

1 A bill to be entitled
2 An act relating to environmental resource management;
3 providing a short title; requiring the Department of
4 Health to provide a report regarding the Onsite Sewage
5 Program to the Governor and Legislature by a specified
6 date; directing the Department of Health and the
7 Department of Environmental Protection to submit
8 recommendations regarding the transfer of the program
9 to the Governor and Legislature by a specified date;
10 requiring the departments to enter into an interagency
11 agreement that meets certain requirements by a
12 specified date; transferring the Onsite Sewage Program
13 in the 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. 20.255, F.S.; revising
17 the number of Cabinet members required to concur with
18 the appointment of the Secretary of Environmental
19 Protection; amending s. 373.036, F.S.; directing water
20 management districts to submit consolidated annual
21 reports to the Office of Economic and Demographic
22 Research; requiring such reports to include connection
23 and conversion projects for onsite sewage treatment
24 and disposal systems; amending s. 373.223, F.S.;
25 requiring the Department of Environmental Protection,

26 | in coordination with the water management districts,
27 | to conduct a study on the bottled water industry in
28 | the state; providing requirements for the study;
29 | requiring the department to submit a report to the
30 | Governor, Legislature, and Office of Economic and
31 | Demographic Research by a specified date; providing
32 | definitions; prohibiting the approval of certain
33 | consumptive use permits; providing exceptions;
34 | providing for expiration of such prohibition; amending
35 | s. 373.4131, F.S.; requiring the Department of
36 | Environmental Protection to include stormwater
37 | structural control inspections as part of its regular
38 | staff training; requiring the department and the water
39 | management districts to adopt rules regarding
40 | stormwater design and operation regulations by a
41 | specified date and address specified information as
42 | part of such rule development; requiring the
43 | department to evaluate data relating to self-
44 | certification and provide the Legislature with
45 | recommendations for improvements; amending s.
46 | 381.0065, F.S.; authorizing the use of specified
47 | nutrient reducing onsite sewage treatment and disposal
48 | systems to meet certain total maximum daily load
49 | requirements; requiring the Department of
50 | Environmental Protection to adopt rules relating to

51 the location of onsite sewage treatment and disposal
52 systems and complete such rulemaking by a specified
53 date; providing requirements for such rules; requiring
54 the department to determine that a hardship exists for
55 certain variance applicants; providing a definition;
56 providing that certain provisions relating to existing
57 setback requirements are applicable to permits only
58 until the effective date of certain rules adopted by
59 the department; removing provisions requiring certain
60 onsite sewage treatment and disposal system research
61 projects to be approved by a Department of Health
62 technical review and advisory panel; removing
63 provisions prohibiting the award of research projects
64 to certain entities; removing provisions establishing
65 a Department of Health onsite sewage treatment and
66 disposal system research review and advisory
67 committee; conforming provisions to changes made by
68 the act; amending s. 381.00651, F.S.; directing county
69 health departments to coordinate with the Department
70 of Environmental Protection to administer onsite
71 sewage treatment and disposal system evaluation and
72 assessment programs; conforming provisions to changes
73 made by the act; creating s. 381.00652, F.S.;

74 authorizing the Department of Environmental
75 Protection, in consultation with the Department of

76 Health, to appoint an onsite sewage treatment and
77 disposal systems technical advisory committee;
78 providing for committee purpose, membership, and
79 expiration; requiring the committee to submit its
80 recommendations to the Governor and Legislature;
81 repealing s. 381.0068, F.S., relating to the
82 Department of Health onsite sewage treatment and
83 disposal systems technical review and advisory panel;
84 amending s. 403.061, F.S.; requiring the department to
85 adopt rules relating to domestic wastewater collection
86 and transmission system pipe leakages and inflow and
87 infiltration; requiring the department to adopt rules
88 to require public utilities or their affiliated
89 companies holding, applying for, or renewing a
90 domestic wastewater discharge permit to file certain
91 annual reports and data with the department; creating
92 s. 403.0616, F.S.; requiring the department, subject
93 to legislative appropriation, to establish a real-time
94 water quality monitoring program; encouraging the
95 formation of public-private partnerships; amending s.
96 403.067, F.S.; requiring basin management action plans
97 for nutrient total maximum daily loads to include
98 wastewater treatment and onsite sewage treatment and
99 disposal system remediation plans that meet certain
100 requirements; requiring the Department of Agriculture

101 and Consumer Services to collect fertilizer
102 application records from certain agricultural
103 producers and provide the information to the
104 department annually by a specified date; requiring the
105 Department of Agriculture and Consumer Services to
106 perform onsite inspections of the agricultural
107 producers at specified intervals; providing for
108 prioritization of such inspections; requiring certain
109 basin management action plans to include cooperative
110 agricultural regional water quality improvement
111 elements; authorizing the Department of Agriculture
112 and Consumer Services, in cooperation with specified
113 entities, to annually develop research plans and
114 legislative budget requests relating to best
115 management practices by a specified date; requiring
116 such entities to submit such plans to the Department
117 of Environmental Protection and the Department of
118 Agriculture and Consumer Services by a specific date;
119 requiring the Department of Environmental Protection
120 to work with specified entities to consider the
121 adoption of best management practices for nutrient
122 impacts from golf courses; creating s. 403.0671, F.S.;
123 directing the Department of Environmental Protection,
124 in coordination with specified entities, to submit a
125 report regarding wastewater projects identified in the

126 basin management action plans to the Governor and
127 Legislature by a specified date and to submit certain
128 wastewater project cost estimates to the Office of
129 Economic and Demographic Research; creating s.
130 403.0673, F.S.; establishing a wastewater grant
131 program within the Department of Environmental
132 Protection; authorizing the department to distribute
133 appropriated funds for certain projects; providing
134 requirements for the distribution; requiring the
135 department to coordinate with each water management
136 district to identify grant recipients; requiring an
137 annual report to the Governor and Legislature by a
138 specified date; creating s. 403.0855, F.S.; providing
139 legislative findings regarding the regulation of
140 biosolids management in this state; requiring the
141 department to adopt rules; providing that such rules
142 are not effective until ratified by the Legislature;
143 providing requirements for certain biosolids land
144 application site permittees and permits; providing a
145 definition; authorizing the enforcement or extension
146 of certain local government regulations relating to
147 the land application of specified biosolids until such
148 regulations are repealed; amending s. 403.086, F.S.;
149 prohibiting sewage disposal facilities from disposing
150 waste into the Indian River Lagoon beginning on a

151 specified date without certain advanced waste
152 treatment; directing the Department of Environmental
153 Protection, in consultation with specified entities,
154 to submit a report to the Governor and Legislature by
155 a specified date; requiring sewage disposal facilities
156 to have a power outage contingency plan, to take steps
157 to prevent overflows and leaks and ensure that the
158 wastewater reaches the facility for appropriate
159 treatment, and to provide the Department of
160 Environmental Protection with certain information;
161 requiring the department to adopt rules; limiting the
162 scope of such rules; authorizing utilities and
163 operating entities to consolidate certain reports;
164 providing that specified compliance is evidence in
165 mitigation for assessment of certain penalties;
166 amending s. 403.087, F.S.; requiring the department to
167 issue operation permits for certain domestic
168 wastewater treatment facilities under certain
169 circumstances; amending s. 403.088, F.S.; revising the
170 permit conditions for a water pollution operation
171 permit; requiring the department to submit a report
172 identifying all domestic wastewater treatment
173 facilities that experienced sanitary sewer overflows
174 to the Governor and Legislature by a specified date;
175 amending s. 403.0891, F.S.; requiring model stormwater

176 management programs to contain model ordinances for
 177 nutrient reduction practices and green infrastructure;
 178 amending s. 403.121, F.S.; revising administrative
 179 penalties for violations of ch. 403, F.S.; amending
 180 ss. 403.1835 and 403.1838, F.S.; requiring the
 181 Department of Environmental Protection to give funding
 182 priority to certain domestic wastewater utility
 183 projects; amending s. 403.412, F.S.; prohibiting local
 184 governments from recognizing or granting certain legal
 185 rights to the natural environment or granting such
 186 rights relating to the natural environment to a person
 187 or political subdivision; providing construction;
 188 providing a determination and declaration of important
 189 state interest; amending ss. 153.54, 153.73, 163.3180,
 190 180.03, 311.105, 327.46, 373.250, 373.414, 373.705,
 191 373.707, 373.709, 373.807, 376.307, 380.0552, 381.006,
 192 381.0061, 381.0064, 381.0101, 403.08601, 403.0871,
 193 403.0872, 403.707, 403.861, 489.551, and 590.02, F.S.;
 194 conforming cross-references and provisions to changes
 195 made by the act; providing a directive to the Division
 196 of Law Revision; providing effective dates.

197

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

199

200 Section 1. This act may be cited as the "Clean Waterways

201 Act."

202 Section 2. (1) By July 1, 2020, the Department of Health
203 must provide a report to the Governor, the President of the
204 Senate, and the Speaker of the House of Representatives
205 detailing the following information regarding the Onsite Sewage
206 Program:

207 (a) The average number of permits issued each year;

208 (b) The number of department employees conducting work on
209 or related to the program each year; and

210 (c) The program's costs and expenditures, including, but
211 not limited to, salaries and benefits, equipment costs, and
212 contracting costs.

213 (2) By December 31, 2020, the Department of Health and the
214 Department of Environmental Protection shall submit
215 recommendations to the Governor, the President of the Senate,
216 and the Speaker of the House of Representatives regarding the
217 type two transfer of the Onsite Sewage Program in subsection
218 (4). The recommendations must address all aspects of the type
219 two transfer, including the continued role of the county health
220 departments in the permitting, inspection, and tracking of
221 onsite sewage treatment and disposal systems under the direction
222 of the Department of Environmental Protection.

223 (3) By June 30, 2021, the Department of Health and the
224 Department of Environmental Protection shall enter into an
225 interagency agreement based on the recommendations required

226 under subsection (2) and on recommendations from a plan that
227 must address all agency cooperation for a period of not less
228 than 5 years after the transfer, including:

229 (a) The continued role of the county health departments in
230 the permitting, inspection, data management, and tracking of
231 onsite sewage treatment and disposal systems under the direction
232 of the Department of Environmental Protection.

233 (b) The appropriate proportionate number of
234 administrative, auditing, inspector general, attorney, and
235 operational support positions, and their related funding levels
236 and sources and assigned property, to be transferred from the
237 Office of General Counsel, the Office of Inspector General, and
238 the Division of Administrative Services or other relevant
239 offices or divisions within the Department of Health to the
240 Department of Environmental Protection.

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

244 (d) Any operating budget adjustments that are necessary to
245 implement the requirements of this act. Adjustments made to the
246 operating budgets of the agencies in the implementation of this
247 act must be made in consultation with the appropriate
248 substantive and fiscal committees of the Senate and the House of
249 Representatives. The revisions to the approved operating budgets
250 for the 2021-2022 fiscal year which are necessary to reflect the

251 organizational changes made by this act must be implemented
252 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject
253 to s. 216.177, Florida Statutes. Subsequent adjustments between
254 the Department of Health and the Department of Environmental
255 Protection which are determined necessary by the respective
256 agencies and approved by the Executive Office of the Governor
257 are authorized and subject to s. 216.177, Florida Statutes. The
258 appropriate substantive committees of the Senate and the House
259 of Representatives must also be notified of the proposed
260 revisions to ensure their consistency with legislative policy
261 and intent.

