 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject  
222 to s. 216.177, Florida Statutes. Subsequent adjustments between  
223 the Department of Health and the Department of Environmental  
224 Protection which are determined necessary by the respective  
225 agencies and approved by the Executive Office of the Governor

226 are authorized and subject to s. 216.177, Florida Statutes. The  
227 appropriate substantive committees of the Senate and the House  
228 of Representatives must also be notified of the proposed  
229 revisions to ensure their consistency with legislative policy  
230 and intent.

231 (4) Effective July 1, 2021, all powers, duties, functions,  
232 records, offices, personnel, associated administrative support  
233 positions, property, pending issues, existing contracts,  
234 administrative authority, administrative rules, and unexpended  
235 balances of appropriations, allocations, and other funds for the  
236 regulation of onsite sewage treatment and disposal systems  
237 relating to the Onsite Sewage Program in the Department of  
238 Health are transferred by a type two transfer, as defined in s.  
239 20.06(2), Florida Statutes, to the Department of Environmental  
240 Protection.

241 (5) Notwithstanding chapter 60L-34, Florida Administrative  
242 Code, or any law to the contrary, employees who are transferred  
243 from the Department of Health to the Department of Environmental  
244 Protection to fill positions transferred by this act retain and  
245 transfer any accrued annual leave, sick leave, and regular and  
246 special compensatory leave balances.

247 Section 2. Paragraphs (a) and (b) of subsection (7) of  
248 section 373.036, Florida Statutes, are amended to read:

249 373.036 Florida water plan; district water management  
250 plans.—

251 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

252 (a) By March 1, annually, each water management district  
253 shall prepare and submit to the Office of Economic and  
254 Demographic Research, the department, the Governor, the  
255 President of the Senate, and the Speaker of the House of  
256 Representatives a consolidated water management district annual  
257 report on the management of water resources. In addition, copies  
258 must be provided by the water management districts to the chairs  
259 of all legislative committees having substantive or fiscal  
260 jurisdiction over the districts and the governing board of each  
261 county in the district having jurisdiction or deriving any funds  
262 for operations of the district. Copies of the consolidated  
263 annual report must be made available to the public, either in  
264 printed or electronic format.

265 (b) The consolidated annual report shall contain the  
266 following elements, as appropriate to that water management  
267 district:

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

270 2. The department-approved minimum flows and minimum water  
271 levels annual priority list and schedule required by s.  
272 373.042(3).

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

275 4. The alternative water supplies annual report required

276 | by s. 373.707(8)(n).

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

279 |       6. The Florida Forever Water Management District Work Plan  
280 | annual report required by s. 373.199(7).

281 |       7. The mitigation donation annual report required by s.  
282 | 373.414(1)(b)2.

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

285 |       a. A list of all specific projects identified to implement  
286 | a basin management action plan, including any projects to  
287 | connect onsite sewage treatment and disposal systems to central  
288 | sewerage systems and convert onsite sewage treatment and  
289 | disposal systems to advanced nutrient removing onsite sewage  
290 | treatment and disposal systems, or a recovery or prevention  
291 | strategy;

292 |       b. A priority ranking for each listed project for which  
293 | state funding through the water resources development work  
294 | program is requested, which must be made available to the public  
295 | for comment at least 30 days before submission of the  
296 | consolidated annual report;

297 |       c. The estimated cost for each listed project;

298 |       d. The estimated completion date for each listed project;

299 |       e. The source and amount of financial assistance to be  
300 | made available by the department, a water management district,

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301 or other entity for each listed project; and

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

305 9. A grade for each watershed, water body, or water  
306 segment in which a project listed under subparagraph 8. is  
307 located representing the level of impairment and violations of  
308 adopted minimum flow or minimum water levels. The grading system  
309 must reflect the severity of the impairment of the watershed,  
310 water body, or water segment.

311 Section 3. Subsection (5) of section 373.4131, Florida  
312 Statutes, is amended, and subsection (6) is added to that  
313 section, to read:

314 373.4131 Statewide environmental resource permitting  
315 rules.—

316 (5) To ensure consistent implementation and interpretation  
317 of the rules adopted pursuant to this section, the department  
318 shall conduct or oversee regular assessment and training of its  
319 staff and the staffs of the water management districts and local  
320 governments delegated local pollution control program authority  
321 under s. 373.441. The training must include coordinating field  
322 inspections of publicly and privately owned stormwater  
323 structural controls, such as stormwater retention and detention  
324 ponds.

325 (6) By January 1, 2021:

326        (a) The department and the water management districts  
327        shall initiate rulemaking to update the stormwater design and  
328        operation regulations using the most recent scientific  
329        information available; and

330        (b) The department shall evaluate inspection data relating  
331        to compliance by those entities that submit a self-certification  
332        under s. 403.814(12) and provide the Legislature with  
333        recommendations for improvements to the self-certification  
334        process.

335        Section 4. Effective July 1, 2020, paragraph (h) of  
336        subsection (4) of section 381.0065, Florida Statutes, is  
337        amended, and subsection (7) is added to that section, to read:

338        381.0065 Onsite sewage treatment and disposal systems;  
339        regulation.—

340        (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
341        not construct, repair, modify, abandon, or operate an onsite  
342        sewage treatment and disposal system without first obtaining a  
343        permit approved by the department. The department may issue  
344        permits to carry out this section, but shall not make the  
345        issuance of such permits contingent upon prior approval by the  
346        Department of Environmental Protection, except that the issuance  
347        of a permit for work seaward of the coastal construction control  
348        line established under s. 161.053 shall be contingent upon  
349        receipt of any required coastal construction control line permit  
350        from the Department of Environmental Protection. A construction

351 permit is valid for 18 months from the issuance date and may be  
352 extended by the department for one 90-day period under rules  
353 adopted by the department. A repair permit is valid for 90 days  
354 from the date of issuance. An operating permit must be obtained  
355 prior to the use of any aerobic treatment unit or if the  
356 establishment generates commercial waste. Buildings or  
357 establishments that use an aerobic treatment unit or generate  
358 commercial waste shall be inspected by the department at least  
359 annually to assure compliance with the terms of the operating  
360 permit. The operating permit for a commercial wastewater system  
361 is valid for 1 year from the date of issuance and must be  
362 renewed annually. The operating permit for an aerobic treatment  
363 unit is valid for 2 years from the date of issuance and must be  
364 renewed every 2 years. If all information pertaining to the  
365 siting, location, and installation conditions or repair of an  
366 onsite sewage treatment and disposal system remains the same, a  
367 construction or repair permit for the onsite sewage treatment  
368 and disposal system may be transferred to another person, if the  
369 transferee files, within 60 days after the transfer of  
370 ownership, an amended application providing all corrected  
371 information and proof of ownership of the property. There is no  
372 fee associated with the processing of this supplemental  
373 information. A person may not contract to construct, modify,  
374 alter, repair, service, abandon, or maintain any portion of an  
375 onsite sewage treatment and disposal system without being

376 registered under part III of chapter 489. A property owner who  
377 personally performs construction, maintenance, or repairs to a  
378 system serving his or her own owner-occupied single-family  
379 residence is exempt from registration requirements for  
380 performing such construction, maintenance, or repairs on that  
381 residence, but is subject to all permitting requirements. A  
382 municipality or political subdivision of the state may not issue  
383 a building or plumbing permit for any building that requires the  
384 use of an onsite sewage treatment and disposal system unless the  
385 owner or builder has received a construction permit for such  
386 system from the department. A building or structure may not be  
387 occupied and a municipality, political subdivision, or any state  
388 or federal agency may not authorize occupancy until the  
389 department approves the final installation of the onsite sewage  
390 treatment and disposal system. A municipality or political  
391 subdivision of the state may not approve any change in occupancy  
392 or tenancy of a building that uses an onsite sewage treatment  
393 and disposal system until the department has reviewed the use of  
394 the system with the proposed change, approved the change, and  
395 amended the operating permit.

396 (h)1. The department may grant variances in hardship cases  
397 which may be less restrictive than the provisions specified in  
398 this section. If a variance is granted and the onsite sewage  
399 treatment and disposal system construction permit has been  
400 issued, the variance may be transferred with the system



401 construction permit, if the transferee files, within 60 days  
402 after the transfer of ownership, an amended construction permit  
403 application providing all corrected information and proof of  
404 ownership of the property and if the same variance would have  
405 been required for the new owner of the property as was  
406 originally granted to the original applicant for the variance. A  
407 ~~There is no fee~~ is not associated with the processing of this  
408 supplemental information. A variance may not be granted under  
409 this section until the department is satisfied that:

410 a. The hardship was not caused intentionally by the action  
411 of the applicant;

412 b. A ~~No~~ reasonable alternative, taking into consideration  
413 factors such as cost, does not exist ~~exists~~ for the treatment of  
414 the sewage; and

415 c. The discharge from the onsite sewage treatment and  
416 disposal system will not adversely affect the health of the  
417 applicant or the public or significantly degrade the groundwater  
418 or surface waters.

419  
420 Where soil conditions, water table elevation, and setback  
421 provisions are determined by the department to be satisfactory,  
422 special consideration must be given to those lots platted before  
423 1972.

424 2. The department shall determine that a hardship exists  
425 when an applicant for a variance demonstrates that the lot

426 subject to the variance request is at least 0.85 acres and that  
427 other lots in the immediate proximity average at least 1 acre.  
428 For purposes of this subparagraph, the term "immediate  
429 proximity" means within the same unit or phase of a subdivision  
430 as, adjacent or contiguous to, or across the road from, the lot  
431 subject to the variance request.

432 ~~3.2.~~ The department shall appoint and staff a variance  
433 review and advisory committee, which shall meet monthly to  
434 recommend agency action on variance requests. The committee  
435 shall make its recommendations on variance requests at the  
436 meeting in which the application is scheduled for consideration,  
437 except for an extraordinary change in circumstances, the receipt  
438 of new information that raises new issues, or when the applicant  
439 requests an extension. The committee shall consider the criteria  
440 in subparagraph 1. in its recommended agency action on variance  
441 requests and shall also strive to allow property owners the full  
442 use of their land where possible. The committee consists of the  
443 following:

- 444 a. The State Surgeon General or his or her designee.  
445 b. A representative from the county health departments.  
446 c. A representative from the home building industry  
447 recommended by the Florida Home Builders Association.  
448 d. A representative from the septic tank industry  
449 recommended by the Florida Onsite Wastewater Association.  
450 e. A representative from the Department of Environmental

451 Protection.

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

456 g. A representative from the engineering profession  
457 recommended by the Florida Engineering Society.

458

459 Members shall be appointed for a term of 3 years, with such  
460 appointments being staggered so that the terms of no more than  
461 two members expire in any one year. Members shall serve without  
462 remuneration, but if requested, shall be reimbursed for per diem  
463 and travel expenses as provided in s. 112.061.

464 (7) USE OF NUTRIENT REMOVING ONSITE SEWAGE TREATMENT AND  
465 DISPOSAL SYSTEMS.-In addition to allowing the use of other  
466 department-approved nutrient removing onsite sewage treatment  
467 and disposal systems to meet the requirements of a total maximum  
468 daily load or basin management action plan adopted pursuant to  
469 s. 403.067, a reasonable assurance plan, or other water quality  
470 protection and restoration requirements, the department shall  
471 allow the use of American National Standards Institute 245  
472 systems approved by the National Sanitation Foundation  
473 International before July 1, 2020.

474 Section 5. Paragraphs (d) and (e) and (g) through (q) of  
475 subsection (2) of section 381.0065, Florida Statutes, are

476 redesignated as paragraphs (e) and (g) and (h) through (r),  
477 respectively, paragraph (j) of subsection (3) and subsection  
478 (4), as amended by this act, are amended, and a new paragraph  
479 (d) is added to subsection (2) of that section, to read:

480 381.0065 Onsite sewage treatment and disposal systems;  
481 regulation.—

482 (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the  
483 term:

484 (d) "Department" means the Department of Environmental  
485 Protection.

486 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL  
487 PROTECTION ~~HEALTH~~.—The department shall:

488 (j) Supervise research on, demonstration of, and training  
489 on the performance, environmental impact, and public health  
490 impact of onsite sewage treatment and disposal systems within  
491 this state. Research fees collected under s. 381.0066(2)(k) must  
492 be used to develop and fund hands-on training centers designed  
493 to provide practical information about onsite sewage treatment  
494 and disposal systems to septic tank contractors, master septic  
495 tank contractors, contractors, inspectors, engineers, and the  
496 public and must also be used to fund research projects which  
497 focus on improvements of onsite sewage treatment and disposal  
498 systems, including use of performance-based standards and  
499 reduction of environmental impact. Research projects shall be  
500 ~~initially approved by the technical review and advisory panel~~

501 ~~and shall be~~ applicable to and reflect the soil conditions  
502 specific to the state Florida. Such projects shall be awarded  
503 through competitive negotiation, using the procedures provided  
504 in s. 287.055, to public or private entities that have  
505 experience in onsite sewage treatment and disposal systems in  
506 the state Florida and that are principally located in the state  
507 Florida. ~~Research projects shall not be awarded to firms or~~  
508 ~~entities that employ or are associated with persons who serve on~~  
509 ~~either the technical review and advisory panel or the research~~  
510 ~~review and advisory committee.~~

511 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
512 not construct, repair, modify, abandon, or operate an onsite  
513 sewage treatment and disposal system without first obtaining a  
514 permit approved by the department. The department may issue  
515 permits to carry out this section, but may ~~shall~~ not make the  
516 issuance of such permits contingent upon prior approval by the  
517 department ~~of Environmental Protection~~, except that the issuance  
518 of a permit for work seaward of the coastal construction control  
519 line established under s. 161.053 shall be contingent upon  
520 receipt of any required coastal construction control line permit  
521 from the department ~~of Environmental Protection~~. A construction  
522 permit is valid for 18 months after ~~from~~ the date of issuance  
523 ~~date~~ and may be extended by the department for one 90-day period  
524 under rules adopted by the department. A repair permit is valid  
525 for 90 days after ~~from~~ the date of issuance. An operating permit

526 must be obtained before ~~prior~~ to the use of any aerobic  
527 treatment unit or if the establishment generates commercial  
528 waste. Buildings or establishments that use an aerobic treatment  
529 unit or generate commercial waste shall be inspected by the  
530 department at least annually to assure compliance with the terms  
531 of the operating permit. The operating permit for a commercial  
532 wastewater system is valid for 1 year after ~~from~~ the date of  
533 issuance and must be renewed annually. The operating permit for  
534 an aerobic treatment unit is valid for 2 years after ~~from~~ the  
535 date of issuance and must be renewed every 2 years. If all  
536 information pertaining to the siting, location, and installation  
537 conditions or repair of an onsite sewage treatment and disposal  
538 system remains the same, a construction or repair permit for the  
539 onsite sewage treatment and disposal system may be transferred  
540 to another person, if the transferee files, within 60 days after  
541 the transfer of ownership, an amended application providing all  
542 corrected information and proof of ownership of the property. A  
543 fee is not associated with the processing of this supplemental  
544 information. A person may not contract to construct, modify,  
545 alter, repair, service, abandon, or maintain any portion of an  
546 onsite sewage treatment and disposal system without being  
547 registered under part III of chapter 489. A property owner who  
548 personally performs construction, maintenance, or repairs to a  
549 system serving his or her own owner-occupied single-family  
550 residence is exempt from registration requirements for

551 performing such construction, maintenance, or repairs on that  
552 residence, but is subject to all permitting requirements. A  
553 municipality or political subdivision of the state may not issue  
554 a building or plumbing permit for any building that requires the  
555 use of an onsite sewage treatment and disposal system unless the  
556 owner or builder has received a construction permit for such  
557 system from the department. A building or structure may not be  
558 occupied and a municipality, political subdivision, or any state  
559 or federal agency may not authorize occupancy until the  
560 department approves the final installation of the onsite sewage  
561 treatment and disposal system. A municipality or political  
562 subdivision of the state may not approve any change in occupancy  
563 or tenancy of a building that uses an onsite sewage treatment  
564 and disposal system until the department has reviewed the use of  
565 the system with the proposed change, approved the change, and  
566 amended the operating permit.

567 (a) Subdivisions and lots in which each lot has a minimum  
568 area of at least one-half acre and either a minimum dimension of  
569 100 feet or a mean of at least 100 feet of the side bordering  
570 the street and the distance formed by a line parallel to the  
571 side bordering the street drawn between the two most distant  
572 points of the remainder of the lot may be developed with a water  
573 system regulated under s. 381.0062 and onsite sewage treatment  
574 and disposal systems, provided the projected daily sewage flow  
575 does not exceed an average of 1,500 gallons per acre per day,

576 and provided satisfactory drinking water can be obtained and all  
577 distance and setback, soil condition, water table elevation, and  
578 other related requirements of this section and rules adopted  
579 under this section can be met.

580 (b) Subdivisions and lots using a public water system as  
581 defined in s. 403.852 may use onsite sewage treatment and  
582 disposal systems, provided there are no more than four lots per  
583 acre, provided the projected daily sewage flow does not exceed  
584 an average of 2,500 gallons per acre per day, and provided that  
585 all distance and setback, soil condition, water table elevation,  
586 and other related requirements that are generally applicable to  
587 the use of onsite sewage treatment and disposal systems are met.

588 (c) Notwithstanding paragraphs (a) and (b), for  
589 subdivisions platted of record on or before October 1, 1991,  
590 when a developer or other appropriate entity has previously made  
591 or makes provisions, including financial assurances or other  
592 commitments, acceptable to the department ~~of Health~~, that a  
593 central water system will be installed by a regulated public  
594 utility based on a density formula, private potable wells may be  
595 used with onsite sewage treatment and disposal systems until the  
596 agreed-upon densities are reached. In a subdivision regulated by  
597 this paragraph, the average daily sewage flow may not exceed  
598 2,500 gallons per acre per day. This section does not affect the  
599 validity of existing prior agreements. After October 1, 1991,  
600 the exception provided under this paragraph is not available to



601 a developer or other appropriate entity.

602 (d) Paragraphs (a) and (b) do not apply to any proposed  
603 residential subdivision with more than 50 lots or to any  
604 proposed commercial subdivision with more than 5 lots where a  
605 publicly owned or investor-owned sewage treatment ~~sewerage~~  
606 system is available. ~~It is the intent of~~ This paragraph does not  
607 ~~to~~ allow development of additional proposed subdivisions in  
608 order to evade the requirements of this paragraph.

609 (e) The department shall adopt rules to locate onsite  
610 sewage treatment and disposal systems, including establishing  
611 setback distances, to prevent groundwater contamination and  
612 surface water contamination and to preserve the public health.  
613 The rulemaking process for such rules must be completed by July  
614 1, 2022, and the department shall notify the Division of Law  
615 Revision of the date such rules are adopted. The rules must  
616 consider conventional and advanced onsite sewage treatment and  
617 disposal system designs, impaired or degraded water bodies,  
618 wastewater and drinking water infrastructure, potable water  
619 sources, nonpotable wells, stormwater infrastructure, the onsite  
620 sewage treatment and disposal system remediation plans developed  
621 pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the  
622 recommendations of the onsite sewage treatment and disposal  
623 systems technical advisory committee established pursuant to s.  
624 381.00652.

625 (f) ~~(e)~~ Onsite sewage treatment and disposal systems that

626 are permitted before the rules in paragraph (e) take effect may  
 627 ~~must~~ not be placed closer than:

- 628 1. Seventy-five feet from a private potable well.
- 629 2. Two hundred feet from a public potable well serving a  
 630 residential or nonresidential establishment having a total  
 631 sewage flow of greater than 2,000 gallons per day.
- 632 3. One hundred feet from a public potable well serving a  
 633 residential or nonresidential establishment having a total  
 634 sewage flow of less than or equal to 2,000 gallons per day.
- 635 4. Fifty feet from any nonpotable well.
- 636 5. Ten feet from any storm sewer pipe, to the maximum  
 637 extent possible, but in no instance shall the setback be less  
 638 than 5 feet.
- 639 6. Seventy-five feet from the mean high-water line of a  
 640 tidally influenced surface water body.
- 641 7. Seventy-five feet from the mean annual flood line of a  
 642 permanent nontidal surface water body.
- 643 8. Fifteen feet from the design high-water line of  
 644 retention areas, detention areas, or swales designed to contain  
 645 standing or flowing water for less than 72 hours after a  
 646 rainfall or the design high-water level of normally dry drainage  
 647 ditches or normally dry individual lot stormwater retention  
 648 areas.

649 ~~(f) Except as provided under paragraphs (c) and (t), no~~  
 650 ~~limitations shall be imposed by rule, relating to the distance~~

651 ~~between an onsite disposal system and any area that either~~  
652 ~~permanently or temporarily has visible surface water.~~

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

657 1. Any residential lot that was platted and recorded on or  
658 after January 1, 1972, or that is part of a residential  
659 subdivision that was approved by the appropriate permitting  
660 agency on or after January 1, 1972, and that was eligible for an  
661 onsite sewage treatment and disposal system construction permit  
662 on the date of such platting and recording or approval shall be  
663 eligible for an onsite sewage treatment and disposal system  
664 construction permit, regardless of when the application for a  
665 permit is made. If rules in effect at the time the permit  
666 application is filed cannot be met, residential lots platted and  
667 recorded or approved on or after January 1, 1972, shall, to the  
668 maximum extent possible, comply with the rules in effect at the  
669 time the permit application is filed. At a minimum, however,  
670 those residential lots platted and recorded or approved on or  
671 after January 1, 1972, but before January 1, 1983, shall comply  
672 with those rules in effect on January 1, 1983, and those  
673 residential lots platted and recorded or approved on or after  
674 January 1, 1983, shall comply with those rules in effect at the  
675 time of such platting and recording or approval. In determining

676 | the maximum extent of compliance with current rules that is  
677 | possible, the department shall allow structures and  
678 | appurtenances thereto which were authorized at the time such  
679 | lots were platted and recorded or approved.

680 |         2. Lots platted before 1972 are subject to a 50-foot  
681 | minimum surface water setback and are not subject to lot size  
682 | requirements. The projected daily flow for onsite sewage  
683 | treatment and disposal systems for lots platted before 1972 may  
684 | not exceed:

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

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

689 |         (h)1. The department may grant variances in hardship cases  
690 | which may be less restrictive than the provisions specified in  
691 | this section. If a variance is granted and the onsite sewage  
692 | treatment and disposal system construction permit has been  
693 | issued, the variance may be transferred with the system  
694 | construction permit, if the transferee files, within 60 days  
695 | after the transfer of ownership, an amended construction permit  
696 | application providing all corrected information and proof of  
697 | ownership of the property and if the same variance would have  
698 | been required for the new owner of the property as was  
699 | originally granted to the original applicant for the variance. A  
700 | fee is not associated with the processing of this supplemental

701 information. A variance may not be granted under this section  
 702 until the department is satisfied that:

703 a. The hardship was not caused intentionally by the action  
 704 of the applicant;

705 b. A reasonable alternative, taking into consideration  
 706 factors such as cost, does not exist for the treatment of the  
 707 sewage; and

708 c. The discharge from the onsite sewage treatment and  
 709 disposal system will not adversely affect the health of the  
 710 applicant or the public or significantly degrade the groundwater  
 711 or surface waters.

712  
 713 Where soil conditions, water table elevation, and setback  
 714 provisions are determined by the department to be satisfactory,  
 715 special consideration must be given to those lots platted before  
 716 1972.

717 2. The department shall determine that a hardship exists  
 718 when an applicant for a variance demonstrates that the lot  
 719 subject to the variance request is at least 0.85 acres and that  
 720 other lots in the immediate proximity average at least 1 acre.  
 721 For purposes of this subparagraph, the term "immediate  
 722 proximity" means within the same unit or phase of a subdivision  
 723 as, adjacent or contiguous to, or across the road from, the lot  
 724 subject to the variance request.

725 3. The department shall appoint and staff a variance

726 review and advisory committee, which shall meet monthly to  
727 recommend agency action on variance requests. The committee  
728 shall make its recommendations on variance requests at the  
729 meeting in which the application is scheduled for consideration,  
730 except for an extraordinary change in circumstances, the receipt  
731 of new information that raises new issues, or when the applicant  
732 requests an extension. The committee shall consider the criteria  
733 in subparagraph 1. in its recommended agency action on variance  
734 requests and shall also strive to allow property owners the full  
735 use of their land where possible. The committee consists of the  
736 following:

737 a. The Secretary of Environmental Protection ~~State Surgeon~~  
738 ~~General~~ or his or her designee.

739 b. A representative from the county health departments.

740 c. A representative from the home building industry  
741 recommended by the Florida Home Builders Association.

742 d. A representative from the septic tank industry  
743 recommended by the Florida Onsite Wastewater Association.

744 e. A representative from the Department of Health  
745 ~~Environmental Protection~~.

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

750 g. A representative from the engineering profession

751 recommended by the Florida Engineering Society.

752

753 Members shall be appointed for a term of 3 years, with such  
754 appointments being staggered so that the terms of no more than  
755 two members expire in any one year. Members shall serve without  
756 remuneration, but if requested, shall be reimbursed for per diem  
757 and travel expenses as provided in s. 112.061.

758 (i) A construction permit may not be issued for an onsite  
759 sewage treatment and disposal system in any area zoned or used  
760 for industrial or manufacturing purposes, or its equivalent,  
761 where a publicly owned or investor-owned sewage treatment system  
762 is available, or where a likelihood exists that the system will  
763 receive toxic, hazardous, or industrial waste. An existing  
764 onsite sewage treatment and disposal system may be repaired if a  
765 publicly owned or investor-owned sewage treatment ~~sewerage~~  
766 system is not available within 500 feet of the building sewer  
767 stub-out and if system construction and operation standards can  
768 be met. This paragraph does not require publicly owned or  
769 investor-owned sewage ~~sewerage~~ treatment systems to accept  
770 anything other than domestic wastewater.

771 1. A building located in an area zoned or used for  
772 industrial or manufacturing purposes, or its equivalent, when  
773 such building is served by an onsite sewage treatment and  
774 disposal system, must not be occupied until the owner or tenant  
775 has obtained written approval from the department. The

776 department may ~~shall~~ not grant approval when the proposed use of  
777 the system is to dispose of toxic, hazardous, or industrial  
778 wastewater or toxic or hazardous chemicals.

779         2. Each person who owns or operates a business or facility  
780 in an area zoned or used for industrial or manufacturing  
781 purposes, or its equivalent, or who owns or operates a business  
782 that has the potential to generate toxic, hazardous, or  
783 industrial wastewater or toxic or hazardous chemicals, and uses  
784 an onsite sewage treatment and disposal system that is installed  
785 on or after July 5, 1989, must obtain an annual system operating  
786 permit from the department. A person who owns or operates a  
787 business that uses an onsite sewage treatment and disposal  
788 system that was installed and approved before July 5, 1989, does  
789 not need to ~~not~~ obtain a system operating permit. However, upon  
790 change of ownership or tenancy, the new owner or operator must  
791 notify the department of the change, and the new owner or  
792 operator must obtain an annual system operating permit,  
793 regardless of the date that the system was installed or  
794 approved.

795         3. The department shall periodically review and evaluate  
796 the continued use of onsite sewage treatment and disposal  
797 systems in areas zoned or used for industrial or manufacturing  
798 purposes, or its equivalent, and may require the collection and  
799 analyses of samples from within and around such systems. If the  
800 department finds that toxic or hazardous chemicals or toxic,



801 hazardous, or industrial wastewater have been or are being  
802 disposed of through an onsite sewage treatment and disposal  
803 system, the department shall initiate enforcement actions  
804 against the owner or tenant to ensure adequate cleanup,  
805 treatment, and disposal.

806 (j) An onsite sewage treatment and disposal system  
807 designed by a professional engineer registered in the state and  
808 certified by such engineer as complying with performance  
809 criteria adopted by the department must be approved by the  
810 department subject to the following:

811 1. The performance criteria applicable to engineer-  
812 designed systems must be limited to those necessary to ensure  
813 that such systems do not adversely affect the public health or  
814 significantly degrade the groundwater or surface water. Such  
815 performance criteria shall include consideration of the quality  
816 of system effluent, the proposed total sewage flow per acre,  
817 wastewater treatment capabilities of the natural or replaced  
818 soil, water quality classification of the potential surface-  
819 water-receiving body, and the structural and maintenance  
820 viability of the system for the treatment of domestic  
821 wastewater. However, performance criteria shall address only the  
822 performance of a system and not a system's design.

823 2. A person electing to use ~~utilize~~ an engineer-designed  
824 system shall, upon completion of the system design, submit such  
825 design, certified by a registered professional engineer, to the

826 county health department. The county health department may use  
827 ~~utilize~~ an outside consultant to review the engineer-designed  
828 system, with the actual cost of such review to be borne by the  
829 applicant. Within 5 working days after receiving an engineer-  
830 designed system permit application, the county health department  
831 shall request additional information if the application is not  
832 complete. Within 15 working days after receiving a complete  
833 application for an engineer-designed system, the county health  
834 department ~~either~~ shall issue the permit or, if it determines  
835 that the system does not comply with the performance criteria,  
836 shall notify the applicant of that determination and refer the  
837 application to the department for a determination as to whether  
838 the system should be approved, disapproved, or approved with  
839 modification. The department engineer's determination shall  
840 prevail over the action of the county health department. The  
841 applicant shall be notified in writing of the department's  
842 determination and of the applicant's rights to pursue a variance  
843 or seek review under the provisions of chapter 120.

844 3. The owner of an engineer-designed performance-based  
845 system must maintain a current maintenance service agreement  
846 with a maintenance entity permitted by the department. The  
847 maintenance entity shall inspect each system at least twice each  
848 year and shall report quarterly to the department on the number  
849 of systems inspected and serviced. The reports may be submitted  
850 electronically.

851           4. The property owner of an owner-occupied, single-family  
852 residence may be approved and permitted by the department as a  
853 maintenance entity for his or her own performance-based  
854 treatment system upon written certification from the system  
855 manufacturer's approved representative that the property owner  
856 has received training on the proper installation and service of  
857 the system. The maintenance service agreement must conspicuously  
858 disclose that the property owner has the right to maintain his  
859 or her own system and is exempt from contractor registration  
860 requirements for performing construction, maintenance, or  
861 repairs on the system but is subject to all permitting  
862 requirements.

863           5. The property owner shall obtain a biennial system  
864 operating permit from the department for each system. The  
865 department shall inspect the system at least annually, or on  
866 such periodic basis as the fee collected permits, and may  
867 collect system-effluent samples if appropriate to determine  
868 compliance with the performance criteria. The fee for the  
869 biennial operating permit shall be collected beginning with the  
870 second year of system operation.

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

875           (k) An innovative system may be approved in conjunction

876 with an engineer-designed site-specific system that ~~which~~ is  
877 certified by the engineer to meet the performance-based criteria  
878 adopted by the department.

879 (1) For the Florida Keys, the department shall adopt a  
880 special rule for the construction, installation, modification,  
881 operation, repair, maintenance, and performance of onsite sewage  
882 treatment and disposal systems which considers the unique soil  
883 conditions and water table elevations, densities, and setback  
884 requirements. On lots where a setback distance of 75 feet from  
885 surface waters, saltmarsh, and buttonwood association habitat  
886 areas cannot be met, an injection well, approved and permitted  
887 by the department, may be used for disposal of effluent from  
888 onsite sewage treatment and disposal systems. The following  
889 additional requirements apply to onsite sewage treatment and  
890 disposal systems in Monroe County:

891 1. The county, each municipality, and those special  
892 districts established for the purpose of the collection,  
893 transmission, treatment, or disposal of sewage shall ensure, in  
894 accordance with the specific schedules adopted by the  
895 Administration Commission under s. 380.0552, the completion of  
896 onsite sewage treatment and disposal system upgrades to meet the  
897 requirements of this paragraph.

898 2. Onsite sewage treatment and disposal systems must cease  
899 discharge by December 31, 2015, or must comply with department  
900 rules and provide the level of treatment which, on a permitted

901 annual average basis, produces an effluent that contains no more  
 902 than the following concentrations:

- 903 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 904 b. Suspended Solids of 10 mg/l.
- 905 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
 906 reduction in nitrogen of at least 70 percent. A system that has  
 907 been tested and certified to reduce nitrogen concentrations by  
 908 at least 70 percent shall be deemed to be in compliance with  
 909 this standard.
- 910 d. Total Phosphorus, expressed as P, of 1 mg/l.

911  
 912 In addition, onsite sewage treatment and disposal systems  
 913 discharging to an injection well must provide basic disinfection  
 914 as defined by department rule.

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

919 4. In areas scheduled to be served by a central sewerage  
 920 system ~~sewer~~ by December 31, 2015, if the property owner has  
 921 paid a connection fee or assessment for connection to the  
 922 central sewerage ~~sewer~~ system, the property owner may install a  
 923 holding tank with a high water alarm or an onsite sewage  
 924 treatment and disposal system that meets the following minimum  
 925 standards:

926 a. The existing tanks must be pumped and inspected and  
927 certified as being watertight and free of defects in accordance  
928 with department rule; and

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

931 5. Onsite sewage treatment and disposal systems must be  
932 monitored for total nitrogen and total phosphorus concentrations  
933 as required by department rule.

934 6. The department shall enforce proper installation,  
935 operation, and maintenance of onsite sewage treatment and  
936 disposal systems pursuant to this chapter, including ensuring  
937 that the appropriate level of treatment described in  
938 subparagraph 2. is met.

939 7. The authority of a local government, including a  
940 special district, to mandate connection of an onsite sewage  
941 treatment and disposal system is governed by s. 4, chapter 99-  
942 395, Laws of Florida.

943 8. Notwithstanding any other ~~provision of~~ law, an onsite  
944 sewage treatment and disposal system installed after July 1,  
945 2010, in unincorporated Monroe County, excluding special  
946 wastewater districts, that complies with the standards in  
947 subparagraph 2. is not required to connect to a central sewerage  
948 ~~sewer~~ system until December 31, 2020.

949 (m) A ~~No~~ product sold in the state for use in onsite  
950 sewage treatment and disposal systems may not contain any

951 substance in concentrations or amounts that would interfere with  
952 or prevent the successful operation of such system, or that  
953 would cause discharges from such systems to violate applicable  
954 water quality standards. The department shall publish criteria  
955 for products known or expected to meet the conditions of this  
956 paragraph. If ~~In the event~~ a product does not meet such  
957 criteria, such product may be sold if the manufacturer  
958 satisfactorily demonstrates to the department that the  
959 conditions of this paragraph are met.

960 (n) Evaluations for determining the seasonal high-water  
961 table elevations or the suitability of soils for the use of a  
962 new onsite sewage treatment and disposal system shall be  
963 performed by department personnel, professional engineers  
964 registered in the state, or such other persons with expertise,  
965 as defined by rule, in making such evaluations. Evaluations for  
966 determining mean annual flood lines shall be performed by those  
967 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department  
968 shall accept evaluations submitted by professional engineers and  
969 such other persons as meet the expertise established by this  
970 section or by rule unless the department has a reasonable  
971 scientific basis for questioning the accuracy or completeness of  
972 the evaluation.