262 (4) Effective July 1, 2021, all powers, duties, functions,
263 records, offices, personnel, associated administrative support
264 positions, property, pending issues, existing contracts,
265 administrative authority, administrative rules, and unexpended
266 balances of appropriations, allocations, and other funds for the
267 regulation of onsite sewage treatment and disposal systems
268 relating to the Onsite Sewage Program in the Department of
269 Health are transferred by a type two transfer, as defined in s.
270 20.06(2), Florida Statutes, to the Department of Environmental
271 Protection.

272 (5) Notwithstanding chapter 60L-34, Florida Administrative
273 Code, or any law to the contrary, employees who are transferred
274 from the Department of Health to the Department of Environmental
275 Protection to fill positions transferred by this act retain and

276 | transfer any accrued annual leave, sick leave, and regular and
 277 | special compensatory leave balances.

278 | Section 3. Subsection (1) of section 20.255, Florida
 279 | Statutes, is amended to read:

280 | 20.255 Department of Environmental Protection.—There is
 281 | created a Department of Environmental Protection.

282 | (1) The head of the Department of Environmental Protection
 283 | shall be a secretary, who shall be appointed by the Governor,
 284 | with the concurrence of two or more ~~three~~ members of the
 285 | Cabinet. The secretary shall be confirmed by the Florida Senate.
 286 | The secretary shall serve at the pleasure of the Governor.

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

289 | 373.036 Florida water plan; district water management
 290 | plans.—

291 | (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

292 | (a) By March 1, annually, each water management district
 293 | shall prepare and submit to the Office of Economic and
 294 | Demographic Research, the department, the Governor, the
 295 | President of the Senate, and the Speaker of the House of
 296 | Representatives a consolidated water management district annual
 297 | report on the management of water resources. In addition, copies
 298 | must be provided by the water management districts to the chairs
 299 | of all legislative committees having substantive or fiscal
 300 | jurisdiction over the districts and the governing board of each

301 county in the district having jurisdiction or deriving any funds
302 for operations of the district. Copies of the consolidated
303 annual report must be made available to the public, either in
304 printed or electronic format.

305 (b) The consolidated annual report shall contain the
306 following elements, as appropriate to that water management
307 district:

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

310 2. The department-approved minimum flows and minimum water
311 levels annual priority list and schedule required by s.
312 373.042(3).

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

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

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

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

321 7. The mitigation donation annual report required by s.
322 373.414(1)(b)2.

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

325 a. A list of all specific projects identified to implement

326 a basin management action plan, including any projects to
327 connect onsite sewage treatment and disposal systems to central
328 sewerage systems and convert onsite sewage treatment and
329 disposal systems to enhanced nutrient reducing onsite sewage
330 treatment and disposal systems, or a recovery or prevention
331 strategy;

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

337 c. The estimated cost for each listed project;

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

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

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

345 9. A grade for each watershed, water body, or water
346 segment in which a project listed under subparagraph 8. is
347 located representing the level of impairment and violations of
348 adopted minimum flow or minimum water levels. The grading system
349 must reflect the severity of the impairment of the watershed,
350 water body, or water segment.

351 Section 5. Subsections (7) and (8) are added to section
352 373.223, Florida Statutes, to read:

353 373.223 Conditions for a permit.—

354 (7) The department shall, in coordination with the water
355 management districts, conduct a study on the bottled water
356 industry in the state.

357 (a) The study must:

358 1. Identify all springs in the state associated with a
359 consumptive use permit for a bottled water facility producing
360 its product with water withdrawn from a spring. Such
361 identification must include:

362 a. The magnitude of the spring;

363 b. Whether the spring has been identified as an
364 Outstanding Florida Spring as defined in s. 373.802;

365 c. Any minimum flow or minimum water levels adopted by the
366 department or water management district, the status of any such
367 adopted minimum flow or minimum water levels, and any associated
368 recovery or prevention strategies;

369 d. The permitted and actual use associated with the
370 consumptive use permits;

371 e. The reduction in spring flow associated with the
372 permitted and actual use associated with the consumptive use
373 permits;

374 f. The impact of bottled water facilities on springs
375 compared to other users; and

376 g. The types of water conservation measures used by
377 bottled water facilities permitted to withdraw water from
378 springs.

379 2. Identify the labeling and marketing regulations
380 associated with the identification of bottled water as spring
381 water, including whether the regulations incentivize the
382 withdrawal of water from springs.

383 3. Evaluate the direct and indirect economic benefits to
384 the local communities resulting from bottled water facilities
385 that withdraw water from springs, including, but not limited to,
386 tax revenue, job creation, and wages.

387 4. Evaluate the direct and indirect costs to the local
388 communities located in proximity to springs impacted by
389 withdrawals from bottled water production, including, but not
390 limited to, the decreased recreational value of the spring and
391 the cost to other users for the development of alternative water
392 supply or reductions in permit durations and allocations.

393 5. Include a cost-benefit analysis of withdrawing,
394 producing, marketing, selling, and consuming spring water as
395 compared to other sources of bottled water.

396 6. Evaluate how much bottled water withdrawn from springs
397 is sold in the state.

398 (b) By June 30, 2021, the department shall submit a report
399 containing the findings of the study to the Governor, the
400 President of the Senate, the Speaker of the House of

401 Representatives, and the Office of Economic and Demographic
402 Research.

403 (c) As used in this section, the term:

404 1. "Bottled water" has the same meaning as in s. 500.03.

405 2. "Water withdrawn from a spring" means water withdrawn
406 from an underground formation from which water flows naturally
407 to the surface of the earth in the manner described in 21 C.F.R.
408 s. 165.110(a)(2)(vi).

409 (8) Beginning July 1, 2020, a new consumptive use permit,
410 or the renewal or modification of a consumptive use permit, that
411 authorizes the use of water withdrawn from a spring for bottled
412 water may not be approved by the governing board or the
413 department unless, in the case of a renewal or modification, the
414 application for renewal or modification was submitted to the
415 department or water management district before January 1, 2020.
416 This subsection expires June 30, 2022.

417 Section 6. Subsection (5) of section 373.4131, Florida
418 Statutes, is amended, and subsection (6) is added to that
419 section, to read:

420 373.4131 Statewide environmental resource permitting
421 rules.—

422 (5) To ensure consistent implementation and interpretation
423 of the rules adopted pursuant to this section, the department
424 shall conduct or oversee regular assessment and training of its
425 staff and the staffs of the water management districts and local

426 governments delegated local pollution control program authority
427 under s. 373.441. The training must include coordinating field
428 inspections of publicly and privately owned stormwater
429 structural controls, such as stormwater retention and detention
430 ponds.

431 (6) By January 1, 2021:

432 (a) The department and the water management districts
433 shall initiate rulemaking to update the stormwater design and
434 operation regulations, including updates to the environmental
435 resource permit applicant handbooks, using the most recent
436 scientific information available. As part of rule development,
437 the department shall consider and address low-impact design best
438 management practices and design criteria that increase the
439 removal of nutrients from stormwater discharges, and measures
440 for consistent application of the net improvement performance
441 standard to ensure significant reductions of any pollutant
442 loadings to a waterbody.

443 (b) The department shall evaluate inspection data relating
444 to compliance by those entities that submit a self-certification
445 under s. 403.814(12) and provide the Legislature with
446 recommendations for improvements to the self-certification
447 process.

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

450 381.0065 Onsite sewage treatment and disposal systems;

451 regulation.-

452 (7) USE OF ENHANCED NUTRIENT REDUCING ONSITE SEWAGE
 453 TREATMENT AND DISPOSAL SYSTEMS.-To meet the requirements of a
 454 total maximum daily load, the department shall implement a fast-
 455 track approval process of no longer than 6 months for the
 456 determination of the use of American National Standards
 457 Institute 245 systems approved by NSF International before July
 458 1, 2020.

459 Section 8. Effective July 1, 2021, paragraphs (d) and (e)
 460 and (g) through (q) of subsection (2) of section 381.0065,
 461 Florida Statutes, are redesignated as paragraphs (e) and (g) and
 462 (h) through (r), respectively, subsections (3) and (4) are
 463 amended, and a new paragraph (d) is added to subsection (2) of
 464 that section, to read:

465 381.0065 Onsite sewage treatment and disposal systems;
 466 regulation.-

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

469 (d) "Department" means the Department of Environmental
 470 Protection.

471 (3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL
 472 PROTECTION ~~HEALTH~~.-The department shall:

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

476 ~~health hazard exists,~~ increases for the lot-flow allowance for
477 performance-based systems, requirements for separation from
478 water table elevation during the wettest season, requirements
479 for the design and construction of any component part of an
480 onsite sewage treatment and disposal system, application and
481 permit requirements for persons who maintain an onsite sewage
482 treatment and disposal system, requirements for maintenance and
483 service agreements for aerobic treatment units and performance-
484 based treatment systems, and recommended standards, including
485 disclosure requirements, for voluntary system inspections to be
486 performed by individuals who are authorized by law to perform
487 such inspections and who shall inform a person having ownership,
488 control, or use of an onsite sewage treatment and disposal
489 system of the inspection standards and of that person's
490 authority to request an inspection based on all or part of the
491 standards.

492 (b) Perform application reviews and site evaluations,
493 issue permits, and conduct inspections and complaint
494 investigations associated with the construction, installation,
495 maintenance, modification, abandonment, operation, use, or
496 repair of an onsite sewage treatment and disposal system for a
497 residence or establishment with an estimated domestic sewage
498 flow of 10,000 gallons or less per day, or an estimated
499 commercial sewage flow of 5,000 gallons or less per day, which
500 is not currently regulated under chapter 403.

501 (c) Develop a comprehensive program to ensure that onsite
502 sewage treatment and disposal systems regulated by the
503 department are sized, designed, constructed, installed, sited,
504 repaired, modified, abandoned, used, operated, and maintained in
505 compliance with this section and rules adopted under this
506 section to prevent groundwater contamination, including impacts
507 from nutrient pollution, and surface water contamination and to
508 preserve the public health. The department is the final
509 administrative interpretive authority regarding rule
510 interpretation. In the event of a conflict regarding rule
511 interpretation, the Secretary of Environmental Protection ~~State~~
512 ~~Surgeon General,~~ or his or her designee, shall timely assign a
513 staff person to resolve the dispute.

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

516 (e) Permit the use of a limited number of innovative
517 systems for a specific period of time, when there is compelling
518 evidence that the system will function properly and reliably to
519 meet the requirements of this section and rules adopted under
520 this section.

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

522 (g) Establish and collect fees as established under s.
523 381.0066 for services provided with respect to onsite sewage
524 treatment and disposal systems.

525 (h) Conduct enforcement activities, including imposing

526 fines, issuing citations, suspensions, revocations, injunctions,
527 and emergency orders for violations of this section, part I of
528 chapter 386, or part III of chapter 489 or for a violation of
529 any rule adopted under this section, part I of chapter 386, or
530 part III of chapter 489.

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

534 (j) Supervise research on, demonstration of, and training
535 on the performance, environmental impact, and public health
536 impact of onsite sewage treatment and disposal systems within
537 this state. Research fees collected under s. 381.0066(2)(k) must
538 be used to develop and fund hands-on training centers designed
539 to provide practical information about onsite sewage treatment
540 and disposal systems to septic tank contractors, master septic
541 tank contractors, contractors, inspectors, engineers, and the
542 public and must also be used to fund research projects which
543 focus on improvements of onsite sewage treatment and disposal
544 systems, including use of performance-based standards and
545 reduction of environmental impact. Research projects shall be
546 ~~initially approved by the technical review and advisory panel~~
547 ~~and shall be~~ applicable to and reflect the soil conditions
548 specific to the state Florida. Such projects shall be awarded
549 through competitive negotiation, using the procedures provided
550 in s. 287.055, to public or private entities that have

551 | experience in onsite sewage treatment and disposal systems in
552 | the state Florida and that are principally located in the state
553 | ~~Florida. Research projects shall not be awarded to firms or~~
554 | ~~entities that employ or are associated with persons who serve on~~
555 | ~~either the technical review and advisory panel or the research~~
556 | ~~review and advisory committee.~~

557 | (k) Approve the installation of individual graywater
558 | disposal systems in which blackwater is treated by a central
559 | sewerage system.

560 | (l) Regulate and permit the sanitation, handling,
561 | treatment, storage, reuse, and disposal of byproducts from any
562 | system regulated under this chapter ~~and not regulated by the~~
563 | ~~Department of Environmental Protection.~~

564 | (m) Permit and inspect portable or temporary toilet
565 | services and holding tanks. The department shall review
566 | applications, perform site evaluations, and issue permits for
567 | the temporary use of holding tanks, privies, portable toilet
568 | services, or any other toilet facility that is intended for use
569 | on a permanent or nonpermanent basis, including facilities
570 | placed on construction sites when workers are present. The
571 | department may specify standards for the construction,
572 | maintenance, use, and operation of any such facility for
573 | temporary use.

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

576 systems. To ensure systems are maintained and operated according
577 to manufacturer's specifications and designs, the department
578 shall establish by rule minimum qualifying criteria for
579 maintenance entities. The criteria shall include: training,
580 access to approved spare parts and components, access to
581 manufacturer's maintenance and operation manuals, and service
582 response time. The maintenance entity shall employ a contractor
583 licensed under s. 489.105(3)(m), or part III of chapter 489, or
584 a state-licensed wastewater plant operator, who is responsible
585 for maintenance and repair of all systems under contract.

586 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
587 not construct, repair, modify, abandon, or operate an onsite
588 sewage treatment and disposal system without first obtaining a
589 permit approved by the department. The department may issue
590 permits to carry out this section, ~~but shall not make the~~
591 ~~issuance of such permits contingent upon prior approval by the~~
592 ~~department of Environmental Protection~~, except that the issuance
593 of a permit for work seaward of the coastal construction control
594 line established under s. 161.053 shall be contingent upon
595 receipt of any required coastal construction control line permit
596 from the department ~~of Environmental Protection~~. A construction
597 permit is valid for 18 months after ~~from~~ the date of issuance
598 ~~date~~ and may be extended by the department for one 90-day period
599 under rules adopted by the department. A repair permit is valid
600 for 90 days after ~~from~~ the date of issuance. An operating permit

601 must be obtained before ~~prior to~~ the use of any aerobic
602 treatment unit or if the establishment generates commercial
603 waste. Buildings or establishments that use an aerobic treatment
604 unit or generate commercial waste shall be inspected by the
605 department at least annually to assure compliance with the terms
606 of the operating permit. The operating permit for a commercial
607 wastewater system is valid for 1 year after ~~from~~ the date of
608 issuance and must be renewed annually. The operating permit for
609 an aerobic treatment unit is valid for 2 years after ~~from~~ the
610 date of issuance and must be renewed every 2 years. If all
611 information pertaining to the siting, location, and installation
612 conditions or repair of an onsite sewage treatment and disposal
613 system remains the same, a construction or repair permit for the
614 onsite sewage treatment and disposal system may be transferred
615 to another person, if the transferee files, within 60 days after
616 the transfer of ownership, an amended application providing all
617 corrected information and proof of ownership of the property. A
618 ~~There is no fee~~ is not associated with the processing of this
619 supplemental information. A person may not contract to
620 construct, modify, alter, repair, service, abandon, or maintain
621 any portion of an onsite sewage treatment and disposal system
622 without being registered under part III of chapter 489. A
623 property owner who personally performs construction,
624 maintenance, or repairs to a system serving his or her own
625 owner-occupied single-family residence is exempt from

626 registration requirements for performing such construction,
627 maintenance, or repairs on that residence, but is subject to all
628 permitting requirements. A municipality or political subdivision
629 of the state may not issue a building or plumbing permit for any
630 building that requires the use of an onsite sewage treatment and
631 disposal system unless the owner or builder has received a
632 construction permit for such system from the department. A
633 building or structure may not be occupied and a municipality,
634 political subdivision, or any state or federal agency may not
635 authorize occupancy until the department approves the final
636 installation of the onsite sewage treatment and disposal system.
637 A municipality or political subdivision of the state may not
638 approve any change in occupancy or tenancy of a building that
639 uses an onsite sewage treatment and disposal system until the
640 department has reviewed the use of the system with the proposed
641 change, approved the change, and amended the operating permit.

642 (a) Subdivisions and lots in which each lot has a minimum
643 area of at least one-half acre and either a minimum dimension of
644 100 feet or a mean of at least 100 feet of the side bordering
645 the street and the distance formed by a line parallel to the
646 side bordering the street drawn between the two most distant
647 points of the remainder of the lot may be developed with a water
648 system regulated under s. 381.0062 and onsite sewage treatment
649 and disposal systems, provided the projected daily sewage flow
650 does not exceed an average of 1,500 gallons per acre per day,

651 and provided satisfactory drinking water can be obtained and all
652 distance and setback, soil condition, water table elevation, and
653 other related requirements of this section and rules adopted
654 under this section can be met.

655 (b) Subdivisions and lots using a public water system as
656 defined in s. 403.852 may use onsite sewage treatment and
657 disposal systems, provided there are no more than four lots per
658 acre, provided the projected daily sewage flow does not exceed
659 an average of 2,500 gallons per acre per day, and provided that
660 all distance and setback, soil condition, water table elevation,
661 and other related requirements that are generally applicable to
662 the use of onsite sewage treatment and disposal systems are met.

663 (c) Notwithstanding paragraphs (a) and (b), for
664 subdivisions platted of record on or before October 1, 1991,
665 when a developer or other appropriate entity has previously made
666 or makes provisions, including financial assurances or other
667 commitments, acceptable to the department ~~of Health~~, that a
668 central water system will be installed by a regulated public
669 utility based on a density formula, private potable wells may be
670 used with onsite sewage treatment and disposal systems until the
671 agreed-upon densities are reached. In a subdivision regulated by
672 this paragraph, the average daily sewage flow may not exceed
673 2,500 gallons per acre per day. This section does not affect the
674 validity of existing prior agreements. After October 1, 1991,
675 the exception provided under this paragraph is not available to

676 a developer or other appropriate entity.

677 (d) Paragraphs (a) and (b) do not apply to any proposed
678 residential subdivision with more than 50 lots or to any
679 proposed commercial subdivision with more than 5 lots where a
680 publicly owned or investor-owned sewage treatment ~~sewerage~~
681 system is available. ~~It is the intent of~~ This paragraph does not
682 ~~to~~ allow development of additional proposed subdivisions in
683 order to evade the requirements of this paragraph.

684 (e) The department shall adopt rules relating to the
685 location of onsite sewage treatment and disposal systems,
686 including establishing setback distances, to prevent groundwater
687 contamination and surface water contamination and to preserve
688 the public health. The rulemaking process for such rules must be
689 completed by July 1, 2022, and the department shall notify the
690 Division of Law Revision of the date such rules take effect. The
691 rules must consider conventional and enhanced nutrient reducing
692 onsite sewage treatment and disposal system designs, impaired or
693 degraded water bodies, domestic wastewater and drinking water
694 infrastructure, potable water sources, nonpotable wells,
695 stormwater infrastructure, the onsite sewage treatment and
696 disposal system remediation plans developed pursuant to s.
697 403.067(7)(a)9.b., nutrient pollution, and the recommendations
698 of the onsite sewage treatment and disposal systems technical
699 advisory committee established pursuant to s. 381.00652. The
700 rules must also allow a person to apply for and receive a

701 variance from a rule requirement upon demonstration that the
702 requirement would cause an undue hardship and granting the
703 variance would not cause or contribute to the exceedance of a
704 total maximum daily load.

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

- 708 1. Seventy-five feet from a private potable well.
- 709 2. Two hundred feet from a public potable well serving a
710 residential or nonresidential establishment having a total
711 sewage flow of greater than 2,000 gallons per day.
- 712 3. One hundred feet from a public potable well serving a
713 residential or nonresidential establishment having a total
714 sewage flow of less than or equal to 2,000 gallons per day.
- 715 4. Fifty feet from any nonpotable well.
- 716 5. Ten feet from any storm sewer pipe, to the maximum
717 extent possible, but in no instance shall the setback be less
718 than 5 feet.
- 719 6. Seventy-five feet from the mean high-water line of a
720 tidally influenced surface water body.
- 721 7. Seventy-five feet from the mean annual flood line of a
722 permanent nontidal surface water body.
- 723 8. Fifteen feet from the design high-water line of
724 retention areas, detention areas, or swales designed to contain
725 standing or flowing water for less than 72 hours after a

726 rainfall or the design high-water level of normally dry drainage
727 ditches or normally dry individual lot stormwater retention
728 areas.

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

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

737 1. Any residential lot that was platted and recorded on or
738 after January 1, 1972, or that is part of a residential
739 subdivision that was approved by the appropriate permitting
740 agency on or after January 1, 1972, and that was eligible for an
741 onsite sewage treatment and disposal system construction permit
742 on the date of such platting and recording or approval shall be
743 eligible for an onsite sewage treatment and disposal system
744 construction permit, regardless of when the application for a
745 permit is made. If rules in effect at the time the permit
746 application is filed cannot be met, residential lots platted and
747 recorded or approved on or after January 1, 1972, shall, to the
748 maximum extent possible, comply with the rules in effect at the
749 time the permit application is filed. At a minimum, however,
750 those residential lots platted and recorded or approved on or

751 after January 1, 1972, but before January 1, 1983, shall comply
752 with those rules in effect on January 1, 1983, and those
753 residential lots platted and recorded or approved on or after
754 January 1, 1983, shall comply with those rules in effect at the
755 time of such platting and recording or approval. In determining
756 the maximum extent of compliance with current rules that is
757 possible, the department shall allow structures and
758 appurtenances thereto which were authorized at the time such
759 lots were platted and recorded or approved.