973 ~~(o) The department shall appoint a research review and~~  
974 ~~advisory committee, which shall meet at least semiannually. The~~  
975 ~~committee shall advise the department on directions for new~~

976 ~~research, review and rank proposals for research contracts, and~~  
977 ~~review draft research reports and make comments. The committee~~  
978 ~~is comprised of:~~

979 ~~1. A representative of the State Surgeon General, or his~~  
980 ~~or her designee.~~

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

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

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

984 ~~5. A representative from the State University System, from~~  
985 ~~a department knowledgeable about onsite sewage treatment and~~  
986 ~~disposal systems.~~

987 ~~6. A professional engineer registered in this state who~~  
988 ~~has work experience in onsite sewage treatment and disposal~~  
989 ~~systems.~~

990 ~~7. A representative from local government who is~~  
991 ~~knowledgeable about domestic wastewater treatment.~~

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

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

994 ~~10. A consumer.~~

995  
996 ~~Members shall be appointed for a term of 3 years, with the~~  
997 ~~appointments being staggered so that the terms of no more than~~  
998 ~~four members expire in any one year. Members shall serve without~~  
999 ~~remuneration, but are entitled to reimbursement for per diem and~~  
1000 ~~travel expenses as provided in s. 112.061.~~



1001        (o)~~(p)~~ An application for an onsite sewage treatment and  
1002 disposal system permit shall be completed in full, signed by the  
1003 owner or the owner's authorized representative, or by a  
1004 contractor licensed under chapter 489, and shall be accompanied  
1005 by all required exhibits and fees. ~~No~~ Specific documentation of  
1006 property ownership is not ~~shall be~~ required as a prerequisite to  
1007 the review of an application or the issuance of a permit. The  
1008 issuance of a permit does not constitute determination by the  
1009 department of property ownership.

1010        (p)~~(q)~~ The department may not require any form of  
1011 subdivision analysis of property by an owner, developer, or  
1012 subdivider before ~~prior to~~ submission of an application for an  
1013 onsite sewage treatment and disposal system.

1014        (q)~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the  
1015 power of a municipality or county to enforce other laws for the  
1016 protection of the public health and safety.

1017        (r)~~(s)~~ In the siting of onsite sewage treatment and  
1018 disposal systems, including drainfields, shoulders, and slopes,  
1019 guttering may ~~shall~~ not be required on single-family residential  
1020 dwelling units for systems located greater than 5 feet from the  
1021 roof drip line of the house. If guttering is used on residential  
1022 dwelling units, the downspouts shall be directed away from the  
1023 drainfield.

1024        (s)~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph  
1025 (g)1., onsite sewage treatment and disposal systems located in

1026 floodways of the Suwannee and Aucilla Rivers must adhere to the  
1027 following requirements:

1028 1. The absorption surface of the drainfield may ~~shall~~ not  
1029 be subject to flooding based on 10-year flood elevations.  
1030 Provided, however, for lots or parcels created by the  
1031 subdivision of land in accordance with applicable local  
1032 government regulations before ~~prior to~~ January 17, 1990, if an  
1033 applicant cannot construct a drainfield system with the  
1034 absorption surface of the drainfield at an elevation equal to or  
1035 above 10-year flood elevation, the department shall issue a  
1036 permit for an onsite sewage treatment and disposal system within  
1037 the 10-year floodplain of rivers, streams, and other bodies of  
1038 flowing water if all of the following criteria are met:

1039 a. The lot is at least one-half acre in size;

1040 b. The bottom of the drainfield is at least 36 inches  
1041 above the 2-year flood elevation; and

1042 c. The applicant installs ~~either:~~ a waterless,  
1043 incinerating, or organic waste composting toilet and a graywater  
1044 system and drainfield in accordance with department rules; an  
1045 aerobic treatment unit and drainfield in accordance with  
1046 department rules; a system ~~approved by the State Health Office~~  
1047 that is capable of reducing effluent nitrate by at least 50  
1048 percent in accordance with department rules; or a system other  
1049 than a system using alternative drainfield materials in  
1050 accordance with department rules ~~approved by the county health~~

1051 ~~department pursuant to department rule other than a system using~~  
1052 ~~alternative drainfield materials.~~ The United States Department  
1053 of Agriculture Soil Conservation Service soil maps, State of  
1054 Florida Water Management District data, and Federal Emergency  
1055 Management Agency Flood Insurance maps are resources that shall  
1056 be used to identify flood-prone areas.

1057         2. The use of fill or mounding to elevate a drainfield  
1058 system out of the 10-year floodplain of rivers, streams, or  
1059 other bodies of flowing water may ~~shall~~ not be permitted if such  
1060 a system lies within a regulatory floodway of the Suwannee and  
1061 Aucilla Rivers. In cases where the 10-year flood elevation does  
1062 not coincide with the boundaries of the regulatory floodway, the  
1063 regulatory floodway will be considered for the purposes of this  
1064 subsection to extend at a minimum to the 10-year flood  
1065 elevation.

1066         (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system  
1067 shall maintain a current maintenance service agreement with an  
1068 aerobic treatment unit maintenance entity permitted by the  
1069 department. The maintenance entity shall inspect each aerobic  
1070 treatment unit system at least twice each year and shall report  
1071 quarterly to the department on the number of aerobic treatment  
1072 unit systems inspected and serviced. The reports may be  
1073 submitted electronically.

1074         2. The property owner of an owner-occupied, single-family  
1075 residence may be approved and permitted by the department as a

1076 maintenance entity for his or her own aerobic treatment unit  
1077 system upon written certification from the system manufacturer's  
1078 approved representative that the property owner has received  
1079 training on the proper installation and service of the system.  
1080 The maintenance entity service agreement must conspicuously  
1081 disclose that the property owner has the right to maintain his  
1082 or her own system and is exempt from contractor registration  
1083 requirements for performing construction, maintenance, or  
1084 repairs on the system but is subject to all permitting  
1085 requirements.

1086 3. A septic tank contractor licensed under part III of  
1087 chapter 489, if approved by the manufacturer, may not be denied  
1088 access by the manufacturer to aerobic treatment unit system  
1089 training or spare parts for maintenance entities. After the  
1090 original warranty period, component parts for an aerobic  
1091 treatment unit system may be replaced with parts that meet  
1092 manufacturer's specifications but are manufactured by others.  
1093 The maintenance entity shall maintain documentation of the  
1094 substitute part's equivalency for 2 years and shall provide such  
1095 documentation to the department upon request.

1096 4. The owner of an aerobic treatment unit system shall  
1097 obtain a system operating permit from the department and allow  
1098 the department to inspect during reasonable hours each aerobic  
1099 treatment unit system at least annually, and such inspection may  
1100 include collection and analysis of system-effluent samples for

1101 performance criteria established by rule of the department.

1102       (u)~~(v)~~ The department may require the submission of  
1103 detailed system construction plans that are prepared by a  
1104 professional engineer registered in this state. The department  
1105 shall establish by rule criteria for determining when such a  
1106 submission is required.

1107       (v)~~(w)~~ Any permit issued and approved by the department  
1108 for the installation, modification, or repair of an onsite  
1109 sewage treatment and disposal system shall transfer with the  
1110 title to the property in a real estate transaction. A title may  
1111 not be encumbered at the time of transfer by new permit  
1112 requirements by a governmental entity for an onsite sewage  
1113 treatment and disposal system which differ from the permitting  
1114 requirements in effect at the time the system was permitted,  
1115 modified, or repaired. An inspection of a system may not be  
1116 mandated by a governmental entity at the point of sale in a real  
1117 estate transaction. This paragraph does not affect a septic tank  
1118 phase-out deferral program implemented by a consolidated  
1119 government as defined in s. 9, Art. VIII of the State  
1120 Constitution (1885).

1121       (w)~~(\*)~~ A governmental entity, including a municipality,  
1122 county, or statutorily created commission, may not require an  
1123 engineer-designed performance-based treatment system, excluding  
1124 a passive engineer-designed performance-based treatment system,  
1125 before the completion of the Florida Onsite Sewage Nitrogen

1126 Reduction Strategies Project. This paragraph does not apply to a  
1127 governmental entity, including a municipality, county, or  
1128 statutorily created commission, which adopted a local law,  
1129 ordinance, or regulation on or before January 31, 2012.

1130 Notwithstanding this paragraph, an engineer-designed  
1131 performance-based treatment system may be used to meet the  
1132 requirements of the variance review and advisory committee  
1133 recommendations.

1134 (x) 1. ~~(y) 1.~~ An onsite sewage treatment and disposal system  
1135 is not considered abandoned if the system is disconnected from a  
1136 structure that was made unusable or destroyed following a  
1137 disaster and if the system was properly functioning at the time  
1138 of disconnection and was not adversely affected by the disaster.  
1139 The onsite sewage treatment and disposal system may be  
1140 reconnected to a rebuilt structure if:

1141 a. The reconnection of the system is to the same type of  
1142 structure which contains the same number of bedrooms or fewer,  
1143 if the square footage of the structure is less than or equal to  
1144 110 percent of the original square footage of the structure that  
1145 existed before the disaster;

1146 b. The system is not a sanitary nuisance; and

1147 c. The system has not been altered without prior  
1148 authorization.

1149 2. An onsite sewage treatment and disposal system that  
1150 serves a property that is foreclosed upon is not considered

1151 | abandoned.

1152 |       (y)~~(z)~~ If an onsite sewage treatment and disposal system  
1153 | permittee receives, relies upon, and undertakes construction of  
1154 | a system based upon a validly issued construction permit under  
1155 | rules applicable at the time of construction but a change to a  
1156 | rule occurs within 5 years after the approval of the system for  
1157 | construction but before the final approval of the system, the  
1158 | rules applicable and in effect at the time of construction  
1159 | approval apply at the time of final approval if fundamental site  
1160 | conditions have not changed between the time of construction  
1161 | approval and final approval.

1162 |       (z)~~(aa)~~ An existing-system inspection or evaluation and  
1163 | assessment, or a modification, replacement, or upgrade of an  
1164 | onsite sewage treatment and disposal system is not required for  
1165 | a remodeling addition or modification to a single-family home if  
1166 | a bedroom is not added. However, a remodeling addition or  
1167 | modification to a single-family home may not cover any part of  
1168 | the existing system or encroach upon a required setback or the  
1169 | unobstructed area. To determine if a setback or the unobstructed  
1170 | area is impacted, the local health department shall review and  
1171 | verify a floor plan and site plan of the proposed remodeling  
1172 | addition or modification to the home submitted by a remodeler  
1173 | which shows the location of the system, including the distance  
1174 | of the remodeling addition or modification to the home from the  
1175 | onsite sewage treatment and disposal system. The local health

1176 department may visit the site or otherwise determine the best  
 1177 means of verifying the information submitted. A verification of  
 1178 the location of a system is not an inspection or evaluation and  
 1179 assessment of the system. The review and verification must be  
 1180 completed within 7 business days after receipt by the local  
 1181 health department of a floor plan and site plan. If the review  
 1182 and verification is not completed within such time, the  
 1183 remodeling addition or modification to the single-family home,  
 1184 for the purposes of this paragraph, is approved.

1185 Section 6. Paragraph (d) of subsection (7) and subsections  
 1186 (8) and (9) of section 381.00651, Florida Statutes, are amended  
 1187 to read:

1188 381.00651 Periodic evaluation and assessment of onsite  
 1189 sewage treatment and disposal systems.—

1190 (7) The following procedures shall be used for conducting  
 1191 evaluations:

1192 (d) Assessment procedure.—All evaluation procedures used  
 1193 by a qualified contractor shall be documented in the  
 1194 environmental health database of the department ~~of Health~~. The  
 1195 qualified contractor shall provide a copy of a written, signed  
 1196 evaluation report to the property owner upon completion of the  
 1197 evaluation and to the county health department within 30 days  
 1198 after the evaluation. The report shall contain the name and  
 1199 license number of the company providing the report. A copy of  
 1200 the evaluation report shall be retained by the local county



1201 health department for a minimum of 5 years and until a  
1202 subsequent inspection report is filed. The front cover of the  
1203 report must identify any system failure and include a clear and  
1204 conspicuous notice to the owner that the owner has a right to  
1205 have any remediation of the failure performed by a qualified  
1206 contractor other than the contractor performing the evaluation.  
1207 The report must further identify any crack, leak, improper fit,  
1208 or other defect in the tank, manhole, or lid, and any other  
1209 damaged or missing component; any sewage or effluent visible on  
1210 the ground or discharging to a ditch or other surface water  
1211 body; any downspout, stormwater, or other source of water  
1212 directed onto or toward the system; and any other maintenance  
1213 need or condition of the system at the time of the evaluation  
1214 which, in the opinion of the qualified contractor, would  
1215 possibly interfere with or restrict any future repair or  
1216 modification to the existing system. The report shall conclude  
1217 with an overall assessment of the fundamental operational  
1218 condition of the system.

1219 (8) The county health department, in coordination with the  
1220 department, shall administer any evaluation program on behalf of  
1221 a county, or a municipality within the county, that has adopted  
1222 an evaluation program pursuant to this section. In order to  
1223 administer the evaluation program, the county or municipality,  
1224 in consultation with the county health department, may develop a  
1225 reasonable fee schedule to be used solely to pay for the costs

1226 of administering the evaluation program. Such a fee schedule  
1227 shall be identified in the ordinance that adopts the evaluation  
1228 program. When arriving at a reasonable fee schedule, the  
1229 estimated annual revenues to be derived from fees may not exceed  
1230 reasonable estimated annual costs of the program. Fees shall be  
1231 assessed to the system owner during an inspection and separately  
1232 identified on the invoice of the qualified contractor. Fees  
1233 shall be remitted by the qualified contractor to the county  
1234 health department. The county health department's administrative  
1235 responsibilities include the following:

1236 (a) Providing a notice to the system owner at least 60  
1237 days before the system is due for an evaluation. The notice may  
1238 include information on the proper maintenance of onsite sewage  
1239 treatment and disposal systems.

1240 (b) In consultation with the department ~~of Health,~~  
1241 providing uniform disciplinary procedures and penalties for  
1242 qualified contractors who do not comply with the requirements of  
1243 the adopted ordinance, including, but not limited to, failure to  
1244 provide the evaluation report as required in this subsection to  
1245 the system owner and the county health department. Only the  
1246 county health department may assess penalties against system  
1247 owners for failure to comply with the adopted ordinance,  
1248 consistent with existing requirements of law.

1249 (9) (a) A county or municipality that adopts an onsite  
1250 sewage treatment and disposal system evaluation and assessment

1251 program pursuant to this section shall notify the Secretary of  
1252 Environmental Protection, the Department of Health, and the  
1253 applicable county health department upon the adoption of its  
1254 ordinance establishing the program.

1255 (b) Upon receipt of the notice under paragraph (a), the  
1256 department ~~of Environmental Protection~~ shall, within existing  
1257 resources, notify the county or municipality of the potential  
1258 use of, and access to, program funds under the Clean Water State  
1259 Revolving Fund or s. 319 of the Clean Water Act, provide  
1260 guidance in the application process to receive such moneys, and  
1261 provide advice and technical assistance to the county or  
1262 municipality on how to establish a low-interest revolving loan  
1263 program or how to model a revolving loan program after the low-  
1264 interest loan program of the Clean Water State Revolving Fund.  
1265 This paragraph does not obligate the department ~~of Environmental~~  
1266 ~~Protection~~ to provide any county or municipality with money to  
1267 fund such programs.

1268 (c) The department ~~of Health~~ may not adopt any rule that  
1269 alters the provisions of this section.

1270 (d) The department ~~of Health~~ must allow county health  
1271 departments and qualified contractors access to the  
1272 environmental health database to track relevant information and  
1273 assimilate data from assessment and evaluation reports of the  
1274 overall condition of onsite sewage treatment and disposal  
1275 systems. The environmental health database must be used by

1276 contractors to report each service and evaluation event and by a  
1277 county health department to notify owners of onsite sewage  
1278 treatment and disposal systems when evaluations are due. Data  
1279 and information must be recorded and updated as service and  
1280 evaluations are conducted and reported.

1281 Section 7. Effective July 1, 2020, section 381.00652,  
1282 Florida Statutes, is created to read:

1283 381.00652 Onsite sewage treatment and disposal systems  
1284 technical advisory committee.-

1285 (1) An onsite sewage treatment and disposal systems  
1286 technical advisory committee, a committee as defined in s.  
1287 20.03(8), is created within the department. The committee shall:

1288 (a) Provide recommendations to increase the availability  
1289 of nutrient removing onsite sewage treatment and disposal  
1290 systems in the marketplace, including such systems that are  
1291 cost-effective, low maintenance, and reliable.

1292 (b) Consider and recommend regulatory options, such as  
1293 fast-track approval, prequalification, or expedited permitting,  
1294 to facilitate the introduction and use of nutrient removing  
1295 onsite sewage treatment and disposal systems that have been  
1296 reviewed and approved by a national agency or organization, such  
1297 as the American National Standards Institute 245 systems  
1298 approved by the National Sanitation Foundation International.

1299 (c) Provide recommendations for appropriate setback  
1300 distances for onsite sewage treatment and disposal systems from

1301 surface water, groundwater, and wells.

1302 (2) The department shall use existing and available  
 1303 resources to administer and support the activities of the  
 1304 committee.