760 2. Lots platted before 1972 are subject to a 50-foot
761 minimum surface water setback and are not subject to lot size
762 requirements. The projected daily flow for onsite sewage
763 treatment and disposal systems for lots platted before 1972 may
764 not exceed:

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

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

769 (h)1. The department may grant variances in hardship cases
770 which may be less restrictive than the provisions specified in
771 this section. If a variance is granted and the onsite sewage
772 treatment and disposal system construction permit has been
773 issued, the variance may be transferred with the system
774 construction permit, if the transferee files, within 60 days
775 after the transfer of ownership, an amended construction permit

776 application providing all corrected information and proof of
 777 ownership of the property and if the same variance would have
 778 been required for the new owner of the property as was
 779 originally granted to the original applicant for the variance. A
 780 ~~There is no fee~~ is not associated with the processing of this
 781 supplemental information. A variance may not be granted under
 782 this section until the department is satisfied that:

783 a. The hardship was not caused intentionally by the action
 784 of the applicant;

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

788 c. The discharge from the onsite sewage treatment and
 789 disposal system will not adversely affect the health of the
 790 applicant or the public or significantly degrade the groundwater
 791 or surface waters.

792
 793 Where soil conditions, water table elevation, and setback
 794 provisions are determined by the department to be satisfactory,
 795 special consideration must be given to those lots platted before
 796 1972.

797 2. The department shall appoint and staff a variance
 798 review and advisory committee, which shall meet monthly to
 799 recommend agency action on variance requests. The committee
 800 shall make its recommendations on variance requests at the

801 meeting in which the application is scheduled for consideration,
802 except for an extraordinary change in circumstances, the receipt
803 of new information that raises new issues, or when the applicant
804 requests an extension. The committee shall consider the criteria
805 in subparagraph 1. in its recommended agency action on variance
806 requests and shall also strive to allow property owners the full
807 use of their land where possible. The committee consists of the
808 following:

809 a. The Secretary of Environmental Protection ~~State Surgeon~~
810 ~~General~~ or his or her designee.

811 b. A representative from the county health departments.

812 c. A representative from the home building industry
813 recommended by the Florida Home Builders Association.

814 d. A representative from the septic tank industry
815 recommended by the Florida Onsite Wastewater Association.

816 e. A representative from the Department of Health
817 ~~Environmental Protection~~.

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

822 g. A representative from the engineering profession
823 recommended by the Florida Engineering Society.

824

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

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

830 | (i) A construction permit may not be issued for an onsite
 831 | sewage treatment and disposal system in any area zoned or used
 832 | for industrial or manufacturing purposes, or its equivalent,
 833 | where a publicly owned or investor-owned sewage treatment system
 834 | is available, or where a likelihood exists that the system will
 835 | receive toxic, hazardous, or industrial waste. An existing
 836 | onsite sewage treatment and disposal system may be repaired if a
 837 | publicly owned or investor-owned sewage treatment ~~sewerage~~
 838 | system is not available within 500 feet of the building sewer
 839 | stub-out and if system construction and operation standards can
 840 | be met. This paragraph does not require publicly owned or
 841 | investor-owned sewage ~~sewerage~~ treatment systems to accept
 842 | anything other than domestic wastewater.

843 | 1. A building located in an area zoned or used for
 844 | industrial or manufacturing purposes, or its equivalent, when
 845 | such building is served by an onsite sewage treatment and
 846 | disposal system, must not be occupied until the owner or tenant
 847 | has obtained written approval from the department. The
 848 | department may ~~shall~~ not grant approval when the proposed use of
 849 | the system is to dispose of toxic, hazardous, or industrial
 850 | wastewater or toxic or hazardous chemicals.

851 2. Each person who owns or operates a business or facility
852 in an area zoned or used for industrial or manufacturing
853 purposes, or its equivalent, or who owns or operates a business
854 that has the potential to generate toxic, hazardous, or
855 industrial wastewater or toxic or hazardous chemicals, and uses
856 an onsite sewage treatment and disposal system that is installed
857 on or after July 5, 1989, must obtain an annual system operating
858 permit from the department. A person who owns or operates a
859 business that uses an onsite sewage treatment and disposal
860 system that was installed and approved before July 5, 1989, does
861 not need to ~~not~~ obtain a system operating permit. However, upon
862 change of ownership or tenancy, the new owner or operator must
863 notify the department of the change, and the new owner or
864 operator must obtain an annual system operating permit,
865 regardless of the date that the system was installed or
866 approved.

867 3. The department shall periodically review and evaluate
868 the continued use of onsite sewage treatment and disposal
869 systems in areas zoned or used for industrial or manufacturing
870 purposes, or its equivalent, and may require the collection and
871 analyses of samples from within and around such systems. If the
872 department finds that toxic or hazardous chemicals or toxic,
873 hazardous, or industrial wastewater have been or are being
874 disposed of through an onsite sewage treatment and disposal
875 system, the department shall initiate enforcement actions

876 against the owner or tenant to ensure adequate cleanup,
877 treatment, and disposal.

878 (j) An onsite sewage treatment and disposal system
879 designed by a professional engineer registered in the state and
880 certified by such engineer as complying with performance
881 criteria adopted by the department must be approved by the
882 department subject to the following:

883 1. The performance criteria applicable to engineer-
884 designed systems must be limited to those necessary to ensure
885 that such systems do not adversely affect the public health or
886 significantly degrade the groundwater or surface water. Such
887 performance criteria shall include consideration of the quality
888 of system effluent, the proposed total sewage flow per acre,
889 wastewater treatment capabilities of the natural or replaced
890 soil, water quality classification of the potential surface-
891 water-receiving body, and the structural and maintenance
892 viability of the system for the treatment of domestic
893 wastewater. However, performance criteria shall address only the
894 performance of a system and not a system's design.

895 2. A person electing to use ~~utilize~~ an engineer-designed
896 system shall, upon completion of the system design, submit such
897 design, certified by a registered professional engineer, to the
898 county health department. The county health department may use
899 ~~utilize~~ an outside consultant to review the engineer-designed
900 system, with the actual cost of such review to be borne by the

901 applicant. Within 5 working days after receiving an engineer-
902 designed system permit application, the county health department
903 shall request additional information if the application is not
904 complete. Within 15 working days after receiving a complete
905 application for an engineer-designed system, the county health
906 department ~~either~~ shall issue the permit or, if it determines
907 that the system does not comply with the performance criteria,
908 shall notify the applicant of that determination and refer the
909 application to the department for a determination as to whether
910 the system should be approved, disapproved, or approved with
911 modification. The department engineer's determination shall
912 prevail over the action of the county health department. The
913 applicant shall be notified in writing of the department's
914 determination and of the applicant's rights to pursue a variance
915 or seek review under the provisions of chapter 120.

916 3. The owner of an engineer-designed performance-based
917 system must maintain a current maintenance service agreement
918 with a maintenance entity permitted by the department. The
919 maintenance entity shall inspect each system at least twice each
920 year and shall report quarterly to the department on the number
921 of systems inspected and serviced. The reports may be submitted
922 electronically.

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

926 treatment system upon written certification from the system
927 manufacturer's approved representative that the property owner
928 has received training on the proper installation and service of
929 the system. The maintenance service agreement must conspicuously
930 disclose that the property owner has the right to maintain his
931 or her own system and is exempt from contractor registration
932 requirements for performing construction, maintenance, or
933 repairs on the system but is subject to all permitting
934 requirements.

935 5. The property owner shall obtain a biennial system
936 operating permit from the department for each system. The
937 department shall inspect the system at least annually, or on
938 such periodic basis as the fee collected permits, and may
939 collect system-effluent samples if appropriate to determine
940 compliance with the performance criteria. The fee for the
941 biennial operating permit shall be collected beginning with the
942 second year of system operation.

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

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

951 (1) For the Florida Keys, the department shall adopt a
952 special rule for the construction, installation, modification,
953 operation, repair, maintenance, and performance of onsite sewage
954 treatment and disposal systems which considers the unique soil
955 conditions and water table elevations, densities, and setback
956 requirements. On lots where a setback distance of 75 feet from
957 surface waters, saltmarsh, and buttonwood association habitat
958 areas cannot be met, an injection well, approved and permitted
959 by the department, may be used for disposal of effluent from
960 onsite sewage treatment and disposal systems. The following
961 additional requirements apply to onsite sewage treatment and
962 disposal systems in Monroe County:

963 1. The county, each municipality, and those special
964 districts established for the purpose of the collection,
965 transmission, treatment, or disposal of sewage shall ensure, in
966 accordance with the specific schedules adopted by the
967 Administration Commission under s. 380.0552, the completion of
968 onsite sewage treatment and disposal system upgrades to meet the
969 requirements of this paragraph.

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

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

976 b. Suspended Solids of 10 mg/l.

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

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

983
 984 In addition, onsite sewage treatment and disposal systems
 985 discharging to an injection well must provide basic disinfection
 986 as defined by department rule.

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

991 4. In areas scheduled to be served by a central sewerage
 992 system ~~sewer~~ by December 31, 2015, if the property owner has
 993 paid a connection fee or assessment for connection to the
 994 central sewerage ~~sewer~~ system, the property owner may install a
 995 holding tank with a high water alarm or an onsite sewage
 996 treatment and disposal system that meets the following minimum
 997 standards:

998 a. The existing tanks must be pumped and inspected and
 999 certified as being watertight and free of defects in accordance
 1000 with department rule; and

1001 b. A sand-lined drainfield or injection well in accordance
1002 with department rule must be installed.

1003 5. Onsite sewage treatment and disposal systems must be
1004 monitored for total nitrogen and total phosphorus concentrations
1005 as required by department rule.

1006 6. The department shall enforce proper installation,
1007 operation, and maintenance of onsite sewage treatment and
1008 disposal systems pursuant to this chapter, including ensuring
1009 that the appropriate level of treatment described in
1010 subparagraph 2. is met.

1011 7. The authority of a local government, including a
1012 special district, to mandate connection of an onsite sewage
1013 treatment and disposal system is governed by s. 4, chapter 99-
1014 395, Laws of Florida.

1015 8. Notwithstanding any other ~~provision of~~ law, an onsite
1016 sewage treatment and disposal system installed after July 1,
1017 2010, in unincorporated Monroe County, excluding special
1018 wastewater districts, that complies with the standards in
1019 subparagraph 2. is not required to connect to a central sewerage
1020 ~~sewer~~ system until December 31, 2020.

1021 (m) A ~~No~~ product sold in the state for use in onsite
1022 sewage treatment and disposal systems may not contain any
1023 substance in concentrations or amounts that would interfere with
1024 or prevent the successful operation of such system, or that
1025 would cause discharges from such systems to violate applicable

1026 water quality standards. The department shall publish criteria
1027 for products known or expected to meet the conditions of this
1028 paragraph. If ~~In the event~~ a product does not meet such
1029 criteria, such product may be sold if the manufacturer
1030 satisfactorily demonstrates to the department that the
1031 conditions of this paragraph are met.

1032 (n) Evaluations for determining the seasonal high-water
1033 table elevations or the suitability of soils for the use of a
1034 new onsite sewage treatment and disposal system shall be
1035 performed by department personnel, professional engineers
1036 registered in the state, or such other persons with expertise,
1037 as defined by rule, in making such evaluations. Evaluations for
1038 determining mean annual flood lines shall be performed by those
1039 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department
1040 shall accept evaluations submitted by professional engineers and
1041 such other persons as meet the expertise established by this
1042 section or by rule unless the department has a reasonable
1043 scientific basis for questioning the accuracy or completeness of
1044 the evaluation.

1045 ~~(e) The department shall appoint a research review and~~
1046 ~~advisory committee, which shall meet at least semiannually. The~~
1047 ~~committee shall advise the department on directions for new~~
1048 ~~research, review and rank proposals for research contracts, and~~
1049 ~~review draft research reports and make comments. The committee~~
1050 ~~is comprised of:~~

- 1051 | ~~1. A representative of the State Surgeon General, or his~~
- 1052 | ~~or her designee.~~
- 1053 | ~~2. A representative from the septic tank industry.~~
- 1054 | ~~3. A representative from the home building industry.~~
- 1055 | ~~4. A representative from an environmental interest group.~~
- 1056 | ~~5. A representative from the State University System, from~~
- 1057 | ~~a department knowledgeable about onsite sewage treatment and~~
- 1058 | ~~disposal systems.~~
- 1059 | ~~6. A professional engineer registered in this state who~~
- 1060 | ~~has work experience in onsite sewage treatment and disposal~~
- 1061 | ~~systems.~~
- 1062 | ~~7. A representative from local government who is~~
- 1063 | ~~knowledgeable about domestic wastewater treatment.~~
- 1064 | ~~8. A representative from the real estate profession.~~
- 1065 | ~~9. A representative from the restaurant industry.~~
- 1066 | ~~10. A consumer.~~

1067 |

1068 | ~~Members shall be appointed for a term of 3 years, with the~~

1069 | ~~appointments being staggered so that the terms of no more than~~

1070 | ~~four members expire in any one year. Members shall serve without~~

1071 | ~~remuneration, but are entitled to reimbursement for per diem and~~

1072 | ~~travel expenses as provided in s. 112.061.~~

1073 | (o)~~(p)~~ An application for an onsite sewage treatment and

1074 | disposal system permit shall be completed in full, signed by the

1075 | owner or the owner's authorized representative, or by a

1076 contractor licensed under chapter 489, and shall be accompanied
 1077 by all required exhibits and fees. ~~No~~ Specific documentation of
 1078 property ownership is not ~~shall be~~ required as a prerequisite to
 1079 the review of an application or the issuance of a permit. The
 1080 issuance of a permit does not constitute determination by the
 1081 department of property ownership.

1082 (p) ~~(q)~~ The department may not require any form of
 1083 subdivision analysis of property by an owner, developer, or
 1084 subdivider before ~~prior to~~ submission of an application for an
 1085 onsite sewage treatment and disposal system.

1086 (q) ~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the
 1087 power of a municipality or county to enforce other laws for the
 1088 protection of the public health and safety.

1089 (r) ~~(s)~~ In the siting of onsite sewage treatment and
 1090 disposal systems, including drainfields, shoulders, and slopes,
 1091 guttering may ~~shall~~ not be required on single-family residential
 1092 dwelling units for systems located greater than 5 feet from the
 1093 roof drip line of the house. If guttering is used on residential
 1094 dwelling units, the downspouts shall be directed away from the
 1095 drainfield.

1096 (s) ~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph
 1097 (g)1., onsite sewage treatment and disposal systems located in
 1098 floodways of the Suwannee and Aucilla Rivers must adhere to the
 1099 following requirements:

1100 1. The absorption surface of the drainfield may ~~shall~~ not

1101 be subject to flooding based on 10-year flood elevations.
 1102 Provided, however, for lots or parcels created by the
 1103 subdivision of land in accordance with applicable local
 1104 government regulations before ~~prior to~~ January 17, 1990, if an
 1105 applicant cannot construct a drainfield system with the
 1106 absorption surface of the drainfield at an elevation equal to or
 1107 above 10-year flood elevation, the department shall issue a
 1108 permit for an onsite sewage treatment and disposal system within
 1109 the 10-year floodplain of rivers, streams, and other bodies of
 1110 flowing water if all of the following criteria are met:

- 1111 a. The lot is at least one-half acre in size;
- 1112 b. The bottom of the drainfield is at least 36 inches
 1113 above the 2-year flood elevation; and
- 1114 c. The applicant installs ~~either:~~ a waterless,
 1115 incinerating, or organic waste composting toilet and a graywater
 1116 system and drainfield in accordance with department rules; an
 1117 aerobic treatment unit and drainfield in accordance with
 1118 department rules; a system ~~approved by the State Health Office~~
 1119 that is capable of reducing effluent nitrate by at least 50
 1120 percent in accordance with department rules; or a system other
 1121 than a system using alternative drainfield materials in
 1122 accordance with department rules ~~approved by the county health~~
 1123 ~~department pursuant to department rule other than a system using~~
 1124 ~~alternative drainfield materials~~. The United States Department
 1125 of Agriculture Soil Conservation Service soil maps, State of

1126 Florida Water Management District data, and Federal Emergency
1127 Management Agency Flood Insurance maps are resources that shall
1128 be used to identify flood-prone areas.

1129 2. The use of fill or mounding to elevate a drainfield
1130 system out of the 10-year floodplain of rivers, streams, or
1131 other bodies of flowing water may ~~shall~~ not be permitted if such
1132 a system lies within a regulatory floodway of the Suwannee and
1133 Aucilla Rivers. In cases where the 10-year flood elevation does
1134 not coincide with the boundaries of the regulatory floodway, the
1135 regulatory floodway will be considered for the purposes of this
1136 subsection to extend at a minimum to the 10-year flood
1137 elevation.

1138 (t)1. ~~(u)1.~~ The owner of an aerobic treatment unit system
1139 shall maintain a current maintenance service agreement with an
1140 aerobic treatment unit maintenance entity permitted by the
1141 department. The maintenance entity shall inspect each aerobic
1142 treatment unit system at least twice each year and shall report
1143 quarterly to the department on the number of aerobic treatment
1144 unit systems inspected and serviced. The reports may be
1145 submitted electronically.

1146 2. The property owner of an owner-occupied, single-family
1147 residence may be approved and permitted by the department as a
1148 maintenance entity for his or her own aerobic treatment unit
1149 system upon written certification from the system manufacturer's
1150 approved representative that the property owner has received

1151 training on the proper installation and service of the system.
1152 The maintenance entity service agreement must conspicuously
1153 disclose that the property owner has the right to maintain his
1154 or her own system and is exempt from contractor registration
1155 requirements for performing construction, maintenance, or
1156 repairs on the system but is subject to all permitting
1157 requirements.

1158 3. A septic tank contractor licensed under part III of
1159 chapter 489, if approved by the manufacturer, may not be denied
1160 access by the manufacturer to aerobic treatment unit system
1161 training or spare parts for maintenance entities. After the
1162 original warranty period, component parts for an aerobic
1163 treatment unit system may be replaced with parts that meet
1164 manufacturer's specifications but are manufactured by others.
1165 The maintenance entity shall maintain documentation of the
1166 substitute part's equivalency for 2 years and shall provide such
1167 documentation to the department upon request.

1168 4. The owner of an aerobic treatment unit system shall
1169 obtain a system operating permit from the department and allow
1170 the department to inspect during reasonable hours each aerobic
1171 treatment unit system at least annually, and such inspection may
1172 include collection and analysis of system-effluent samples for
1173 performance criteria established by rule of the department.

1174 (u)~~(v)~~ The department may require the submission of
1175 detailed system construction plans that are prepared by a

1176 professional engineer registered in this state. The department
 1177 shall establish by rule criteria for determining when such a
 1178 submission is required.

1179 (v)~~(w)~~ Any permit issued and approved by the department
 1180 for the installation, modification, or repair of an onsite
 1181 sewage treatment and disposal system shall transfer with the
 1182 title to the property in a real estate transaction. A title may
 1183 not be encumbered at the time of transfer by new permit
 1184 requirements by a governmental entity for an onsite sewage
 1185 treatment and disposal system which differ from the permitting
 1186 requirements in effect at the time the system was permitted,
 1187 modified, or repaired. An inspection of a system may not be
 1188 mandated by a governmental entity at the point of sale in a real
 1189 estate transaction. This paragraph does not affect a septic tank
 1190 phase-out deferral program implemented by a consolidated
 1191 government as defined in s. 9, Art. VIII of the State
 1192 Constitution (1885).

1193 (w)~~(x)~~ A governmental entity, including a municipality,
 1194 county, or statutorily created commission, may not require an
 1195 engineer-designed performance-based treatment system, excluding
 1196 a passive engineer-designed performance-based treatment system,
 1197 before the completion of the Florida Onsite Sewage Nitrogen
 1198 Reduction Strategies Project. This paragraph does not apply to a
 1199 governmental entity, including a municipality, county, or
 1200 statutorily created commission, which adopted a local law,

1201 ordinance, or regulation on or before January 31, 2012.
 1202 Notwithstanding this paragraph, an engineer-designed
 1203 performance-based treatment system may be used to meet the
 1204 requirements of the variance review and advisory committee
 1205 recommendations.

1206 (x)1.~~(y)1.~~ An onsite sewage treatment and disposal system
 1207 is not considered abandoned if the system is disconnected from a
 1208 structure that was made unusable or destroyed following a
 1209 disaster and if the system was properly functioning at the time
 1210 of disconnection and was not adversely affected by the disaster.
 1211 The onsite sewage treatment and disposal system may be
 1212 reconnected to a rebuilt structure if:

1213 a. The reconnection of the system is to the same type of
 1214 structure which contains the same number of bedrooms or fewer,
 1215 if the square footage of the structure is less than or equal to
 1216 110 percent of the original square footage of the structure that
 1217 existed before the disaster;

1218 b. The system is not a sanitary nuisance; and
 1219 c. The system has not been altered without prior
 1220 authorization.

1221 2. An onsite sewage treatment and disposal system that
 1222 serves a property that is foreclosed upon is not considered
 1223 abandoned.

1224 (y)~~(z)~~ If an onsite sewage treatment and disposal system
 1225 permittee receives, relies upon, and undertakes construction of

1226 a system based upon a validly issued construction permit under
1227 rules applicable at the time of construction but a change to a
1228 rule occurs within 5 years after the approval of the system for
1229 construction but before the final approval of the system, the
1230 rules applicable and in effect at the time of construction
1231 approval apply at the time of final approval if fundamental site
1232 conditions have not changed between the time of construction
1233 approval and final approval.

1234 (z)~~(aa)~~ An existing-system inspection or evaluation and
1235 assessment, or a modification, replacement, or upgrade of an
1236 onsite sewage treatment and disposal system is not required for
1237 a remodeling addition or modification to a single-family home if
1238 a bedroom is not added. However, a remodeling addition or
1239 modification to a single-family home may not cover any part of
1240 the existing system or encroach upon a required setback or the
1241 unobstructed area. To determine if a setback or the unobstructed
1242 area is impacted, the local health department shall review and
1243 verify a floor plan and site plan of the proposed remodeling
1244 addition or modification to the home submitted by a remodeler
1245 which shows the location of the system, including the distance
1246 of the remodeling addition or modification to the home from the
1247 onsite sewage treatment and disposal system. The local health
1248 department may visit the site or otherwise determine the best
1249 means of verifying the information submitted. A verification of
1250 the location of a system is not an inspection or evaluation and

1251 assessment of the system. The review and verification must be
 1252 completed within 7 business days after receipt by the local
 1253 health department of a floor plan and site plan. If the review
 1254 and verification is not completed within such time, the
 1255 remodeling addition or modification to the single-family home,
 1256 for the purposes of this paragraph, is approved.