1305 (3)(a) By August 1, 2021, the department, in consultation  
 1306 with the Department of Health, shall appoint no more than nine  
 1307 members to the committee, including, but not limited to, the  
 1308 following:

1309 1. A professional engineer.

1310 2. A septic tank contractor.

1311 3. A representative from the home building industry.

1312 4. A representative from the real estate industry.

1313 5. A representative from the onsite sewage treatment and  
 1314 disposal system industry.

1315 6. A representative from local government.

1316 7. Two representatives from the environmental community.

1317 8. A representative of the scientific and technical  
 1318 community who has substantial expertise in the areas of the fate  
 1319 and transport of water pollutants, toxicology, epidemiology,  
 1320 geology, biology, or environmental sciences.

1321 (b) Members shall serve without compensation and are not  
 1322 entitled to reimbursement for per diem or travel expenses.

1323 (4) By January 1, 2022, the committee shall submit its  
 1324 recommendations to the Governor, the President of the Senate,  
 1325 and the Speaker of the House of Representatives.

1326           (5) This section expires August 15, 2022.

1327           Section 8. Section 381.0068, Florida Statutes, is  
 1328 repealed.

1329           Section 9. Paragraphs (g) of subsection (1) of section  
 1330 381.0101, Florida Statutes, is amended to read:

1331           381.0101 Environmental health professionals.—

1332           (1) DEFINITIONS.—As used in this section:

1333           (g) "Primary environmental health program" means those  
 1334 programs determined by the department to be essential for  
 1335 providing basic environmental and sanitary protection to the  
 1336 public. At a minimum, these programs shall include food  
 1337 protection program work ~~and onsite sewage treatment and disposal~~  
 1338 ~~system evaluations.~~

1339           Section 10. Subsections (14) through (44) of section  
 1340 403.061, Florida Statutes, are renumbered as subsections (15)  
 1341 through (45), respectively, subsection (7) is amended, and a new  
 1342 subsection (14) is added to that section, to read:

1343           403.061 Department; powers and duties.—The department  
 1344 shall have the power and the duty to control and prohibit  
 1345 pollution of air and water in accordance with the law and rules  
 1346 adopted and promulgated by it and, for this purpose, to:

1347           (7) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to  
 1348 implement ~~the provisions of~~ this act. Any rule adopted pursuant  
 1349 to this act must ~~shall~~ be consistent with the provisions of  
 1350 federal law, if any, relating to control of emissions from motor

1351 vehicles, effluent limitations, pretreatment requirements, or  
 1352 standards of performance. A ~~No~~ county, municipality, or  
 1353 political subdivision may not ~~shall~~ adopt or enforce any local  
 1354 ordinance, special law, or local regulation requiring the  
 1355 installation of Stage II vapor recovery systems, as currently  
 1356 defined by department rule, unless such county, municipality, or  
 1357 political subdivision is or has been in the past designated by  
 1358 federal regulation as a moderate, serious, or severe ozone  
 1359 nonattainment area. Rules adopted pursuant to this act may ~~shall~~  
 1360 not require dischargers of waste into waters of the state to  
 1361 improve natural background conditions. The department shall  
 1362 adopt rules to reasonably limit, reduce, and eliminate leaks,  
 1363 seepages, or inputs into the underground pipes of wastewater  
 1364 collection systems. Discharges from steam electric generating  
 1365 plants existing or licensed under this chapter on July 1, 1984,  
 1366 may ~~shall~~ not be required to be treated to a greater extent than  
 1367 may be necessary to assure that the quality of nonthermal  
 1368 components of discharges from nonrecirculated cooling water  
 1369 systems is as high as the quality of the makeup waters; that the  
 1370 quality of nonthermal components of discharges from recirculated  
 1371 cooling water systems is no lower than is allowed for blowdown  
 1372 from such systems; or that the quality of noncooling system  
 1373 discharges which receive makeup water from a receiving body of  
 1374 water which does not meet applicable department water quality  
 1375 standards is as high as the quality of the receiving body of

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1376 water. The department may not adopt standards more stringent  
1377 than federal regulations, except as provided in s. 403.804.

1378 (14) In order to promote resilient wastewater utilities,  
1379 require public utilities or their affiliated companies that hold  
1380 or are seeking a wastewater discharge permit to file with the  
1381 department reports and other data regarding transactions or  
1382 allocations of common costs among the utility or entity and such  
1383 affiliated companies. The department may require such reports or  
1384 other data necessary to ensure a permitted entity is reporting  
1385 expenditures on pollution mitigation and prevention, including,  
1386 but not limited to, the prevention of sanitary sewer overflows,  
1387 collection and transmission system pipe leaks, and inflow and  
1388 infiltration. The department shall adopt rules to implement this  
1389 subsection.

1390

1391 The department shall implement such programs in conjunction with  
1392 its other powers and duties and shall place special emphasis on  
1393 reducing and eliminating contamination that presents a threat to  
1394 humans, animals or plants, or to the environment.

1395 Section 11. Section 403.0616, Florida Statutes, is created  
1396 to read:

1397 403.0616 Real-time water quality monitoring program.-

1398 (1) Subject to appropriation, the department shall  
1399 establish a real-time water quality monitoring program to assist  
1400 in the restoration, preservation, and enhancement of impaired



1401 water bodies and coastal resources.

1402 (2) In order to expedite the creation and implementation  
1403 of the program, the department is encouraged to form public-  
1404 private partnerships with established scientific entities that  
1405 have proven existing real-time water quality monitoring  
1406 equipment and experience in deploying the equipment.

1407 Section 12. Subsection (7) of section 403.067, Florida  
1408 Statutes, is amended to read:

1409 403.067 Establishment and implementation of total maximum  
1410 daily loads.—

1411 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1412 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1413 (a) *Basin management action plans.*—

1414 1. In developing and implementing the total maximum daily  
1415 load for a water body, the department, or the department in  
1416 conjunction with a water management district, may develop a  
1417 basin management action plan that addresses some or all of the  
1418 watersheds and basins tributary to the water body. Such plan  
1419 must integrate the appropriate management strategies available  
1420 to the state through existing water quality protection programs  
1421 to achieve the total maximum daily loads and may provide for  
1422 phased implementation of these management strategies to promote  
1423 timely, cost-effective actions as provided for in s. 403.151.  
1424 The plan must establish a schedule implementing the management  
1425 strategies, establish a basis for evaluating the plan's

1426 effectiveness, and identify feasible funding strategies for  
1427 implementing the plan's management strategies. The management  
1428 strategies may include regional treatment systems or other  
1429 public works, when ~~where~~ appropriate, and voluntary trading of  
1430 water quality credits to achieve the needed pollutant load  
1431 reductions.

1432 2. A basin management action plan must equitably allocate,  
1433 pursuant to paragraph (6) (b), pollutant reductions to individual  
1434 basins, as a whole to all basins, or to each identified point  
1435 source or category of nonpoint sources, as appropriate. For  
1436 nonpoint sources for which best management practices have been  
1437 adopted, the initial requirement specified by the plan must be  
1438 those practices developed pursuant to paragraph (c). When ~~Where~~  
1439 appropriate, the plan may take into account the benefits of  
1440 pollutant load reduction achieved by point or nonpoint sources  
1441 that have implemented management strategies to reduce pollutant  
1442 loads, including best management practices, before the  
1443 development of the basin management action plan. The plan must  
1444 also identify the mechanisms that will address potential future  
1445 increases in pollutant loading.

1446 3. The basin management action planning process is  
1447 intended to involve the broadest possible range of interested  
1448 parties, with the objective of encouraging the greatest amount  
1449 of cooperation and consensus possible. In developing a basin  
1450 management action plan, the department shall assure that key

1451 stakeholders, including, but not limited to, applicable local  
 1452 governments, water management districts, the Department of  
 1453 Agriculture and Consumer Services, other appropriate state  
 1454 agencies, local soil and water conservation districts,  
 1455 environmental groups, regulated interests, and affected  
 1456 pollution sources, are invited to participate in the process.  
 1457 The department shall hold at least one public meeting in the  
 1458 vicinity of the watershed or basin to discuss and receive  
 1459 comments during the planning process and shall otherwise  
 1460 encourage public participation to the greatest practicable  
 1461 extent. Notice of the public meeting must be published in a  
 1462 newspaper of general circulation in each county in which the  
 1463 watershed or basin lies at least ~~not less than~~ 5 days, but not  
 1464 ~~nor~~ more than 15 days, before the public meeting. A basin  
 1465 management action plan does not supplant or otherwise alter any  
 1466 assessment made under subsection (3) or subsection (4) or any  
 1467 calculation or initial allocation.

1468 4. Each new or revised basin management action plan shall  
 1469 include:

1470 a. The appropriate management strategies available through  
 1471 existing water quality protection programs to achieve total  
 1472 maximum daily loads, which may provide for phased implementation  
 1473 to promote timely, cost-effective actions as provided for in s.  
 1474 403.151;

1475 b. A description of best management practices adopted by

1476 rule;

1477 c. A list of projects in priority ranking with a planning-  
1478 level cost estimate and estimated date of completion for each  
1479 listed project;

1480 d. The source and amount of financial assistance to be  
1481 made available by the department, a water management district,  
1482 or other entity for each listed project, if applicable; and

1483 e. A planning-level estimate of each listed project's  
1484 expected load reduction, if applicable.

1485 5. The department shall adopt all or any part of a basin  
1486 management action plan and any amendment to such plan by  
1487 secretarial order pursuant to chapter 120 to implement ~~the~~  
1488 ~~provisions of~~ this section.

1489 6. The basin management action plan must include  
1490 milestones for implementation and water quality improvement, and  
1491 an associated water quality monitoring component sufficient to  
1492 evaluate whether reasonable progress in pollutant load  
1493 reductions is being achieved over time. An assessment of  
1494 progress toward these milestones shall be conducted every 5  
1495 years, and revisions to the plan shall be made as appropriate.  
1496 Revisions to the basin management action plan shall be made by  
1497 the department in cooperation with basin stakeholders. Revisions  
1498 to the management strategies required for nonpoint sources must  
1499 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised  
1500 basin management action plans must be adopted pursuant to

1501 subparagraph 5.

1502 7. In accordance with procedures adopted by rule under  
1503 paragraph (9)(c), basin management action plans, and other  
1504 pollution control programs under local, state, or federal  
1505 authority as provided in subsection (4), may allow point or  
1506 nonpoint sources that will achieve greater pollutant reductions  
1507 than required by an adopted total maximum daily load or  
1508 wasteload allocation to generate, register, and trade water  
1509 quality credits for the excess reductions to enable other  
1510 sources to achieve their allocation; however, the generation of  
1511 water quality credits does not remove the obligation of a source  
1512 or activity to meet applicable technology requirements or  
1513 adopted best management practices. Such plans must allow trading  
1514 between NPDES permittees, and trading that may or may not  
1515 involve NPDES permittees, where the generation or use of the  
1516 credits involve an entity or activity not subject to department  
1517 water discharge permits whose owner voluntarily elects to obtain  
1518 department authorization for the generation and sale of credits.

1519 ~~8. The provisions of~~ The department's rule relating to the  
1520 equitable abatement of pollutants into surface waters do not  
1521 apply to water bodies or water body segments for which a basin  
1522 management plan that takes into account future new or expanded  
1523 activities or discharges has been adopted under this section.

1524 9. In order to promote resilient wastewater utilities, if  
1525 the department identifies domestic wastewater treatment

1526 facilities or onsite sewage treatment and disposal systems as  
1527 contributors of at least 20 percent of point source or nonpoint  
1528 source nutrient pollution or if the department determines  
1529 remediation is necessary to achieve the total maximum daily  
1530 load, a basin management action plan for a nutrient total  
1531 maximum daily load must include the following:

1532 a. A wastewater treatment plan developed by each local  
1533 government, in cooperation with the department, the water  
1534 management district, and the public and private domestic  
1535 wastewater treatment facilities within the jurisdiction of the  
1536 local government, that addresses domestic wastewater . The  
1537 wastewater treatment plan must:

1538 (I) Provide for construction, expansion, or upgrades  
1539 necessary to achieve the total maximum daily load requirements  
1540 applicable to the domestic wastewater treatment facility.

1541 (II) Include the permitted capacity in gallons per day for  
1542 the domestic wastewater treatment facility; the average nutrient  
1543 concentration and the estimated average nutrient load of the  
1544 domestic wastewater; a projected timeline of the dates by which  
1545 the construction of any facility improvements will begin and be  
1546 completed and the date by which operations of the improved  
1547 facility will begin; the estimated cost of the improvements; and  
1548 the identity of responsible parties.

1549  
1550 The wastewater treatment plan must be adopted as part of the

1551 basin management action plan no later than July 1, 2025. A local  
1552 government that does not have a domestic wastewater treatment  
1553 facility in its jurisdiction is not required to develop a  
1554 wastewater treatment plan unless there is a demonstrated need to  
1555 establish a domestic wastewater treatment facility within its  
1556 jurisdiction to improve water quality necessary to achieve a  
1557 total maximum daily load.

1558 b. An onsite sewage treatment and disposal system  
1559 remediation plan developed by each local government in  
1560 cooperation with the department, the Department of Health, water  
1561 management districts, and public and private domestic wastewater  
1562 treatment facilities.

1563 (I) The onsite sewage treatment and disposal system  
1564 remediation plan must identify cost-effective and financially  
1565 feasible projects necessary to achieve the nutrient load  
1566 reductions required for onsite sewage treatment and disposal  
1567 systems. To identify cost-effective and financially feasible  
1568 projects for remediation of onsite sewage treatment and disposal  
1569 systems, the local government shall:

1570 (A) Include an inventory of onsite sewage treatment and  
1571 disposal systems based on the best information available;

1572 (B) Identify onsite sewage treatment and disposal systems  
1573 that would be eliminated through connection to existing or  
1574 future central wastewater infrastructure, that would be replaced  
1575 with or upgraded to enhanced nutrient removing systems, or that

1576 would remain on conventional onsite sewage treatment and  
1577 disposal systems;

1578 (C) Estimate the costs of potential onsite sewage  
1579 treatment and disposal system connections, upgrades, or  
1580 replacements; and

1581 (D) Identify deadlines and interim milestones for the  
1582 planning, design, and construction of projects.

1583 (II) The department shall adopt the onsite sewage  
1584 treatment and disposal system remediation plan as part of the  
1585 basin management action plan no later than July 1, 2025, or as  
1586 required for Outstanding Florida Springs under s. 373.807.

1587 10. When identifying wastewater projects in a basin  
1588 management action plan, the department may not require the  
1589 higher cost option if it achieves the same nutrient load  
1590 reduction as a lower cost option. A regulated entity may choose  
1591 a different cost option if it provides additional benefits or  
1592 meets other water quality or water supply requirements.

1593 (b) Total maximum daily load implementation.—

1594 1. The department shall be the lead agency in coordinating  
1595 the implementation of the total maximum daily loads through  
1596 existing water quality protection programs. Application of a  
1597 total maximum daily load by a water management district must be  
1598 consistent with this section and does not require the issuance  
1599 of an order or a separate action pursuant to s. 120.536(1) or s.  
1600 120.54 for the adoption of the calculation and allocation



1601 | previously established by the department. Such programs may  
1602 | include, but are not limited to:

- 1603 |       a. Permitting and other existing regulatory programs,  
1604 | including water-quality-based effluent limitations;
- 1605 |       b. Nonregulatory and incentive-based programs, including  
1606 | best management practices, cost sharing, waste minimization,  
1607 | pollution prevention, agreements established pursuant to s.  
1608 | 403.061(22) ~~s. 403.061(21)~~, and public education;
- 1609 |       c. Other water quality management and restoration  
1610 | activities, for example surface water improvement and management  
1611 | plans approved by water management districts or basin management  
1612 | action plans developed pursuant to this subsection;
- 1613 |       d. Trading of water quality credits or other equitable  
1614 | economically based agreements;
- 1615 |       e. Public works including capital facilities; or
- 1616 |       f. Land acquisition.

1617 |       2. For a basin management action plan adopted pursuant to  
1618 | paragraph (a), any management strategies and pollutant reduction  
1619 | requirements associated with a pollutant of concern for which a  
1620 | total maximum daily load has been developed, including effluent  
1621 | limits ~~set forth~~ for a discharger subject to NPDES permitting,  
1622 | if any, must be included in a timely manner in subsequent NPDES  
1623 | permits or permit modifications for that discharger. The  
1624 | department may not impose limits or conditions implementing an  
1625 | adopted total maximum daily load in an NPDES permit until the

1626 permit expires, the discharge is modified, or the permit is  
 1627 reopened pursuant to an adopted basin management action plan.

1628 a. Absent a detailed allocation, total maximum daily loads  
 1629 must be implemented through NPDES permit conditions that provide  
 1630 for a compliance schedule. In such instances, a facility's NPDES  
 1631 permit must allow time for the issuance of an order adopting the  
 1632 basin management action plan. The time allowed for the issuance  
 1633 of an order adopting the plan may not exceed 5 years. Upon  
 1634 issuance of an order adopting the plan, the permit must be  
 1635 reopened or renewed, as necessary, and permit conditions  
 1636 consistent with the plan must be established. Notwithstanding  
 1637 the other provisions of this subparagraph, upon request by an  
 1638 NPDES permittee, the department as part of a permit issuance,  
 1639 renewal, or modification may establish individual allocations  
 1640 before the adoption of a basin management action plan.

1641 b. For holders of NPDES municipal separate storm sewer  
 1642 system permits and other stormwater sources, implementation of a  
 1643 total maximum daily load or basin management action plan must be  
 1644 achieved, to the maximum extent practicable, through the use of  
 1645 best management practices or other management measures.

1646 c. The basin management action plan does not relieve the  
 1647 discharger from any requirement to obtain, renew, or modify an  
 1648 NPDES permit or to abide by other requirements of the permit.

1649 d. Management strategies ~~set forth~~ in a basin management  
 1650 action plan to be implemented by a discharger subject to

1651 permitting by the department must be completed pursuant to the  
1652 schedule ~~set forth~~ in the basin management action plan. This  
1653 implementation schedule may extend beyond the 5-year term of an  
1654 NPDES permit.

1655 e. Management strategies and pollution reduction  
1656 requirements ~~set forth~~ in a basin management action plan for a  
1657 specific pollutant of concern are not subject to challenge under  
1658 chapter 120 at the time they are incorporated, in an identical  
1659 form, into a subsequent NPDES permit or permit modification.

1660 f. For nonagricultural pollutant sources not subject to  
1661 NPDES permitting but permitted pursuant to other state,  
1662 regional, or local water quality programs, the pollutant  
1663 reduction actions adopted in a basin management action plan must  
1664 be implemented to the maximum extent practicable as part of  
1665 those permitting programs.

1666 g. A nonpoint source discharger included in a basin  
1667 management action plan must demonstrate compliance with the  
1668 pollutant reductions established under subsection (6) by  
1669 implementing the appropriate best management practices  
1670 established pursuant to paragraph (c) or conducting water  
1671 quality monitoring prescribed by the department or a water  
1672 management district. A nonpoint source discharger may, in  
1673 accordance with department rules, supplement the implementation  
1674 of best management practices with water quality credit trades in  
1675 order to demonstrate compliance with the pollutant reductions

1676 established under subsection (6).

1677 h. A nonpoint source discharger included in a basin  
1678 management action plan may be subject to enforcement action by  
1679 the department or a water management district based upon a  
1680 failure to implement the responsibilities ~~set forth~~ in sub-  
1681 subparagraph g.

1682 i. A landowner, discharger, or other responsible person  
1683 who is implementing applicable management strategies specified  
1684 in an adopted basin management action plan may not be required  
1685 by permit, enforcement action, or otherwise to implement  
1686 additional management strategies, including water quality credit  
1687 trading, to reduce pollutant loads to attain the pollutant  
1688 reductions established pursuant to subsection (6) and shall be  
1689 deemed to be in compliance with this section. This subparagraph  
1690 does not limit the authority of the department to amend a basin  
1691 management action plan as specified in subparagraph (a)6.

1692 (c) *Best management practices.*—

1693 1. The department, in cooperation with the water  
1694 management districts and other interested parties, as  
1695 appropriate, may develop suitable interim measures, best  
1696 management practices, or other measures necessary to achieve the  
1697 level of pollution reduction established by the department for  
1698 nonagricultural nonpoint pollutant sources in allocations  
1699 developed pursuant to subsection (6) and this subsection. These  
1700 practices and measures may be adopted by rule by the department

1701 and the water management districts and, where adopted by rule,  
1702 shall be implemented by those parties responsible for  
1703 nonagricultural nonpoint source pollution.

1704       2. The Department of Agriculture and Consumer Services may  
1705 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
1706 suitable interim measures, best management practices, or other  
1707 measures necessary to achieve the level of pollution reduction  
1708 established by the department for agricultural pollutant sources  
1709 in allocations developed pursuant to subsection (6) and this  
1710 subsection or for programs implemented pursuant to paragraph  
1711 (12) (b). These practices and measures may be implemented by  
1712 those parties responsible for agricultural pollutant sources and  
1713 the department, the water management districts, and the  
1714 Department of Agriculture and Consumer Services shall assist  
1715 with implementation. In the process of developing and adopting  
1716 rules for interim measures, best management practices, or other  
1717 measures, the Department of Agriculture and Consumer Services  
1718 shall consult with the department, the Department of Health, the  
1719 water management districts, representatives from affected  
1720 farming groups, and environmental group representatives. Such  
1721 rules must also incorporate provisions for a notice of intent to  
1722 implement the practices and a system to assure the  
1723 implementation of the practices, including site inspection and  
1724 recordkeeping requirements.

1725       3. When ~~where~~ interim measures, best management practices,

1726 or other measures are adopted by rule, the effectiveness of such  
1727 practices in achieving the levels of pollution reduction  
1728 established in allocations developed by the department pursuant  
1729 to subsection (6) and this subsection or in programs implemented  
1730 pursuant to paragraph (12)(b) must be verified at representative  
1731 sites by the department. The department shall use best  
1732 professional judgment in making the initial verification that  
1733 the best management practices are reasonably expected to be  
1734 effective and, when ~~where~~ applicable, shall ~~must~~ notify the  
1735 appropriate water management district or the Department of  
1736 Agriculture and Consumer Services of its initial verification  
1737 before the adoption of a rule proposed pursuant to this  
1738 paragraph. Implementation, in accordance with rules adopted  
1739 under this paragraph, of practices that have been initially  
1740 verified to be effective, or verified to be effective by  
1741 monitoring at representative sites, by the department, shall  
1742 provide a presumption of compliance with state water quality  
1743 standards and release from ~~the provisions of~~ s. 376.307(5) for  
1744 those pollutants addressed by the practices, and the department  
1745 is not authorized to institute proceedings against the owner of  
1746 the source of pollution to recover costs or damages associated  
1747 with the contamination of surface water or groundwater caused by  
1748 those pollutants. Research projects funded by the department, a  
1749 water management district, or the Department of Agriculture and  
1750 Consumer Services to develop or demonstrate interim measures or

1751 best management practices shall be granted a presumption of  
1752 compliance with state water quality standards and a release from  
1753 ~~the provisions of~~ s. 376.307(5). The presumption of compliance  
1754 and release is limited to the research site and only for those  
1755 pollutants addressed by the interim measures or best management  
1756 practices. Eligibility for the presumption of compliance and  
1757 release is limited to research projects on sites where the owner  
1758 or operator of the research site and the department, a water  
1759 management district, or the Department of Agriculture and  
1760 Consumer Services have entered into a contract or other  
1761 agreement that, at a minimum, specifies the research objectives,  
1762 the cost-share responsibilities of the parties, and a schedule  
1763 that details the beginning and ending dates of the project.

1764 4. When ~~Where~~ water quality problems are demonstrated,  
1765 despite the appropriate implementation, operation, and  
1766 maintenance of best management practices and other measures  
1767 required by rules adopted under this paragraph, the department,  
1768 a water management district, or the Department of Agriculture  
1769 and Consumer Services, in consultation with the department,  
1770 shall institute a reevaluation of the best management practice  
1771 or other measure. If ~~Should~~ the reevaluation determines  
1772 ~~determine~~ that the best management practice or other measure  
1773 requires modification, the department, a water management  
1774 district, or the Department of Agriculture and Consumer  
1775 Services, as appropriate, shall revise the rule to require

1776 implementation of the modified practice within a reasonable time  
1777 period as specified in the rule.

1778 5. Subject to the provisions of subparagraph 6., the  
1779 Department of Agriculture and Consumer Services shall provide to  
1780 the department information obtained pursuant to subparagraph  
1781 (d) 3.

1782 ~~6.5.~~ Agricultural records relating to processes or methods  
1783 of production, and costs of production, profits, or other  
1784 financial information held by the Department of Agriculture and  
1785 Consumer Services pursuant to subparagraphs 3.-5. ~~3. and 4.~~ or  
1786 pursuant to any rule adopted pursuant to subparagraph 2. are  
1787 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1788 of the State Constitution. Upon request, records made  
1789 confidential and exempt pursuant to this subparagraph shall be  
1790 released to the department or any water management district  
1791 provided that the confidentiality specified by this subparagraph  
1792 for such records is maintained.

1793 ~~7.6.~~ ~~The provisions of~~ Subparagraphs 1. and 2. do not  
1794 preclude the department or water management district from  
1795 requiring compliance with water quality standards or with  
1796 current best management practice requirements ~~set forth~~ in any  
1797 applicable regulatory program authorized by law for the purpose  
1798 of protecting water quality. Additionally, subparagraphs 1. and  
1799 2. are applicable only to the extent that they do not conflict  
1800 with any rules adopted by the department that are necessary to



1801 maintain a federally delegated or approved program.

1802 (d) *Enforcement and verification of basin management*  
 1803 *action plans and management strategies.*—

1804 1. Basin management action plans are enforceable pursuant  
 1805 to this section and ss. 403.121, 403.141, and 403.161.

1806 Management strategies, including best management practices and  
 1807 water quality monitoring, are enforceable under this chapter.

1808 2. No later than January 1, 2017:

1809 a. The department, in consultation with the water  
 1810 management districts and the Department of Agriculture and  
 1811 Consumer Services, shall initiate rulemaking to adopt procedures  
 1812 to verify implementation of water quality monitoring required in  
 1813 lieu of implementation of best management practices or other  
 1814 measures pursuant to sub-subparagraph (b)2.g.;

1815 b. The department, in consultation with the water  
 1816 management districts and the Department of Agriculture and  
 1817 Consumer Services, shall initiate rulemaking to adopt procedures  
 1818 to verify implementation of nonagricultural interim measures,  
 1819 best management practices, or other measures adopted by rule  
 1820 pursuant to subparagraph (c)1.; and

1821 c. The Department of Agriculture and Consumer Services, in  
 1822 consultation with the water management districts and the  
 1823 department, shall initiate rulemaking to adopt procedures to  
 1824 verify implementation of agricultural interim measures, best  
 1825 management practices, or other measures adopted by rule pursuant

1826 to subparagraph (c) 2.

1827  
1828 The rules required under this subparagraph shall include  
1829 enforcement procedures applicable to the landowner, discharger,  
1830 or other responsible person required to implement applicable  
1831 management strategies, including best management practices or  
1832 water quality monitoring as a result of noncompliance.

1833 3. At least every 2 years, the Department of Agriculture  
1834 and Consumer Services shall perform onsite inspections of each  
1835 agricultural producer that enrolls in a best management practice  
1836 to ensure that such practice is being properly implemented. Such  
1837 verification must include a review of the best management  
1838 practice documentation required by rules adopted pursuant to  
1839 subparagraph (c)2., including, but not limited to, nitrogen and  
1840 phosphorus fertilizer application records, which must be  
1841 collected and retained pursuant to subparagraph (c)5.

1842 (e) Data collection and research.—

1843 1. The University of Florida Institute of Food and  
1844 Agricultural Sciences, in cooperation with the Department of  
1845 Agriculture and Consumer Services, shall develop research plans  
1846 and legislative budget requests to:

1847 a. Evaluate and suggest enhancements to the existing  
1848 adopted agricultural best management practices to reduce  
1849 nutrients;

1850 b. Develop new best management practices that, if proven

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1851 effective, the Department of Agriculture and Consumer Services  
1852 may adopt by rule pursuant to paragraph (c)2.; and

1853 c. Develop agricultural nutrient reduction projects that  
1854 willing participants could implement on a site-specific,  
1855 cooperative basis, in addition to best management practices. The  
1856 department may consider these projects for inclusion in a basin  
1857 management action plan. These nutrient reduction projects must  
1858 reduce the nutrient impacts from agricultural operations on  
1859 water quality when evaluated with the projects and management  
1860 strategies currently included in the basin management action  
1861 plan.

1862 2. To be considered for funding, the University of Florida  
1863 Institute of Food and Agricultural Sciences must submit such  
1864 plans to the department and the Department of Agriculture and  
1865 Consumer Services by August 1 of each year.

1866 Section 13. Effective July 1, 2020, section 403.0671,  
1867 Florida Statutes, is created to read:

1868 403.0671 Basin management action plan wastewater reports.-

1869 (1) By July 1, 2021, the department, in coordination with  
1870 the county health departments, wastewater treatment facilities,  
1871 and other governmental entities, shall submit a report to the  
1872 Governor, the President of the Senate, and the Speaker of the  
1873 House of Representatives evaluating the costs of wastewater  
1874 projects identified in the basin management action plans  
1875 developed pursuant to ss. 373.807 and 403.067(7) and the onsite

1876 sewage treatment and disposal system remediation plans and other  
1877 restoration plans developed to meet the total maximum daily  
1878 loads required under s. 403.067. The report must include:  
1879 (a) Projects to:  
1880 1. Replace onsite sewage treatment and disposal systems  
1881 with enhanced nutrient removing onsite sewage treatment and  
1882 disposal systems.  
1883 2. Install or retrofit onsite sewage treatment and  
1884 disposal systems with enhanced nutrient removing technologies.  
1885 3. Construct, upgrade, or expand domestic wastewater  
1886 treatment facilities to meet the wastewater treatment plan  
1887 required under s. 403.067(7)(a)9.  
1888 4. Connect onsite sewage treatment and disposal systems to  
1889 domestic wastewater treatment facilities;  
1890 (b) The estimated costs, nutrient load reduction  
1891 estimates, and other benefits of each project;  
1892 (c) The estimated implementation timeline for each  
1893 project;  
1894 (d) A proposed 5-year funding plan for each project and  
1895 the source and amount of financial assistance the department, a  
1896 water management district, or other project partner will make  
1897 available to fund the project; and  
1898 (e) The projected costs of installing enhanced nutrient  
1899 removing onsite sewage treatment and disposal systems on  
1900 buildable lots in priority focus areas to comply with s.

1901 | 373.811.

1902 |       (2) By July 1, 2021, the department shall submit a report

1903 | to the Governor, the President of the Senate, and the Speaker of

1904 | the House of Representatives that provides an assessment of the

1905 | water quality monitoring being conducted for each basin

1906 | management action plan implementing a nutrient total maximum

1907 | daily load. In developing the report, the department may

1908 | coordinate with water management districts and any applicable

1909 | university. The report must:

1910 |       (a) Evaluate the water quality monitoring prescribed for

1911 | each basin management action plan to determine if it is

1912 | sufficient to detect changes in water quality caused by the

1913 | implementation of a project.

1914 |       (b) Identify gaps in water quality monitoring.

1915 |       (c) Recommend water quality monitoring needs.

1916 |       (3) Beginning January 1, 2022, and each January 1

1917 | thereafter, the department shall submit to the Office of

1918 | Economic and Demographic Research the cost estimates for

1919 | projects required in s. 403.067(7)(a)9. The office shall include

1920 | the project cost estimates in its annual assessment conducted

1921 | pursuant to s. 403.928.

1922 |       Section 14. Section 403.0673, Florida Statutes, is created

1923 | to read:

1924 |       403.0673 Wastewater grant program.—A wastewater grant

1925 | program is established within the Department of Environmental

1926 Protection.

1927 (1) Subject to the appropriation of funds by the

1928 Legislature, the department may provide grants for the following

1929 projects within a basin management action plan, an alternative

1930 restoration plan adopted by final order, or a rural area of

1931 opportunity under s. 288.0656 which will individually or

1932 collectively reduce excess nutrient pollution:

1933 (a) Projects to retrofit onsite sewage treatment and

1934 disposal systems to upgrade such systems to enhanced nutrient

1935 removing onsite sewage treatment and disposal systems.

1936 (b) Projects to construct, upgrade, or expand facilities

1937 to provide advanced waste treatment, as defined in s.

1938 403.086(4).

1939 (c) Projects to connect onsite sewage treatment and

1940 disposal systems to central sewer facilities.

1941 (2) In allocating such funds, priority must be given to

1942 projects that subsidize the connection of onsite sewage

1943 treatment and disposal systems to a wastewater treatment

1944 facility. In determining priorities, the department shall

1945 consider the estimated reduction in nutrient load per project;

1946 project readiness; cost-effectiveness of the project; overall

1947 environmental benefit of a project; the location of a project;

1948 the availability of local matching funds; and projected water

1949 savings or quantity improvements associated with a project.

1950 (3) Each grant for a project described in subsection (1)

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1951 must require a minimum of a 50 percent local match of funds.  
1952 However, the department may, at its discretion, waive, in whole  
1953 or in part, this consideration of the local contribution for  
1954 proposed projects within an area designated as a rural area of  
1955 opportunity under s. 288.0656.

1956 (4) The department shall coordinate with each water  
1957 management district, as necessary, to identify grant recipients  
1958 in each district.

1959 (5) Beginning January 1, 2021, and each January 1  
1960 thereafter, the department shall submit a report regarding the  
1961 projects funded pursuant to this section to the Governor, the  
1962 President of the Senate, and the Speaker of the House of  
1963 Representatives.

1964 Section 15. Section 403.0855, Florida Statutes, is created  
1965 to read:

1966 403.0855 Biosolids management.—The Legislature finds that  
1967 it is in the best interest of this state to regulate biosolids  
1968 management in order to minimize the migration of nutrients that  
1969 impair water bodies. The Legislature further finds that  
1970 permitting according to site-specific application conditions, an  
1971 increased inspection rate, groundwater and surface water  
1972 monitoring protocols, and nutrient management research, will  
1973 improve biosolids management and assist in protecting this  
1974 state's water resources and water quality. The department shall  
1975 adopt rules for biosolids management. Rules adopted by the

1976 | department pursuant to this section may not take effect until  
 1977 | ratified by the Legislature.

1978 | Section 16. Subsections (7) through (10) of section  
 1979 | 403.086, Florida Statutes, are renumbered as subsections (8)  
 1980 | through (11), respectively, subsections (1) and (2), and  
 1981 | paragraph (h) of subsection (9) are amended, and a new  
 1982 | subsection (7) is added to that section, to read:

1983 | 403.086 Sewage disposal facilities; advanced and secondary  
 1984 | waste treatment.—

1985 | (1) (a) ~~Neither~~ The Department of Health or ~~nor~~ any other  
 1986 | state agency, county, special district, or municipality may not  
 1987 | ~~shall~~ approve construction of any sewage disposal facilities ~~for~~  
 1988 | ~~sanitary sewage disposal~~ which do not provide for secondary  
 1989 | waste treatment and, ~~in addition thereto,~~ advanced waste  
 1990 | treatment as deemed necessary and ordered by the department.