1257 Section 9. Effective July 1, 2021, paragraph (d) of
 1258 subsection (7) and subsections (8) and (9) of section 381.00651,
 1259 Florida Statutes, are amended to read:

1260 381.00651 Periodic evaluation and assessment of onsite
 1261 sewage treatment and disposal systems.—

1262 (7) The following procedures shall be used for conducting
 1263 evaluations:

1264 (d) Assessment procedure.—All evaluation procedures used
 1265 by a qualified contractor shall be documented in the
 1266 environmental health database of the department ~~of Health~~. The
 1267 qualified contractor shall provide a copy of a written, signed
 1268 evaluation report to the property owner upon completion of the
 1269 evaluation and to the county health department within 30 days
 1270 after the evaluation. The report shall contain the name and
 1271 license number of the company providing the report. A copy of
 1272 the evaluation report shall be retained by the local county
 1273 health department for a minimum of 5 years and until a
 1274 subsequent inspection report is filed. The front cover of the
 1275 report must identify any system failure and include a clear and

1276 conspicuous notice to the owner that the owner has a right to
1277 have any remediation of the failure performed by a qualified
1278 contractor other than the contractor performing the evaluation.
1279 The report must further identify any crack, leak, improper fit,
1280 or other defect in the tank, manhole, or lid, and any other
1281 damaged or missing component; any sewage or effluent visible on
1282 the ground or discharging to a ditch or other surface water
1283 body; any downspout, stormwater, or other source of water
1284 directed onto or toward the system; and any other maintenance
1285 need or condition of the system at the time of the evaluation
1286 which, in the opinion of the qualified contractor, would
1287 possibly interfere with or restrict any future repair or
1288 modification to the existing system. The report shall conclude
1289 with an overall assessment of the fundamental operational
1290 condition of the system.

1291 (8) The county health department, in coordination with the
1292 department, shall administer any evaluation program on behalf of
1293 a county, or a municipality within the county, that has adopted
1294 an evaluation program pursuant to this section. In order to
1295 administer the evaluation program, the county or municipality,
1296 in consultation with the county health department, may develop a
1297 reasonable fee schedule to be used solely to pay for the costs
1298 of administering the evaluation program. Such a fee schedule
1299 shall be identified in the ordinance that adopts the evaluation
1300 program. When arriving at a reasonable fee schedule, the

1301 | estimated annual revenues to be derived from fees may not exceed
 1302 | reasonable estimated annual costs of the program. Fees shall be
 1303 | assessed to the system owner during an inspection and separately
 1304 | identified on the invoice of the qualified contractor. Fees
 1305 | shall be remitted by the qualified contractor to the county
 1306 | health department. The county health department's administrative
 1307 | responsibilities include the following:

1308 | (a) Providing a notice to the system owner at least 60
 1309 | days before the system is due for an evaluation. The notice may
 1310 | include information on the proper maintenance of onsite sewage
 1311 | treatment and disposal systems.

1312 | (b) In consultation with the department ~~of Health,~~
 1313 | providing uniform disciplinary procedures and penalties for
 1314 | qualified contractors who do not comply with the requirements of
 1315 | the adopted ordinance, including, but not limited to, failure to
 1316 | provide the evaluation report as required in this subsection to
 1317 | the system owner and the county health department. Only the
 1318 | county health department may assess penalties against system
 1319 | owners for failure to comply with the adopted ordinance,
 1320 | consistent with existing requirements of law.

1321 | (9) (a) A county or municipality that adopts an onsite
 1322 | sewage treatment and disposal system evaluation and assessment
 1323 | program pursuant to this section shall notify the Secretary of
 1324 | Environmental Protection, the Department of Health, and the
 1325 | applicable county health department upon the adoption of its

1326 ordinance establishing the program.

1327 (b) Upon receipt of the notice under paragraph (a), the
1328 department ~~of Environmental Protection~~ shall, within existing
1329 resources, notify the county or municipality of the potential
1330 use of, and access to, program funds under the Clean Water State
1331 Revolving Fund or s. 319 of the Clean Water Act, provide
1332 guidance in the application process to receive such moneys, and
1333 provide advice and technical assistance to the county or
1334 municipality on how to establish a low-interest revolving loan
1335 program or how to model a revolving loan program after the low-
1336 interest loan program of the Clean Water State Revolving Fund.
1337 This paragraph does not obligate the department ~~of Environmental~~
1338 ~~Protection~~ to provide any county or municipality with money to
1339 fund such programs.

1340 (c) The department ~~of Health~~ may not adopt any rule that
1341 alters the provisions of this section.

1342 (d) The department ~~of Health~~ must allow county health
1343 departments and qualified contractors access to the
1344 environmental health database to track relevant information and
1345 assimilate data from assessment and evaluation reports of the
1346 overall condition of onsite sewage treatment and disposal
1347 systems. The environmental health database must be used by
1348 contractors to report each service and evaluation event and by a
1349 county health department to notify owners of onsite sewage
1350 treatment and disposal systems when evaluations are due. Data

1351 and information must be recorded and updated as service and
1352 evaluations are conducted and reported.

1353 Section 10. Section 381.00652, Florida Statutes, is
1354 created to read:

1355 381.00652 Onsite sewage treatment and disposal systems
1356 technical advisory committee.—

1357 (1) As used in this section, the term "department" means
1358 the Department of Environmental Protection.

1359 (2) An onsite sewage treatment and disposal systems
1360 technical advisory committee, a committee as defined in s.
1361 20.03(8), is created within the department. The committee shall:

1362 (a) Provide recommendations to increase the availability
1363 of enhanced nutrient reducing onsite sewage treatment and
1364 disposal systems in the marketplace, including such systems that
1365 are cost-effective, low maintenance, and reliable.

1366 (b) Consider and recommend regulatory options, such as
1367 fast-track approval, prequalification, or expedited permitting,
1368 to facilitate the introduction and use of enhanced nutrient
1369 reducing onsite sewage treatment and disposal systems that have
1370 been reviewed and approved by a national agency or organization,
1371 such as the American National Standards Institute 245 systems
1372 approved by NSF International.

1373 (c) Provide recommendations for appropriate setback
1374 distances for onsite sewage treatment and disposal systems from
1375 surface water, groundwater, and wells.

1376 (3) The department shall use existing and available
1377 resources to administer and support the activities of the
1378 committee.

1379 (4) (a) By August 1, 2021, the department, in consultation
1380 with the Department of Health, shall appoint no more than 10
1381 members to the committee, as follows:

1382 1. A professional engineer.

1383 2. A septic tank contractor.

1384 3. Two representatives from the home building industry.

1385 4. A representative from the real estate industry.

1386 5. A representative from the onsite sewage treatment and
1387 disposal system industry.

1388 6. A representative from local government.

1389 7. Two representatives from the environmental community.

1390 8. A representative of the scientific and technical
1391 community who has substantial expertise in the areas of the fate
1392 and transport of water pollutants, toxicology, epidemiology,
1393 geology, biology, or environmental sciences.

1394 (b) Members shall serve without compensation and are not
1395 entitled to reimbursement for per diem or travel expenses.

1396 (5) By January 1, 2022, the committee shall submit its
1397 recommendations to the Governor, the President of the Senate,
1398 and the Speaker of the House of Representatives.

1399 (6) This section expires August 15, 2022.

1400 Section 11. Effective July 1, 2021, section 381.0068,

1401 Florida Statutes, is repealed.

1402 Section 12. Subsections (14) through (44) of section
 1403 403.061, Florida Statutes, are renumbered as subsections (15)
 1404 through (45), respectively, subsection (7) is amended, and a new
 1405 subsection (14) is added to that section, to read:

1406 403.061 Department; powers and duties.—The department
 1407 shall have the power and the duty to control and prohibit
 1408 pollution of air and water in accordance with the law and rules
 1409 adopted and promulgated by it and, for this purpose, to:

1410 (7) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to
 1411 implement ~~the provisions of~~ this act. Any rule adopted pursuant
 1412 to this act must ~~shall~~ be consistent with the provisions of
 1413 federal law, if any, relating to control of emissions from motor
 1414 vehicles, effluent limitations, pretreatment requirements, or
 1415 standards of performance. A ~~No~~ county, municipality, or
 1416 political subdivision may not ~~shall~~ adopt or enforce any local
 1417 ordinance, special law, or local regulation requiring the
 1418 installation of Stage II vapor recovery systems, as currently
 1419 defined by department rule, unless such county, municipality, or
 1420 political subdivision is or has been in the past designated by
 1421 federal regulation as a moderate, serious, or severe ozone
 1422 nonattainment area. Rules adopted pursuant to this act may ~~shall~~
 1423 not require dischargers of waste into waters of the state to
 1424 improve natural background conditions. The department shall
 1425 adopt rules to reasonably limit, reduce, and eliminate domestic

1426 wastewater collection and transmission system pipe leakages and
1427 inflow and infiltration. Discharges from steam electric
1428 generating plants existing or licensed under this chapter on
1429 July 1, 1984, may ~~shall~~ not be required to be treated to a
1430 greater extent than may be necessary to assure that the quality
1431 of nonthermal components of discharges from nonrecirculated
1432 cooling water systems is as high as the quality of the makeup
1433 waters; that the quality of nonthermal components of discharges
1434 from recirculated cooling water systems is no lower than is
1435 allowed for blowdown from such systems; or that the quality of
1436 noncooling system discharges which receive makeup water from a
1437 receiving body of water which does not meet applicable
1438 department water quality standards is as high as the quality of
1439 the receiving body of water. The department may not adopt
1440 standards more stringent than federal regulations, except as
1441 provided in s. 403.804.

1442 (14) In order to promote resilient utilities, require
1443 public utilities or their affiliated companies holding, applying
1444 for, or renewing a domestic wastewater discharge permit to file
1445 annual reports and other data regarding transactions or
1446 allocations of common costs and expenditures on pollution
1447 mitigation and prevention among the utility's permitted systems,
1448 including, but not limited to, the prevention of sanitary sewer
1449 overflows, collection and transmission system pipe leakages, and
1450 inflow and infiltration. The department shall adopt rules to

1451 implement this subsection.

1452

1453 The department shall implement such programs in conjunction with
 1454 its other powers and duties and shall place special emphasis on
 1455 reducing and eliminating contamination that presents a threat to
 1456 humans, animals or plants, or to the environment.

1457 Section 13. Section 403.0616, Florida Statutes, is created
 1458 to read:

1459 403.0616 Real-time water quality monitoring program.-

1460 (1) Subject to appropriation, the department shall
 1461 establish a real-time water quality monitoring program to assist
 1462 in the restoration, preservation, and enhancement of impaired
 1463 water bodies and coastal resources.

1464 (2) In order to expedite the creation and implementation
 1465 of the program, the department is encouraged to form public-
 1466 private partnerships with established scientific entities that
 1467 have proven existing real-time water quality monitoring
 1468 equipment and experience in deploying the equipment.