1991 | (b) Sewage disposal ~~No~~ facilities ~~for sanitary sewage~~  
 1992 | ~~disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose  
 1993 | of any wastes by deep well injection without providing for  
 1994 | secondary waste treatment and, ~~in addition thereto,~~ advanced  
 1995 | waste treatment deemed necessary by the department to protect  
 1996 | adequately the beneficial use of the receiving waters.

1997 | (c) Notwithstanding ~~any other provisions of~~ this chapter  
 1998 | or chapter 373, sewage disposal facilities ~~for sanitary sewage~~  
 1999 | ~~disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa  
 2000 | Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound,



2001 Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay,  
2002 Lemon Bay, ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025,  
2003 Indian River Lagoon, or into any river, stream, channel, canal,  
2004 bay, bayou, sound, or other water tributary thereto, without  
2005 providing advanced waste treatment, as defined in subsection  
2006 (4), approved by the department. This paragraph does ~~shall~~ not  
2007 apply to facilities which were permitted by February 1, 1987,  
2008 and which discharge secondary treated effluent, followed by  
2009 water hyacinth treatment, to tributaries of tributaries of the  
2010 named waters; or to facilities permitted to discharge to the  
2011 nontidally influenced portions of the Peace River.

2012 (d) By July 1, 2020, the department, in consultation with  
2013 the water management districts and sewage disposal facilities,  
2014 shall submit to the Governor, the President of the Senate, and  
2015 the Speaker of the House of Representatives a progress report on  
2016 the status of upgrades made by each facility to meet the  
2017 advanced waste treatment requirements under paragraph (c). The  
2018 report must include a list of sewage disposal facilities  
2019 required to upgrade to advanced waste treatment, the preliminary  
2020 cost estimates for the upgrades, and a projected timeline of the  
2021 dates by which the upgrades will begin and be completed and the  
2022 date by which operations of the upgraded facility will begin.

2023 (2) All sewage disposal ~~Any facilities for sanitary sewage~~  
2024 ~~disposal~~ shall provide for secondary waste treatment, a power  
2025 outage contingency plan that mitigates the impacts of power

2026 outages on the utility's collection system and pump stations,  
2027 ~~and, in addition thereto,~~ advanced waste treatment as deemed  
2028 necessary and ordered by the Department of Environmental  
2029 Protection. Failure to conform is ~~shall be~~ punishable by a civil  
2030 penalty of \$500 for each 24-hour day or fraction thereof that  
2031 such failure is allowed to continue thereafter.

2032 (7) All sewage disposal facilities under subsection (2)  
2033 which control a collection or transmission system of pipes and  
2034 pumps to collect and transmit wastewater from domestic or  
2035 industrial sources to the facility shall take steps to prevent  
2036 sanitary sewer overflows or underground pipe leaks and ensure  
2037 that collected wastewater reaches the facility for appropriate  
2038 treatment. Facilities must use inflow and infiltration studies  
2039 and leakage surveys to develop pipe assessment, repair, and  
2040 replacement action plans that comply with department rule to  
2041 limit, reduce, and eliminate leaks, seepages, or inputs into  
2042 wastewater treatment systems' underground pipes. The pipe  
2043 assessment, repair, and replacement action plans must be  
2044 reported to the department. The facility report must include  
2045 information regarding the annual expenditures dedicated to the  
2046 inflow and infiltration studies and the required replacement  
2047 action plans, as well as expenditures that are dedicated to pipe  
2048 assessment, repair, and replacement. The department shall adopt  
2049 rules regarding the implementation of inflow and infiltration  
2050 studies and leakage surveys. Substantial compliance with this

2051 subsection is evidence in mitigation for the purposes of  
2052 assessing penalties pursuant to ss. 403.121 and 403.141.

2053 Section 17. Subsections (4) through (10) of section  
2054 403.087, Florida Statutes, are renumbered as subsections (5)  
2055 through (11), respectively, and a new subsection (4) is added to  
2056 that section to read:

2057 403.087 Permits; general issuance; denial; revocation;  
2058 prohibition; penalty.—

2059 (4) The department shall issue an operation permit for a  
2060 domestic wastewater treatment facility other than a facility  
2061 regulated under the National Pollutant Discharge Elimination  
2062 System Program under s. 403.0885 for a term of up to 10 years if  
2063 the facility is meeting the stated goals in its action plan  
2064 adopted pursuant to s. 403.086(7).

2065 Section 18. Subsections (3) and (4) of section 403.088,  
2066 Florida Statutes, are renumbered as subsections (4) and (5),  
2067 respectively, paragraph (c) of subsection (2) is amended, and a  
2068 new subsection (3) is added to that section, to read:

2069 403.088 Water pollution operation permits; conditions.—

2070 (2)

2071 (c) A permit shall:

2072 1. Specify the manner, nature, volume, and frequency of  
2073 the discharge permitted;

2074 2. Require proper operation and maintenance of any  
2075 pollution abatement facility by qualified personnel in

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2076 accordance with standards established by the department;  
2077 3. Require a deliberate, proactive approach to  
2078 investigating or surveying a significant percentage of the  
2079 wastewater collection system throughout the duration of the  
2080 permit to determine pipe integrity, which must be accomplished  
2081 in an economically feasible manner. The permittee shall submit  
2082 an annual report to the department which details facility  
2083 revenues and expenditures in a manner prescribed by department  
2084 rule. The report must detail any deviation from annual  
2085 expenditures related to inflow and infiltration studies; model  
2086 plans for pipe assessment, repair, and replacement; and pipe  
2087 assessment, repair, and replacement required under s.  
2088 403.086(7). Substantial compliance with this subsection is  
2089 evidence in mitigation for the purposes of assessing penalties  
2090 pursuant to ss. 403.121 and 403.141;

2091 ~~4.3.~~ Contain such additional conditions, requirements, and  
2092 restrictions as the department deems necessary to preserve and  
2093 protect the quality of the receiving waters;

2094 5.4. Be valid for the period of time specified therein;  
2095 and

2096 ~~6.5.~~ Constitute the state National Pollutant Discharge  
2097 Elimination System permit when issued pursuant to the authority  
2098 in s. 403.0885.

2099 (3) No later than March 1 of each year, the department  
2100 shall submit a report to the Governor, the President of the

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2101 Senate, and the Speaker of the House of Representatives which  
2102 identifies all wastewater treatment facilities that experienced  
2103 a sanitary sewer overflow in the preceding calendar year. The  
2104 report must identify the utility name, operator, number of  
2105 overflows, and total quantity of discharge released. The  
2106 department shall include with this report the annual report  
2107 specified under s. 403.088(2)(c)3. for each utility that  
2108 experienced an overflow.

2109 Section 19. Subsection (6) of section 403.0891, Florida  
2110 Statutes, is amended to read:

2111 403.0891 State, regional, and local stormwater management  
2112 plans and programs.—The department, the water management  
2113 districts, and local governments shall have the responsibility  
2114 for the development of mutually compatible stormwater management  
2115 programs.

2116 (6) The department and the Department of Economic  
2117 Opportunity, in cooperation with local governments in the  
2118 coastal zone, shall develop a model stormwater management  
2119 program that could be adopted by local governments. The model  
2120 program must contain model ordinances that target nutrient  
2121 reduction practices and use green infrastructure. The model  
2122 program shall contain dedicated funding options, including a  
2123 stormwater utility fee system based upon an equitable unit cost  
2124 approach. Funding options shall be designed to generate capital  
2125 to retrofit existing stormwater management systems, build new

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2126 treatment systems, operate facilities, and maintain and service  
2127 debt.

2128 Section 20. Paragraph (b) of subsection (3) of section  
2129 403.121, Florida Statutes, is amended to read:

2130 403.121 Enforcement; procedure; remedies.—The department  
2131 shall have the following judicial and administrative remedies  
2132 available to it for violations of this chapter, as specified in  
2133 s. 403.161(1).

2134 (3) Except for violations involving hazardous wastes,  
2135 asbestos, or underground injection, administrative penalties  
2136 must be calculated according to the following schedule:

2137 (b) For failure to obtain a required wastewater permit,  
2138 other than a permit required for surface water discharge, the  
2139 department shall assess a penalty of \$1,000. For a domestic or  
2140 industrial wastewater violation not involving a surface water or  
2141 groundwater quality violation, the department shall assess a  
2142 penalty of \$2,000 for an unpermitted or unauthorized discharge  
2143 or effluent-limitation exceedance or for failure to survey an  
2144 adequate portion of the wastewater collection system and take  
2145 steps to reduce sanitary sewer overflows, underground pipe  
2146 leaks, and inflow and infiltration. For an unpermitted or  
2147 unauthorized discharge or effluent-limitation exceedance that  
2148 resulted in a surface water or groundwater quality violation,  
2149 the department shall assess a penalty of \$5,000.

2150 Section 21. Subsection (3) is added to section 403.885,

2151 Florida Statutes, to read:

2152 403.885 Water Projects Grant Program.—

2153 (3) The department shall give funding priority to grant  
2154 proposals submitted by a domestic wastewater facility in  
2155 accordance with s. 403.1835 which implement the requirements of  
2156 s. 403.086(7) or s. 403.088(2)(c).

2157 Section 22. The Legislature determines and declares that  
2158 this act fulfills an important state interest.

2159 Section 23. Subsection (5) of section 153.54, Florida  
2160 Statutes, is amended to read:

2161 153.54 Preliminary report by county commissioners with  
2162 respect to creation of proposed district.—Upon receipt of a  
2163 petition duly signed by not less than 25 qualified electors who  
2164 are also freeholders residing within an area proposed to be  
2165 incorporated into a water and sewer district pursuant to this  
2166 law and describing in general terms the proposed boundaries of  
2167 such proposed district, the board of county commissioners if it  
2168 shall deem it necessary and advisable to create and establish  
2169 such proposed district for the purpose of constructing,  
2170 establishing or acquiring a water system or a sewer system or  
2171 both in and for such district (herein called "improvements"),  
2172 shall first cause a preliminary report to be made which such  
2173 report together with any other relevant or pertinent matters,  
2174 shall include at least the following:

2175 (5) For the construction of a new proposed central

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2176 sewerage system or the extension of an existing central sewerage  
2177 system that was not previously approved, the report shall  
2178 include a study that includes the available information from the  
2179 Department of Environmental Protection ~~Health~~ on the history of  
2180 onsite sewage treatment and disposal systems currently in use in  
2181 the area and a comparison of the projected costs to the owner of  
2182 a typical lot or parcel of connecting to and using the proposed  
2183 central sewerage system versus installing, operating, and  
2184 properly maintaining an onsite sewage treatment and disposal  
2185 system that is approved by the Department of Environmental  
2186 Protection ~~Health~~ and that provides for the comparable level of  
2187 environmental and health protection as the proposed central  
2188 sewerage system; consideration of the local authority's  
2189 obligations or reasonably anticipated obligations for water body  
2190 cleanup and protection under state or federal programs,  
2191 including requirements for water bodies listed under s. 303(d)  
2192 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
2193 et seq.; and other factors deemed relevant by the local  
2194 authority.

2195  
2196 Such report shall be filed in the office of the clerk of the  
2197 circuit court and shall be open for the inspection of any  
2198 taxpayer, property owner, qualified elector or any other  
2199 interested or affected person.

2200 Section 24. Paragraph (c) of subsection (2) of section



2201 153.73, Florida Statutes, is amended to read:

2202       153.73 Assessable improvements; levy and payment of  
 2203 special assessments.—Any district may provide for the  
 2204 construction or reconstruction of assessable improvements as  
 2205 defined in s. 153.52, and for the levying of special assessments  
 2206 upon benefited property for the payment thereof, under the  
 2207 provisions of this section.

2208       (2)

2209       (c) For the construction of a new proposed central  
 2210 sewerage system or the extension of an existing central sewerage  
 2211 system that was not previously approved, the report shall  
 2212 include a study that includes the available information from the  
 2213 Department of Environmental Protection ~~Health~~ on the history of  
 2214 onsite sewage treatment and disposal systems currently in use in  
 2215 the area and a comparison of the projected costs to the owner of  
 2216 a typical lot or parcel of connecting to and using the proposed  
 2217 central sewerage system versus installing, operating, and  
 2218 properly maintaining an onsite sewage treatment and disposal  
 2219 system that is approved by the Department of Environmental  
 2220 Protection ~~Health~~ and that provides for the comparable level of  
 2221 environmental and health protection as the proposed central  
 2222 sewerage system; consideration of the local authority's  
 2223 obligations or reasonably anticipated obligations for water body  
 2224 cleanup and protection under state or federal programs,  
 2225 including requirements for water bodies listed under s. 303(d)

2226 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
 2227 et seq.; and other factors deemed relevant by the local  
 2228 authority.

2229 Section 25. Subsection (2) of section 163.3180, Florida  
 2230 Statutes, is amended to read:

2231 163.3180 Concurrency.—

2232 (2) Consistent with public health and safety, sanitary  
 2233 sewer, solid waste, drainage, adequate water supplies, and  
 2234 potable water facilities shall be in place and available to  
 2235 serve new development no later than the issuance by the local  
 2236 government of a certificate of occupancy or its functional  
 2237 equivalent. Before ~~Prior to~~ approval of a building permit or its  
 2238 functional equivalent, the local government shall consult with  
 2239 the applicable water supplier to determine whether adequate  
 2240 water supplies to serve the new development will be available no  
 2241 later than the anticipated date of issuance by the local  
 2242 government of a certificate of occupancy or its functional  
 2243 equivalent. A local government may meet the concurrency  
 2244 requirement for sanitary sewer through the use of onsite sewage  
 2245 treatment and disposal systems approved by the Department of  
 2246 Environmental Protection ~~Health~~ to serve new development.

2247 Section 26. Subsection (3) of section 180.03, Florida  
 2248 Statutes, is amended to read:

2249 180.03 Resolution or ordinance proposing construction or  
 2250 extension of utility; objections to same.—

2251 (3) For the construction of a new proposed central  
2252 sewerage system or the extension of an existing central sewerage  
2253 system that was not previously approved, the report shall  
2254 include a study that includes the available information from the  
2255 Department of Environmental Protection ~~Health~~ on the history of  
2256 onsite sewage treatment and disposal systems currently in use in  
2257 the area and a comparison of the projected costs to the owner of  
2258 a typical lot or parcel of connecting to and using the proposed  
2259 central sewerage system versus installing, operating, and  
2260 properly maintaining an onsite sewage treatment and disposal  
2261 system that is approved by the Department of Environmental  
2262 Protection ~~Health~~ and that provides for the comparable level of  
2263 environmental and health protection as the proposed central  
2264 sewerage system; consideration of the local authority's  
2265 obligations or reasonably anticipated obligations for water body  
2266 cleanup and protection under state or federal programs,  
2267 including requirements for water bodies listed under s. 303(d)  
2268 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251  
2269 et seq.; and other factors deemed relevant by the local  
2270 authority. The results of the ~~such a~~ study shall be included in  
2271 the resolution or ordinance required under subsection (1).

2272 Section 32. Subsections (2), (3), and (6) of section  
2273 311.105, Florida Statutes, are amended to read:

2274 311.105 Florida Seaport Environmental Management  
2275 Committee; permitting; mitigation.—

2276 (2) Each application for a permit authorized pursuant to  
 2277 s. 403.061(38) ~~s. 403.061(37)~~ must include:

2278 (a) A description of maintenance dredging activities to be  
 2279 conducted and proposed methods of dredged-material management.

2280 (b) A characterization of the materials to be dredged and  
 2281 the materials within dredged-material management sites.

2282 (c) A description of dredged-material management sites and  
 2283 plans.

2284 (d) A description of measures to be undertaken, including  
 2285 environmental compliance monitoring, to minimize adverse  
 2286 environmental effects of maintenance dredging and dredged-  
 2287 material management.

2288 (e) Such scheduling information as is required to  
 2289 facilitate state supplementary funding of federal maintenance  
 2290 dredging and dredged-material management programs consistent  
 2291 with beach restoration criteria of the Department of  
 2292 Environmental Protection.

2293 (3) Each application for a permit authorized pursuant to  
 2294 s. 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~  
 2295 paragraphs (2)(b)-(e) and the following:

2296 (a) A description of dredging and dredged-material  
 2297 management and other related activities associated with port  
 2298 development, including the expansion of navigation channels,  
 2299 dredged-material management sites, port harbors, turning basins,  
 2300 harbor berths, and associated facilities.

2301 (b) A discussion of environmental mitigation as is  
 2302 proposed for dredging and dredged-material management for port  
 2303 development, including the expansion of navigation channels,  
 2304 dredged-material management sites, port harbors, turning basins,  
 2305 harbor berths, and associated facilities.

2306 (6) Dredged-material management activities authorized  
 2307 pursuant to s. 403.061(38) or (39) ~~s. 403.061(37) or (38)~~ shall  
 2308 be incorporated into port master plans developed pursuant to s.  
 2309 163.3178(2)(k).