1469 Section 14. Subsection (7) of section 403.067, Florida
 1470 Statutes, is amended to read:

1471 403.067 Establishment and implementation of total maximum
 1472 daily loads.-

1473 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 1474 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

1475 (a) *Basin management action plans.-*

1476 1. In developing and implementing the total maximum daily
1477 load for a water body, the department, or the department in
1478 conjunction with a water management district, may develop a
1479 basin management action plan that addresses some or all of the
1480 watersheds and basins tributary to the water body. Such plan
1481 must integrate the appropriate management strategies available
1482 to the state through existing water quality protection programs
1483 to achieve the total maximum daily loads and may provide for
1484 phased implementation of these management strategies to promote
1485 timely, cost-effective actions as provided for in s. 403.151.
1486 The plan must establish a schedule implementing the management
1487 strategies, establish a basis for evaluating the plan's
1488 effectiveness, and identify feasible funding strategies for
1489 implementing the plan's management strategies. The management
1490 strategies may include regional treatment systems or other
1491 public works, when ~~where~~ appropriate, and voluntary trading of
1492 water quality credits to achieve the needed pollutant load
1493 reductions.

1494 2. A basin management action plan must equitably allocate,
1495 pursuant to paragraph (6) (b), pollutant reductions to individual
1496 basins, as a whole to all basins, or to each identified point
1497 source or category of nonpoint sources, as appropriate. For
1498 nonpoint sources for which best management practices have been
1499 adopted, the initial requirement specified by the plan must be
1500 those practices developed pursuant to paragraph (c). When ~~Where~~

1501 appropriate, the plan may take into account the benefits of
1502 pollutant load reduction achieved by point or nonpoint sources
1503 that have implemented management strategies to reduce pollutant
1504 loads, including best management practices, before the
1505 development of the basin management action plan. The plan must
1506 also identify the mechanisms that will address potential future
1507 increases in pollutant loading.

1508 3. The basin management action planning process is
1509 intended to involve the broadest possible range of interested
1510 parties, with the objective of encouraging the greatest amount
1511 of cooperation and consensus possible. In developing a basin
1512 management action plan, the department shall assure that key
1513 stakeholders, including, but not limited to, applicable local
1514 governments, water management districts, the Department of
1515 Agriculture and Consumer Services, other appropriate state
1516 agencies, local soil and water conservation districts,
1517 environmental groups, regulated interests, and affected
1518 pollution sources, are invited to participate in the process.
1519 The department shall hold at least one public meeting in the
1520 vicinity of the watershed or basin to discuss and receive
1521 comments during the planning process and shall otherwise
1522 encourage public participation to the greatest practicable
1523 extent. Notice of the public meeting must be published in a
1524 newspaper of general circulation in each county in which the
1525 watershed or basin lies at least ~~not less than~~ 5 days, but not

1526 ~~not~~ more than 15 days, before the public meeting. A basin
1527 management action plan does not supplant or otherwise alter any
1528 assessment made under subsection (3) or subsection (4) or any
1529 calculation or initial allocation.

1530 4. Each new or revised basin management action plan shall
1531 include:

1532 a. The appropriate management strategies available through
1533 existing water quality protection programs to achieve total
1534 maximum daily loads, which may provide for phased implementation
1535 to promote timely, cost-effective actions as provided for in s.
1536 403.151;

1537 b. A description of best management practices adopted by
1538 rule;

1539 c. A list of projects in priority ranking with a planning-
1540 level cost estimate and estimated date of completion for each
1541 listed project;

1542 d. The source and amount of financial assistance to be
1543 made available by the department, a water management district,
1544 or other entity for each listed project, if applicable; and

1545 e. A planning-level estimate of each listed project's
1546 expected load reduction, if applicable.

1547 5. The department shall adopt all or any part of a basin
1548 management action plan and any amendment to such plan by
1549 secretarial order pursuant to chapter 120 to implement ~~the~~
1550 ~~provisions of~~ this section.

1551 6. The basin management action plan must include
1552 milestones for implementation and water quality improvement, and
1553 an associated water quality monitoring component sufficient to
1554 evaluate whether reasonable progress in pollutant load
1555 reductions is being achieved over time. An assessment of
1556 progress toward these milestones shall be conducted every 5
1557 years, and revisions to the plan shall be made as appropriate.
1558 Revisions to the basin management action plan shall be made by
1559 the department in cooperation with basin stakeholders. Revisions
1560 to the management strategies required for nonpoint sources must
1561 follow the procedures ~~set forth~~ in subparagraph (c)4. Revised
1562 basin management action plans must be adopted pursuant to
1563 subparagraph 5.

1564 7. In accordance with procedures adopted by rule under
1565 paragraph (9)(c), basin management action plans, and other
1566 pollution control programs under local, state, or federal
1567 authority as provided in subsection (4), may allow point or
1568 nonpoint sources that will achieve greater pollutant reductions
1569 than required by an adopted total maximum daily load or
1570 wasteload allocation to generate, register, and trade water
1571 quality credits for the excess reductions to enable other
1572 sources to achieve their allocation; however, the generation of
1573 water quality credits does not remove the obligation of a source
1574 or activity to meet applicable technology requirements or
1575 adopted best management practices. Such plans must allow trading

1576 between NPDES permittees, and trading that may or may not
1577 involve NPDES permittees, where the generation or use of the
1578 credits involve an entity or activity not subject to department
1579 water discharge permits whose owner voluntarily elects to obtain
1580 department authorization for the generation and sale of credits.

1581 ~~8. The provisions of~~ The department's rule relating to the
1582 equitable abatement of pollutants into surface waters do not
1583 apply to water bodies or water body segments for which a basin
1584 management plan that takes into account future new or expanded
1585 activities or discharges has been adopted under this section.

1586 9. In order to promote resilient wastewater utilities, if
1587 the department identifies domestic wastewater treatment
1588 facilities or onsite sewage treatment and disposal systems as
1589 contributors of at least 20 percent of point source or nonpoint
1590 source nutrient pollution or if the department determines
1591 remediation is necessary to achieve the total maximum daily
1592 load, a basin management action plan for a nutrient total
1593 maximum daily load must include the following:

1594 a. A wastewater treatment plan developed by each local
1595 government, in cooperation with the department, the water
1596 management district, and the public and private domestic
1597 wastewater treatment facilities within the jurisdiction of the
1598 local government, that addresses domestic wastewater. The
1599 wastewater treatment plan must:

1600 (I) Provide for construction, expansion, or upgrades

1601 necessary to achieve the total maximum daily load requirements
1602 applicable to the domestic wastewater treatment facility.

1603 (II) Include the permitted capacity in average annual
1604 gallons per day for the domestic wastewater treatment facility;
1605 the average nutrient concentration and the estimated average
1606 nutrient load of the domestic wastewater; a projected timeline
1607 of the dates by which the construction of any facility
1608 improvements will begin and be completed and the date by which
1609 operations of the improved facility will begin; the estimated
1610 cost of the improvements; and the identity of responsible
1611 parties.

1612
1613 The wastewater treatment plan must be adopted as part of the
1614 basin management action plan no later than July 1, 2025. A local
1615 government that does not have a domestic wastewater treatment
1616 facility in its jurisdiction is not required to develop a
1617 wastewater treatment plan unless there is a demonstrated need to
1618 establish a domestic wastewater treatment facility within its
1619 jurisdiction to improve water quality necessary to achieve a
1620 total maximum daily load. A local government is not responsible
1621 for a private domestic wastewater facility's compliance with a
1622 basin management action plan unless such facility is operated
1623 through a public-private partnership to which the local
1624 government is a party.

1625 b. An onsite sewage treatment and disposal system

1626 remediation plan developed by each local government in
1627 cooperation with the department, the Department of Health, water
1628 management districts, and public and private domestic wastewater
1629 treatment facilities.

1630 (I) The onsite sewage treatment and disposal system
1631 remediation plan must identify cost-effective and financially
1632 feasible projects necessary to achieve the nutrient load
1633 reductions required for onsite sewage treatment and disposal
1634 systems. To identify cost-effective and financially feasible
1635 projects for remediation of onsite sewage treatment and disposal
1636 systems, the local government shall:

1637 (A) Include an inventory of onsite sewage treatment and
1638 disposal systems based on the best information available;

1639 (B) Identify onsite sewage treatment and disposal systems
1640 that would be eliminated through connection to existing or
1641 future central domestic wastewater infrastructure in the
1642 jurisdiction or domestic wastewater service area of the local
1643 government, that would be replaced with or upgraded to enhanced
1644 nutrient reducing onsite sewage treatment and disposal systems,
1645 or that would remain on conventional onsite sewage treatment and
1646 disposal systems;

1647 (C) Estimate the costs of potential onsite sewage
1648 treatment and disposal system connections, upgrades, or
1649 replacements; and

1650 (D) Identify deadlines and interim milestones for the

1651 planning, design, and construction of projects.

1652 (II) The department shall adopt the onsite sewage
1653 treatment and disposal system remediation plan as part of the
1654 basin management action plan no later than July 1, 2025, or as
1655 required for Outstanding Florida Springs under s. 373.807.

1656 10. When identifying wastewater projects in a basin
1657 management action plan, the department may not require the
1658 higher cost option if it achieves the same nutrient load
1659 reduction as a lower cost option. A regulated entity may choose
1660 a different cost option if it complies with the pollutant
1661 reduction requirements of an adopted total maximum daily load.

1662 (b) *Total maximum daily load implementation.*—

1663 1. The department shall be the lead agency in coordinating
1664 the implementation of the total maximum daily loads through
1665 existing water quality protection programs. Application of a
1666 total maximum daily load by a water management district must be
1667 consistent with this section and does not require the issuance
1668 of an order or a separate action pursuant to s. 120.536(1) or s.
1669 120.54 for the adoption of the calculation and allocation
1670 previously established by the department. Such programs may
1671 include, but are not limited to:

1672 a. Permitting and other existing regulatory programs,
1673 including water-quality-based effluent limitations;

1674 b. Nonregulatory and incentive-based programs, including
1675 best management practices, cost sharing, waste minimization,

1676 | pollution prevention, agreements established pursuant to s.
 1677 | 403.061(22) ~~s. 403.061(21)~~, and public education;
 1678 | c. Other water quality management and restoration
 1679 | activities, for example surface water improvement and management
 1680 | plans approved by water management districts or basin management
 1681 | action plans developed pursuant to this subsection;
 1682 | d. Trading of water quality credits or other equitable
 1683 | economically based agreements;
 1684 | e. Public works including capital facilities; or
 1685 | f. Land acquisition.
 1686 | 2. For a basin management action plan adopted pursuant to
 1687 | paragraph (a), any management strategies and pollutant reduction
 1688 | requirements associated with a pollutant of concern for which a
 1689 | total maximum daily load has been developed, including effluent
 1690 | limits ~~set forth~~ for a discharger subject to NPDES permitting,
 1691 | if any, must be included in a timely manner in subsequent NPDES
 1692 | permits or permit modifications for that discharger. The
 1693 | department may not impose limits or conditions implementing an
 1694 | adopted total maximum daily load in an NPDES permit until the
 1695 | permit expires, the discharge is modified, or the permit is
 1696 | reopened pursuant to an adopted basin management action plan.
 1697 | a. Absent a detailed allocation, total maximum daily loads
 1698 | must be implemented through NPDES permit conditions that provide
 1699 | for a compliance schedule. In such instances, a facility's NPDES
 1700 | permit must allow time for the issuance of an order adopting the

1701 basin management action plan. The time allowed for the issuance
1702 of an order adopting the plan may not exceed 5 years. Upon
1703 issuance of an order adopting the plan, the permit must be
1704 reopened or renewed, as necessary, and permit conditions
1705 consistent with the plan must be established. Notwithstanding
1706 the other provisions of this subparagraph, upon request by an
1707 NPDES permittee, the department as part of a permit issuance,
1708 renewal, or modification may establish individual allocations
1709 before the adoption of a basin management action plan.