2310 Section 27. Paragraph (d) of subsection (1) of section  
 2311 327.46, Florida Statutes, is amended to read:

2312 327.46 Boating-restricted areas.—

2313 (1) Boating-restricted areas, including, but not limited  
 2314 to, restrictions of vessel speeds and vessel traffic, may be  
 2315 established on the waters of this state for any purpose  
 2316 necessary to protect the safety of the public if such  
 2317 restrictions are necessary based on boating accidents,  
 2318 visibility, hazardous currents or water levels, vessel traffic  
 2319 congestion, or other navigational hazards or to protect  
 2320 seagrasses on privately owned submerged lands.

2321 (d) Owners of private submerged lands that are adjacent to  
 2322 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~  
 2323 ~~403.061(27)~~, or an aquatic preserve established under ss.  
 2324 258.39-258.399 may request that the commission establish  
 2325 boating-restricted areas solely to protect any seagrass and

2326 contiguous seagrass habitat within their private property  
 2327 boundaries from seagrass scarring due to propeller dredging.  
 2328 Owners making a request pursuant to this paragraph must  
 2329 demonstrate to the commission clear ownership of the submerged  
 2330 lands. The commission shall adopt rules to implement this  
 2331 paragraph, including, but not limited to, establishing an  
 2332 application process and criteria for meeting the requirements of  
 2333 this paragraph. Each approved boating-restricted area shall be  
 2334 established by commission rule. For marking boating-restricted  
 2335 zones established pursuant to this paragraph, owners of  
 2336 privately submerged lands shall apply to the commission for a  
 2337 uniform waterway marker permit in accordance with ss. 327.40 and  
 2338 327.41, and shall be responsible for marking the boating-  
 2339 restricted zone in accordance with the terms of the permit.

2340 Section 28. Paragraph (d) of subsection (3) of section  
 2341 373.250, Florida Statutes, is amended to read:

2342 373.250 Reuse of reclaimed water.—

2343 (3)

2344 (d) The South Florida Water Management District shall  
 2345 require the use of reclaimed water made available by the  
 2346 elimination of wastewater ocean outfall discharges as provided  
 2347 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or  
 2348 groundwater when the use of reclaimed water is available; is  
 2349 environmentally, economically, and technically feasible; and is  
 2350 of such quality and reliability as is necessary to the user.

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2351 Such reclaimed water may also be required in lieu of other  
2352 alternative sources. In determining whether to require such  
2353 reclaimed water in lieu of other alternative sources, the water  
2354 management district shall consider existing infrastructure  
2355 investments in place or obligated to be constructed by an  
2356 executed contract or similar binding agreement as of July 1,  
2357 2011, for the development of other alternative sources.

2358 Section 29. Subsection (9) of section 373.414, Florida  
2359 Statutes, is amended to read:

2360 373.414 Additional criteria for activities in surface  
2361 waters and wetlands.—

2362 (9) The department and the governing boards, on or before  
2363 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~  
2364 this section, relying primarily on the existing rules of the  
2365 department and the water management districts, into the rules  
2366 governing the management and storage of surface waters. Such  
2367 rules shall seek to achieve a statewide, coordinated and  
2368 consistent permitting approach to activities regulated under  
2369 this part. Variations in permitting criteria in the rules of  
2370 individual water management districts or the department shall  
2371 only be provided to address differing physical or natural  
2372 characteristics. Such rules adopted pursuant to this subsection  
2373 shall include the special criteria adopted pursuant to s.  
2374 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria  
2375 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules

2376 shall include a provision requiring that a notice of intent to  
 2377 deny or a permit denial based upon this section shall contain an  
 2378 explanation of the reasons for such denial and an explanation,  
 2379 in general terms, of what changes, if any, are necessary to  
 2380 address such reasons for denial. Such rules may establish  
 2381 exemptions and general permits, if such exemptions and general  
 2382 permits do not allow significant adverse impacts to occur  
 2383 individually or cumulatively. Such rules may require submission  
 2384 of proof of financial responsibility which may include the  
 2385 posting of a bond or other form of surety prior to the  
 2386 commencement of construction to provide reasonable assurance  
 2387 that any activity permitted pursuant to this section, including  
 2388 any mitigation for such permitted activity, will be completed in  
 2389 accordance with the terms and conditions of the permit once the  
 2390 construction is commenced. Until rules adopted pursuant to this  
 2391 subsection become effective, existing rules adopted under this  
 2392 part and rules adopted pursuant to the authority of ss. 403.91-  
 2393 403.929 shall be deemed authorized under this part and shall  
 2394 remain in full force and effect. Neither the department nor the  
 2395 governing boards are limited or prohibited from amending any  
 2396 such rules.

2397 Section 30. Paragraph (f) of subsection (8) of section  
 2398 373.707, Florida Statutes, is amended to read:

2399 373.707 Alternative water supply development.—

2400 (8)



2401 (f) The governing boards shall determine those projects  
 2402 that will be selected for financial assistance. The governing  
 2403 boards may establish factors to determine project funding;  
 2404 however, significant weight shall be given to the following  
 2405 factors:

- 2406 1. Whether the project provides substantial environmental  
 2407 benefits by preventing or limiting adverse water resource  
 2408 impacts.
- 2409 2. Whether the project reduces competition for water  
 2410 supplies.
- 2411 3. Whether the project brings about replacement of  
 2412 traditional sources in order to help implement a minimum flow or  
 2413 level or a reservation.
- 2414 4. Whether the project will be implemented by a  
 2415 consumptive use permittee that has achieved the targets  
 2416 contained in a goal-based water conservation program approved  
 2417 pursuant to s. 373.227.
- 2418 5. The quantity of water supplied by the project as  
 2419 compared to its cost.
- 2420 6. Projects in which the construction and delivery to end  
 2421 users of reuse water is a major component.
- 2422 7. Whether the project will be implemented by a  
 2423 multijurisdictional water supply entity or regional water supply  
 2424 authority.
- 2425 8. Whether the project implements reuse that assists in

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2426 the elimination of domestic wastewater ocean outfalls as  
2427 provided in s. 403.086(10) ~~s. 403.086(9)~~.

2428 9. Whether the county or municipality, or the multiple  
2429 counties or municipalities, in which the project is located has  
2430 implemented a high-water recharge protection tax assessment  
2431 program as provided in s. 193.625.

2432 Section 31. Paragraph (b) of subsection (4) of section  
2433 373.705, Florida Statutes, is amended to read:

2434 373.705 Water resource development; water supply  
2435 development.—

2436 (4)

2437 (b) Water supply development projects that meet the  
2438 criteria in paragraph (a) and that meet one or more of the  
2439 following additional criteria shall be given first consideration  
2440 for state or water management district funding assistance:

2441 1. The project brings about replacement of existing  
2442 sources in order to help implement a minimum flow or minimum  
2443 water level;

2444 2. The project implements reuse that assists in the  
2445 elimination of domestic wastewater ocean outfalls as provided in  
2446 s. 403.086(10) ~~s. 403.086(9)~~; or

2447 3. The project reduces or eliminates the adverse effects  
2448 of competition between legal users and the natural system.

2449 Section 32. Subsection (4) of section 373.709, Florida  
2450 Statutes, is amended to read:

2451 373.709 Regional water supply planning.—

2452 (4) The South Florida Water Management District shall  
 2453 include in its regional water supply plan water resource and  
 2454 water supply development projects that promote the elimination  
 2455 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~  
 2456 ~~403.086(9)~~.

2457 Section 33. Subsection (3) of section 373.807, Florida  
 2458 Statutes, is amended to read:

2459 373.807 Protection of water quality in Outstanding Florida  
 2460 Springs.—By July 1, 2016, the department shall initiate  
 2461 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
 2462 Springs or spring systems for which an impairment determination  
 2463 has not been made under the numeric nutrient standards in effect  
 2464 for spring vents. Assessments must be completed by July 1, 2018.

2465 (3) As part of a basin management action plan that  
 2466 includes an Outstanding Florida Spring, the department, ~~the~~  
 2467 ~~Department of Health~~, relevant local governments, and relevant  
 2468 local public and private wastewater utilities shall develop an  
 2469 onsite sewage treatment and disposal system remediation plan for  
 2470 a spring if the department determines onsite sewage treatment  
 2471 and disposal systems within a priority focus area contribute at  
 2472 least 20 percent of nonpoint source nitrogen pollution or if the  
 2473 department determines remediation is necessary to achieve the  
 2474 total maximum daily load. The plan shall identify cost-effective  
 2475 and financially feasible projects necessary to reduce the

2476 nutrient impacts from onsite sewage treatment and disposal  
2477 systems and shall be completed and adopted as part of the basin  
2478 management action plan no later than the first 5-year milestone  
2479 required by subparagraph (1)(b)8. The department is the lead  
2480 agency in coordinating the preparation of and the adoption of  
2481 the plan. The department shall:

2482 (a) Collect and evaluate credible scientific information  
2483 on the effect of nutrients, particularly forms of nitrogen, on  
2484 springs and springs systems; and

2485 (b) Develop a public education plan to provide area  
2486 residents with reliable, understandable information about onsite  
2487 sewage treatment and disposal systems and springs.

2488  
2489 In addition to the requirements in s. 403.067, the plan shall  
2490 include options for repair, upgrade, replacement, drainfield  
2491 modification, addition of effective nitrogen reducing features,  
2492 connection to a central sewerage system, or other action for an  
2493 onsite sewage treatment and disposal system or group of systems  
2494 within a priority focus area that contribute at least 20 percent  
2495 of nonpoint source nitrogen pollution or if the department  
2496 determines remediation is necessary to achieve a total maximum  
2497 daily load. For these systems, the department shall include in  
2498 the plan a priority ranking for each system or group of systems  
2499 that requires remediation and shall award funds to implement the  
2500 remediation projects contingent on an appropriation in the

2501 General Appropriations Act, which may include all or part of the  
 2502 costs necessary for repair, upgrade, replacement, drainfield  
 2503 modification, addition of effective nitrogen reducing features,  
 2504 initial connection to a central sewerage system, or other  
 2505 action. In awarding funds, the department may consider expected  
 2506 nutrient reduction benefit per unit cost, size and scope of  
 2507 project, relative local financial contribution to the project,  
 2508 and the financial impact on property owners and the community.  
 2509 The department may waive matching funding requirements for  
 2510 proposed projects within an area designated as a rural area of  
 2511 opportunity under s. 288.0656.

2512 Section 34. Paragraph (k) of subsection (1) of section  
 2513 376.307, Florida Statutes, is amended to read:

2514 376.307 Water Quality Assurance Trust Fund.—

2515 (1) The Water Quality Assurance Trust Fund is intended to  
 2516 serve as a broad-based fund for use in responding to incidents  
 2517 of contamination that pose a serious danger to the quality of  
 2518 groundwater and surface water resources or otherwise pose a  
 2519 serious danger to the public health, safety, or welfare. Moneys  
 2520 in this fund may be used:

2521 (k) For funding activities described in s. 403.086(10) ~~s.~~  
 2522 ~~403.086(9)~~ which are authorized for implementation under the  
 2523 Leah Schad Memorial Ocean Outfall Program.

2524 Section 35. Paragraph (i) of subsection (2), paragraph (b)  
 2525 of subsection (4), paragraph (j) of subsection (7), and

2526 paragraph (a) of subsection (9) of section 380.0552, Florida  
 2527 Statutes, are amended to read:

2528 380.0552 Florida Keys Area; protection and designation as  
 2529 area of critical state concern.—

2530 (2) LEGISLATIVE INTENT.—It is the intent of the  
 2531 Legislature to:

2532 (i) Protect and improve the nearshore water quality of the  
 2533 Florida Keys through federal, state, and local funding of water  
 2534 quality improvement projects, including the construction and  
 2535 operation of wastewater management facilities that meet the  
 2536 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,  
 2537 as applicable.

2538 (4) REMOVAL OF DESIGNATION.—

2539 (b) Beginning November 30, 2010, the state land planning  
 2540 agency shall annually submit a written report to the  
 2541 Administration Commission describing the progress of the Florida  
 2542 Keys Area toward completing the work program tasks specified in  
 2543 commission rules. The land planning agency shall recommend  
 2544 removing the Florida Keys Area from being designated as an area  
 2545 of critical state concern to the commission if it determines  
 2546 that:

2547 1. All of the work program tasks have been completed,  
 2548 including construction of, operation of, and connection to  
 2549 central wastewater management facilities pursuant to s.  
 2550 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage

2551 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2552 2. All local comprehensive plans and land development  
 2553 regulations and the administration of such plans and regulations  
 2554 are adequate to protect the Florida Keys Area, fulfill the  
 2555 legislative intent specified in subsection (2), and are  
 2556 consistent with and further the principles guiding development;  
 2557 and

2558 3. A local government has adopted a resolution at a public  
 2559 hearing recommending the removal of the designation.

2560 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
 2561 and local agencies and units of government in the Florida Keys  
 2562 Area shall coordinate their plans and conduct their programs and  
 2563 regulatory activities consistent with the principles for guiding  
 2564 development as specified in chapter 27F-8, Florida  
 2565 Administrative Code, as amended effective August 23, 1984, which  
 2566 is adopted and incorporated herein by reference. For the  
 2567 purposes of reviewing the consistency of the adopted plan, or  
 2568 any amendments to that plan, with the principles for guiding  
 2569 development, and any amendments to the principles, the  
 2570 principles shall be construed as a whole and specific provisions  
 2571 may not be construed or applied in isolation from the other  
 2572 provisions. However, the principles for guiding development are  
 2573 repealed 18 months from July 1, 1986. After repeal, any plan  
 2574 amendments must be consistent with the following principles:

2575 (j) Ensuring the improvement of nearshore water quality by

2576 requiring the construction and operation of wastewater  
 2577 management facilities that meet the requirements of ss.  
 2578 381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable,  
 2579 and by directing growth to areas served by central wastewater  
 2580 treatment facilities through permit allocation systems.

2581 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2582 (a) Any land development regulation or element of a local  
 2583 comprehensive plan in the Florida Keys Area may be enacted,  
 2584 amended, or rescinded by a local government, but the enactment,  
 2585 amendment, or rescission becomes effective only upon approval by  
 2586 the state land planning agency. The state land planning agency  
 2587 shall review the proposed change to determine if it is in  
 2588 compliance with the principles for guiding development specified  
 2589 in chapter 27F-8, Florida Administrative Code, as amended  
 2590 effective August 23, 1984, and must approve or reject the  
 2591 requested changes within 60 days after receipt. Amendments to  
 2592 local comprehensive plans in the Florida Keys Area must also be  
 2593 reviewed for compliance with the following:

2594 1. Construction schedules and detailed capital financing  
 2595 plans for wastewater management improvements in the annually  
 2596 adopted capital improvements element, and standards for the  
 2597 construction of wastewater treatment and disposal facilities or  
 2598 collection systems that meet or exceed the criteria in s.  
 2599 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal  
 2600 facilities or s. 381.0065(4)(1) for onsite sewage treatment and



2601 disposal systems.

2602         2. Goals, objectives, and policies to protect public  
 2603 safety and welfare in the event of a natural disaster by  
 2604 maintaining a hurricane evacuation clearance time for permanent  
 2605 residents of no more than 24 hours. The hurricane evacuation  
 2606 clearance time shall be determined by a hurricane evacuation  
 2607 study conducted in accordance with a professionally accepted  
 2608 methodology and approved by the state land planning agency.

2609         Section 36. Section 381.006, Florida Statutes, is amended  
 2610 to read:

2611         381.006 Environmental health.—The Department of Health  
 2612 shall conduct an environmental health program as part of  
 2613 fulfilling the state's public health mission. The purpose of  
 2614 this program is to detect and prevent disease caused by natural  
 2615 and manmade factors in the environment. The environmental health  
 2616 program shall include, but not be limited to:

2617             (1) A drinking water function.

2618             (2) An environmental health surveillance function which  
 2619 shall collect, compile, and correlate information on public  
 2620 health and exposure to hazardous substances through sampling and  
 2621 testing of water, air, or foods. Environmental health  
 2622 surveillance shall include a comprehensive assessment of  
 2623 drinking water under the department's supervision and an indoor  
 2624 air quality testing and monitoring program to assess health  
 2625 risks from exposure to chemical, physical, and biological agents

2626 | in the indoor environment.

2627 |       (3) A toxicology and hazard assessment function which  
2628 | shall conduct toxicological and human health risk assessments of  
2629 | exposure to toxic agents, for the purposes of:

2630 |       (a) Supporting determinations by the State Health Officer  
2631 | of safe levels of contaminants in water, air, or food if  
2632 | applicable standards or criteria have not been adopted. These  
2633 | determinations shall include issuance of health advisories to  
2634 | protect the health and safety of the public at risk from  
2635 | exposure to toxic agents.

2636 |       (b) Provision of human toxicological health risk  
2637 | assessments to the public and other governmental agencies to  
2638 | characterize the risks to the public from exposure to  
2639 | contaminants in air, water, or food.

2640 |       (c) Consultation and technical assistance to the  
2641 | Department of Environmental Protection and other governmental  
2642 | agencies on actions necessary to ameliorate exposure to toxic  
2643 | agents, including the emergency provision by the Department of  
2644 | Environmental Protection of drinking water in cases of drinking  
2645 | water contamination that present an imminent and substantial  
2646 | threat to the public's health, as required by s.  
2647 | 376.30(3)(c)1.a.

2648 |       (d) Monitoring and reporting the body burden of toxic  
2649 | agents to estimate past exposure to these toxic agents, predict  
2650 | future health effects, and decrease the incidence of poisoning

2651 by identifying and eliminating exposure.

2652 (4) A sanitary nuisance function, as that term is defined  
2653 in chapter 386.

2654 (5) A migrant labor function.

2655 (6) A public facilities function, including sanitary  
2656 practices relating to state, county, municipal, and private  
2657 institutions serving the public; jointly with the Department of  
2658 Education, publicly and privately owned schools; all places used  
2659 for the incarceration of prisoners and inmates of state  
2660 institutions for the mentally ill; toilets and washrooms in all  
2661 public places and places of employment; any other condition,  
2662 place, or establishment necessary for the control of disease or  
2663 the protection and safety of public health.

2664 ~~(7) An onsite sewage treatment and disposal function.~~

2665 (7)~~(8)~~ A biohazardous waste control function.

2666 (8)~~(9)~~ A function to control diseases transmitted from  
2667 animals to humans, including the segregation, quarantine, and  
2668 destruction of domestic pets and wild animals having or  
2669 suspected of having such diseases.

2670 (9)~~(10)~~ An environmental epidemiology function which shall  
2671 investigate food-borne disease, waterborne disease, and other  
2672 diseases of environmental causation, whether of chemical,  
2673 radiological, or microbiological origin. A \$10 surcharge for  
2674 this function shall be assessed upon all persons permitted under  
2675 chapter 500. This function shall include an educational program

2676 for physicians and health professionals designed to promote  
2677 surveillance and reporting of environmental diseases, and to  
2678 further the dissemination of knowledge about the relationship  
2679 between toxic substances and human health which will be useful  
2680 in the formulation of public policy and will be a source of  
2681 information for the public.

2682 (10)~~(11)~~ Mosquito and pest control functions as provided  
2683 in chapters 388 and 482.

2684 (11)~~(12)~~ A radiation control function as provided in  
2685 chapter 404 and part IV of chapter 468.

2686 (12)~~(13)~~ A public swimming and bathing facilities function  
2687 as provided in chapter 514.

2688 (13)~~(14)~~ A mobile home park, lodging park, recreational  
2689 vehicle park, and recreational camp function as provided in  
2690 chapter 513.

2691 (14)~~(15)~~ A sanitary facilities function, which shall  
2692 include minimum standards for the maintenance and sanitation of  
2693 sanitary facilities; public access to sanitary facilities; and  
2694 fixture ratios for special or temporary events and for homeless  
2695 shelters.

2696 (15)~~(16)~~ A group-care-facilities function. As used in this  
2697 subsection, the term "group care facility" means any public or  
2698 private school, assisted living facility, adult family-care  
2699 home, adult day care center, short-term residential treatment  
2700 center, residential treatment facility, home for special

2701 services, transitional living facility, crisis stabilization  
2702 unit, hospice, prescribed pediatric extended care center,  
2703 intermediate care facility for persons with developmental  
2704 disabilities, or boarding school. The department may adopt rules  
2705 necessary to protect the health and safety of residents, staff,  
2706 and patrons of group care facilities. Rules related to public  
2707 and private schools shall be developed by the Department of  
2708 Education in consultation with the department. Rules adopted  
2709 under this subsection may include definitions of terms;  
2710 provisions relating to operation and maintenance of facilities,  
2711 buildings, grounds, equipment, furnishings, and occupant-space  
2712 requirements; lighting; heating, cooling, and ventilation; food  
2713 service; water supply and plumbing; sewage; sanitary facilities;  
2714 insect and rodent control; garbage; safety; personnel health,  
2715 hygiene, and work practices; and other matters the department  
2716 finds are appropriate or necessary to protect the safety and  
2717 health of the residents, staff, students, faculty, or patrons.  
2718 The department may not adopt rules that conflict with rules  
2719 adopted by the licensing or certifying agency. The department  
2720 may enter and inspect at reasonable hours to determine  
2721 compliance with applicable statutes or rules. In addition to any  
2722 sanctions that the department may impose for violations of rules  
2723 adopted under this section, the department shall also report  
2724 such violations to any agency responsible for licensing or  
2725 certifying the group care facility. The licensing or certifying

2726 agency may also impose any sanction based solely on the findings  
2727 of the department.

2728 (16)~~(17)~~ A function for investigating elevated levels of  
2729 lead in blood. Each participating county health department may  
2730 expend funds for federally mandated certification or  
2731 recertification fees related to conducting investigations of  
2732 elevated levels of lead in blood.

2733 (17)~~(18)~~ A food service inspection function for domestic  
2734 violence centers that are certified by the Department of  
2735 Children and Families and monitored by the Florida Coalition  
2736 Against Domestic Violence under part XII of chapter 39 and group  
2737 care homes as described in subsection (15)~~(16)~~, which shall be  
2738 conducted annually and be limited to the requirements in  
2739 department rule applicable to community-based residential  
2740 facilities with five or fewer residents.

2741  
2742 The department may adopt rules to carry out ~~the provisions of~~  
2743 this section.

2744 Section 37. Subsection (1) of section 381.0061, Florida  
2745 Statutes, is amended to read:

2746 381.0061 Administrative fines.—

2747 (1) In addition to any administrative action authorized by  
2748 chapter 120 or by other law, the department may impose a fine,  
2749 which shall not exceed \$500 for each violation, for a violation  
2750 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.

2751 381.0072, or part III of chapter 489, for a violation of any  
 2752 rule adopted under this chapter, or for a violation of any of  
 2753 the provisions of chapter 386. Notice of intent to impose such  
 2754 fine shall be given by the department to the alleged violator.  
 2755 Each day that a violation continues may constitute a separate  
 2756 violation.

2757 Section 38. Subsection (1) of section 381.0064, Florida  
 2758 Statutes, is amended to read:

2759 381.0064 Continuing education courses for persons  
 2760 installing or servicing septic tanks.—

2761 (1) The Department of Environmental Protection ~~Health~~  
 2762 shall establish a program for continuing education which meets  
 2763 the purposes of ss. 381.0101 and 489.554 regarding the public  
 2764 health and environmental effects of onsite sewage treatment and  
 2765 disposal systems and any other matters the department determines  
 2766 desirable for the safe installation and use of onsite sewage  
 2767 treatment and disposal systems. The department may charge a fee  
 2768 to cover the cost of such program.

2769 Section 39. Section 403.08601, Florida Statutes, is  
 2770 amended to read:

2771 403.08601 Leah Schad Memorial Ocean Outfall Program.—The  
 2772 Legislature declares that as funds become available the state  
 2773 may assist the local governments and agencies responsible for  
 2774 implementing the Leah Schad Memorial Ocean Outfall Program  
 2775 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from

2776 other sources provided for in law, the General Appropriations  
 2777 Act, from gifts designated for implementation of the plan from  
 2778 individuals, corporations, or other entities, or federal funds  
 2779 appropriated by Congress for implementation of the plan, may be  
 2780 deposited into an account of the Water Quality Assurance Trust  
 2781 Fund.

2782 Section 40. Section 403.0871, Florida Statutes, is amended  
 2783 to read:

2784 403.0871 Florida Permit Fee Trust Fund.—There is  
 2785 established within the department a nonlapsing trust fund to be  
 2786 known as the "Florida Permit Fee Trust Fund." All funds received  
 2787 from applicants for permits pursuant to ss. 161.041, 161.053,  
 2788 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7) (a) shall be  
 2789 deposited in the Florida Permit Fee Trust Fund and shall be used  
 2790 by the department with the advice and consent of the Legislature  
 2791 to supplement appropriations and other funds received by the  
 2792 department for the administration of its responsibilities under  
 2793 this chapter and chapter 161. In no case shall funds from the  
 2794 Florida Permit Fee Trust Fund be used for salary increases  
 2795 without the approval of the Legislature.

2796 Section 41. Paragraph (a) of subsection (11) of section  
 2797 403.0872, Florida Statutes, is amended to read:

2798 403.0872 Operation permits for major sources of air  
 2799 pollution; annual operation license fee.—Provided that program  
 2800 approval pursuant to 42 U.S.C. s. 7661a has been received from



2801 the United States Environmental Protection Agency, beginning  
2802 January 2, 1995, each major source of air pollution, including  
2803 electrical power plants certified under s. 403.511, must obtain  
2804 from the department an operation permit for a major source of  
2805 air pollution under this section. This operation permit is the  
2806 only department operation permit for a major source of air  
2807 pollution required for such source; provided, at the applicant's  
2808 request, the department shall issue a separate acid rain permit  
2809 for a major source of air pollution that is an affected source  
2810 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits  
2811 for major sources of air pollution, except general permits  
2812 issued pursuant to s. 403.814, must be issued in accordance with  
2813 the procedures contained in this section and in accordance with  
2814 chapter 120; however, to the extent that chapter 120 is  
2815 inconsistent with ~~the provisions of~~ this section, the procedures  
2816 contained in this section prevail.

2817 (11) Each major source of air pollution permitted to  
2818 operate in this state must pay between January 15 and April 1 of  
2819 each year, upon written notice from the department, an annual  
2820 operation license fee in an amount determined by department  
2821 rule. The annual operation license fee shall be terminated  
2822 immediately in the event the United States Environmental  
2823 Protection Agency imposes annual fees solely to implement and  
2824 administer the major source air-operation permit program in  
2825 Florida under 40 C.F.R. s. 70.10(d).

2826 (a) The annual fee must be assessed based upon the  
2827 source's previous year's emissions and must be calculated by  
2828 multiplying the applicable annual operation license fee factor  
2829 times the tons of each regulated air pollutant actually emitted,  
2830 as calculated in accordance with the department's emissions  
2831 computation and reporting rules. The annual fee shall only apply  
2832 to those regulated pollutants, except carbon monoxide and  
2833 greenhouse gases, for which an allowable numeric emission  
2834 limiting standard is specified in the source's most recent  
2835 construction or operation permit; provided, however, that:

2836 1. The license fee factor is \$25 or another amount  
2837 determined by department rule which ensures that the revenue  
2838 provided by each year's operation license fees is sufficient to  
2839 cover all reasonable direct and indirect costs of the major  
2840 stationary source air-operation permit program established by  
2841 this section. The license fee factor may be increased beyond \$25  
2842 only if the secretary of the department affirmatively finds that  
2843 a shortage of revenue for support of the major stationary source  
2844 air-operation permit program will occur in the absence of a fee  
2845 factor adjustment. The annual license fee factor may never  
2846 exceed \$35.

2847 2. The amount of each regulated air pollutant in excess of  
2848 4,000 tons per year emitted by any source, or group of sources  
2849 belonging to the same Major Group as described in the Standard  
2850 Industrial Classification Manual, 1987, may not be included in

2851 the calculation of the fee. Any source, or group of sources,  
2852 which does not emit any regulated air pollutant in excess of  
2853 4,000 tons per year, is allowed a one-time credit not to exceed  
2854 25 percent of the first annual licensing fee for the prorated  
2855 portion of existing air-operation permit application fees  
2856 remaining upon commencement of the annual licensing fees.

2857 3. If the department has not received the fee by March 1  
2858 of the calendar year, the permittee must be sent a written  
2859 warning of the consequences for failing to pay the fee by April  
2860 1. If the fee is not postmarked by April 1 of the calendar year,  
2861 the department shall impose, in addition to the fee, a penalty  
2862 of 50 percent of the amount of the fee, plus interest on such  
2863 amount computed in accordance with s. 220.807. The department  
2864 may not impose such penalty or interest on any amount underpaid,  
2865 provided that the permittee has timely remitted payment of at  
2866 least 90 percent of the amount determined to be due and remits  
2867 full payment within 60 days after receipt of notice of the  
2868 amount underpaid. The department may waive the collection of  
2869 underpayment and may ~~shall~~ not be required to refund overpayment  
2870 of the fee, if the amount due is less than 1 percent of the fee,  
2871 up to \$50. The department may revoke any major air pollution  
2872 source operation permit if it finds that the permitholder has  
2873 failed to timely pay any required annual operation license fee,  
2874 penalty, or interest.

2875 4. Notwithstanding the computational provisions of this

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2876 subsection, the annual operation license fee for any source  
2877 subject to this section may ~~shall~~ not be less than \$250, except  
2878 that the annual operation license fee for sources permitted  
2879 solely through general permits issued under s. 403.814 may ~~shall~~  
2880 not exceed \$50 per year.

2881 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes  
2882 ~~the provisions of s. 403.087(6)(a)5.a.~~, authorizing air  
2883 pollution construction permit fees, the department may not  
2884 require such fees for changes or additions to a major source of  
2885 air pollution permitted pursuant to this section, unless the  
2886 activity triggers permitting requirements under Title I, Part C  
2887 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-  
2888 7514a. Costs to issue and administer such permits shall be  
2889 considered direct and indirect costs of the major stationary  
2890 source air-operation permit program under s. 403.0873. The  
2891 department shall, however, require fees pursuant to s.  
2892 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the  
2893 construction of a new major source of air pollution that will be  
2894 subject to the permitting requirements of this section once  
2895 constructed and for activities triggering permitting  
2896 requirements under Title I, Part C or Part D, of the federal  
2897 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

2898 Section 42. Paragraph (b) of subsection (7) of section  
2899 403.1835, Florida Statutes, is amended to read:

2900 403.1835 Water pollution control financial assistance.—

2901 (7) Eligible projects must be given priority according to  
 2902 the extent each project is intended to remove, mitigate, or  
 2903 prevent adverse effects on surface or ground water quality and  
 2904 public health. The relative costs of achieving environmental and  
 2905 public health benefits must be taken into consideration during  
 2906 the department's assignment of project priorities. The  
 2907 department shall adopt a priority system by rule. In developing  
 2908 the priority system, the department shall give priority to  
 2909 projects that:

2910 (b) Enable compliance with laws requiring the elimination  
 2911 of discharges to specific water bodies, including the  
 2912 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic  
 2913 wastewater ocean outfalls;

2914 Section 43. Paragraph (d) of subsection (3) of section  
 2915 403.707, Florida Statutes, is amended to read:

2916 403.707 Permits.—

2917 (3)

2918 (d) The department may adopt rules to administer this  
 2919 subsection. However, the department is not required to submit  
 2920 such rules to the Environmental Regulation Commission for  
 2921 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~  
 2922 ~~403.087(6)(a)~~, permit fee caps for solid waste management  
 2923 facilities shall be prorated to reflect the extended permit term  
 2924 authorized by this subsection.

2925 Section 44. Subsections (8) and (21) of section 403.861,

2926 Florida Statutes, are amended to read:

2927 403.861 Department; powers and duties.—The department  
 2928 shall have the power and the duty to carry out the provisions  
 2929 and purposes of this act and, for this purpose, to:

2930 (8) Initiate rulemaking to increase each drinking water  
 2931 permit application fee authorized under s. 403.087(7) ~~s.~~  
 2932 ~~403.087(6)~~ and this part and adopted by rule to ensure that such  
 2933 fees are increased to reflect, at a minimum, any upward  
 2934 adjustment in the Consumer Price Index compiled by the United  
 2935 States Department of Labor, or similar inflation indicator,  
 2936 since the original fee was established or most recently revised.

2937 (a) The department shall establish by rule the inflation  
 2938 index to be used for this purpose. The department shall review  
 2939 the drinking water permit application fees authorized under s.  
 2940 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5  
 2941 years and shall adjust the fees upward, as necessary, within the  
 2942 established fee caps to reflect changes in the Consumer Price  
 2943 Index or similar inflation indicator. In the event of deflation,  
 2944 the department shall consult with the Executive Office of the  
 2945 Governor and the Legislature to determine whether downward fee  
 2946 adjustments are appropriate based on the current budget and  
 2947 appropriation considerations. The department shall also review  
 2948 the drinking water operation license fees established pursuant  
 2949 to paragraph (7) (b) at least once every 5 years to adopt, as  
 2950 necessary, the same inflationary adjustments provided for in

2951 this subsection.

2952 (b) The minimum fee amount shall be the minimum fee  
2953 prescribed in this section, and such fee amount shall remain in  
2954 effect until the effective date of fees adopted by rule by the  
2955 department.

2956 (21) (a) Upon issuance of a construction permit to  
2957 construct a new public water system drinking water treatment  
2958 facility to provide potable water supply using a surface water  
2959 that, at the time of the permit application, is not being used  
2960 as a potable water supply, and the classification of which does  
2961 not include potable water supply as a designated use, the  
2962 department shall add treated potable water supply as a  
2963 designated use of the surface water segment in accordance with  
2964 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

2965 (b) For existing public water system drinking water  
2966 treatment facilities that use a surface water as a treated  
2967 potable water supply, which surface water classification does  
2968 not include potable water supply as a designated use, the  
2969 department shall add treated potable water supply as a  
2970 designated use of the surface water segment in accordance with  
2971 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

2972 Section 45. Effective July 1, 2021, subsection (1) of  
2973 section 489.551, Florida Statutes, is amended to read:

2974 489.551 Definitions.—As used in this part:

2975 (1) "Department" means the Department of Environmental

2976 Protection ~~Health~~.

2977 Section 46. Paragraph (b) of subsection (10) of section  
2978 590.02, Florida Statutes, is amended to read:

2979 590.02 Florida Forest Service; powers, authority, and  
2980 duties; liability; building structures; Withlacoochee Training  
2981 Center.—

2982 (10)

2983 (b) The Florida Forest Service may delegate to a county,  
2984 municipality, or special district its authority:

2985 1. As delegated by the Department of Environmental  
2986 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and  
2987 403.081, to manage and enforce regulations pertaining to the  
2988 burning of yard trash in accordance with s. 590.125(6).

2989 2. To manage the open burning of land clearing debris in  
2990 accordance with s. 590.125.

2991 Section 47. Except as otherwise expressly provided in this  
2992 act and except for this section, which shall take effect upon  
2993 this act becoming a law, this act shall take effect July 1,  
2994 2021.