1710 b. For holders of NPDES municipal separate storm sewer
1711 system permits and other stormwater sources, implementation of a
1712 total maximum daily load or basin management action plan must be
1713 achieved, to the maximum extent practicable, through the use of
1714 best management practices or other management measures.

1715 c. The basin management action plan does not relieve the
1716 discharger from any requirement to obtain, renew, or modify an
1717 NPDES permit or to abide by other requirements of the permit.

1718 d. Management strategies ~~set forth~~ in a basin management
1719 action plan to be implemented by a discharger subject to
1720 permitting by the department must be completed pursuant to the
1721 schedule ~~set forth~~ in the basin management action plan. This
1722 implementation schedule may extend beyond the 5-year term of an
1723 NPDES permit.

1724 e. Management strategies and pollution reduction
1725 requirements ~~set forth~~ in a basin management action plan for a

1726 specific pollutant of concern are not subject to challenge under
1727 chapter 120 at the time they are incorporated, in an identical
1728 form, into a subsequent NPDES permit or permit modification.

1729 f. For nonagricultural pollutant sources not subject to
1730 NPDES permitting but permitted pursuant to other state,
1731 regional, or local water quality programs, the pollutant
1732 reduction actions adopted in a basin management action plan must
1733 be implemented to the maximum extent practicable as part of
1734 those permitting programs.

1735 g. A nonpoint source discharger included in a basin
1736 management action plan must demonstrate compliance with the
1737 pollutant reductions established under subsection (6) by
1738 implementing the appropriate best management practices
1739 established pursuant to paragraph (c) or conducting water
1740 quality monitoring prescribed by the department or a water
1741 management district. A nonpoint source discharger may, in
1742 accordance with department rules, supplement the implementation
1743 of best management practices with water quality credit trades in
1744 order to demonstrate compliance with the pollutant reductions
1745 established under subsection (6).

1746 h. A nonpoint source discharger included in a basin
1747 management action plan may be subject to enforcement action by
1748 the department or a water management district based upon a
1749 failure to implement the responsibilities ~~set forth~~ in sub-
1750 subparagraph g.

1751 i. A landowner, discharger, or other responsible person
1752 who is implementing applicable management strategies specified
1753 in an adopted basin management action plan may not be required
1754 by permit, enforcement action, or otherwise to implement
1755 additional management strategies, including water quality credit
1756 trading, to reduce pollutant loads to attain the pollutant
1757 reductions established pursuant to subsection (6) and shall be
1758 deemed to be in compliance with this section. This subparagraph
1759 does not limit the authority of the department to amend a basin
1760 management action plan as specified in subparagraph (a)6.

1761 (c) *Best management practices.*—

1762 1. The department, in cooperation with the water
1763 management districts and other interested parties, as
1764 appropriate, may develop suitable interim measures, best
1765 management practices, or other measures necessary to achieve the
1766 level of pollution reduction established by the department for
1767 nonagricultural nonpoint pollutant sources in allocations
1768 developed pursuant to subsection (6) and this subsection. These
1769 practices and measures may be adopted by rule by the department
1770 and the water management districts and, where adopted by rule,
1771 shall be implemented by those parties responsible for
1772 nonagricultural nonpoint source pollution.

1773 2. The Department of Agriculture and Consumer Services may
1774 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1775 suitable interim measures, best management practices, or other

1776 measures necessary to achieve the level of pollution reduction
1777 established by the department for agricultural pollutant sources
1778 in allocations developed pursuant to subsection (6) and this
1779 subsection or for programs implemented pursuant to paragraph
1780 (12) (b). These practices and measures may be implemented by
1781 those parties responsible for agricultural pollutant sources and
1782 the department, the water management districts, and the
1783 Department of Agriculture and Consumer Services shall assist
1784 with implementation. In the process of developing and adopting
1785 rules for interim measures, best management practices, or other
1786 measures, the Department of Agriculture and Consumer Services
1787 shall consult with the department, the Department of Health, the
1788 water management districts, representatives from affected
1789 farming groups, and environmental group representatives. Such
1790 rules must also incorporate provisions for a notice of intent to
1791 implement the practices and a system to assure the
1792 implementation of the practices, including site inspection and
1793 recordkeeping requirements.

1794 3. When ~~where~~ interim measures, best management practices,
1795 or other measures are adopted by rule, the effectiveness of such
1796 practices in achieving the levels of pollution reduction
1797 established in allocations developed by the department pursuant
1798 to subsection (6) and this subsection or in programs implemented
1799 pursuant to paragraph (12) (b) must be verified at representative
1800 sites by the department. The department shall use best

1801 professional judgment in making the initial verification that
1802 the best management practices are reasonably expected to be
1803 effective and, when ~~where~~ applicable, shall ~~must~~ notify the
1804 appropriate water management district or the Department of
1805 Agriculture and Consumer Services of its initial verification
1806 before the adoption of a rule proposed pursuant to this
1807 paragraph. Implementation, in accordance with rules adopted
1808 under this paragraph, of practices that have been initially
1809 verified to be effective, or verified to be effective by
1810 monitoring at representative sites, by the department, shall
1811 provide a presumption of compliance with state water quality
1812 standards and release from ~~the provisions of~~ s. 376.307(5) for
1813 those pollutants addressed by the practices, and the department
1814 is not authorized to institute proceedings against the owner of
1815 the source of pollution to recover costs or damages associated
1816 with the contamination of surface water or groundwater caused by
1817 those pollutants. Research projects funded by the department, a
1818 water management district, or the Department of Agriculture and
1819 Consumer Services to develop or demonstrate interim measures or
1820 best management practices shall be granted a presumption of
1821 compliance with state water quality standards and a release from
1822 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1823 and release is limited to the research site and only for those
1824 pollutants addressed by the interim measures or best management
1825 practices. Eligibility for the presumption of compliance and

1826 release is limited to research projects on sites where the owner
1827 or operator of the research site and the department, a water
1828 management district, or the Department of Agriculture and
1829 Consumer Services have entered into a contract or other
1830 agreement that, at a minimum, specifies the research objectives,
1831 the cost-share responsibilities of the parties, and a schedule
1832 that details the beginning and ending dates of the project.

1833 4. When ~~Where~~ water quality problems are demonstrated,
1834 despite the appropriate implementation, operation, and
1835 maintenance of best management practices and other measures
1836 required by rules adopted under this paragraph, the department,
1837 a water management district, or the Department of Agriculture
1838 and Consumer Services, in consultation with the department,
1839 shall institute a reevaluation of the best management practice
1840 or other measure. If ~~Should~~ the reevaluation determines
1841 ~~determine~~ that the best management practice or other measure
1842 requires modification, the department, a water management
1843 district, or the Department of Agriculture and Consumer
1844 Services, as appropriate, shall revise the rule to require
1845 implementation of the modified practice within a reasonable time
1846 period as specified in the rule.

1847 5. Subject to the provisions of subparagraph 6., the
1848 Department of Agriculture and Consumer Services shall provide to
1849 the department information obtained pursuant to subparagraph
1850 (d) 3.

1851 ~~6.5.~~ Agricultural records relating to processes or methods
 1852 of production, and costs of production, profits, or other
 1853 financial information held by the Department of Agriculture and
 1854 Consumer Services pursuant to subparagraphs 3.-5. ~~3. and 4.~~ or
 1855 pursuant to any rule adopted pursuant to subparagraph 2. are
 1856 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1857 of the State Constitution. Upon request, records made
 1858 confidential and exempt pursuant to this subparagraph shall be
 1859 released to the department or any water management district
 1860 provided that the confidentiality specified by this subparagraph
 1861 for such records is maintained.

1862 ~~7.6.~~ ~~The provisions of~~ Subparagraphs 1. and 2. do not
 1863 preclude the department or water management district from
 1864 requiring compliance with water quality standards or with
 1865 current best management practice requirements ~~set forth~~ in any
 1866 applicable regulatory program authorized by law for the purpose
 1867 of protecting water quality. Additionally, subparagraphs 1. and
 1868 2. are applicable only to the extent that they do not conflict
 1869 with any rules adopted by the department that are necessary to
 1870 maintain a federally delegated or approved program.

1871 (d) *Enforcement and verification of basin management*
 1872 *action plans and management strategies.*—

1873 1. Basin management action plans are enforceable pursuant
 1874 to this section and ss. 403.121, 403.141, and 403.161.
 1875 Management strategies, including best management practices and

1876 | water quality monitoring, are enforceable under this chapter.

1877 | 2. No later than January 1, 2017:

1878 | a. The department, in consultation with the water
1879 | management districts and the Department of Agriculture and
1880 | Consumer Services, shall initiate rulemaking to adopt procedures
1881 | to verify implementation of water quality monitoring required in
1882 | lieu of implementation of best management practices or other
1883 | measures pursuant to sub-subparagraph (b)2.g.;

1884 | b. The department, in consultation with the water
1885 | management districts and the Department of Agriculture and
1886 | Consumer Services, shall initiate rulemaking to adopt procedures
1887 | to verify implementation of nonagricultural interim measures,
1888 | best management practices, or other measures adopted by rule
1889 | pursuant to subparagraph (c)1.; and

1890 | c. The Department of Agriculture and Consumer Services, in
1891 | consultation with the water management districts and the
1892 | department, shall initiate rulemaking to adopt procedures to
1893 | verify implementation of agricultural interim measures, best
1894 | management practices, or other measures adopted by rule pursuant
1895 | to subparagraph (c)2.

1896 |
1897 | The rules required under this subparagraph shall include
1898 | enforcement procedures applicable to the landowner, discharger,
1899 | or other responsible person required to implement applicable
1900 | management strategies, including best management practices or

1901 | water quality monitoring as a result of noncompliance.

1902 | 3. At least every 2 years, the Department of Agriculture
 1903 | and Consumer Services shall perform onsite inspections of each
 1904 | agricultural producer that enrolls in a best management practice
 1905 | to ensure that such practice is being properly implemented. Such
 1906 | verification must include a collection and review of the best
 1907 | management practice documentation from the previous 2 years
 1908 | required by rules adopted pursuant to subparagraph (c)2.,
 1909 | including, but not limited to, nitrogen and phosphorus
 1910 | fertilizer application records, which must be collected and
 1911 | retained pursuant to subparagraphs (c)3., 4., and 6. The
 1912 | Department of Agriculture and Consumer Services shall initially
 1913 | prioritize the inspection of agricultural producers located in
 1914 | the basin management action plans for Lake Okeechobee, the
 1915 | Indian River Lagoon, the Caloosahatchee River and Estuary, and
 1916 | Silver Springs.

1917 | (e) Cooperative agricultural regional water quality
 1918 | improvement element.-

1919 | 1. The department, the Department of Agriculture and
 1920 | Consumer Services, and owners of agricultural operations in the
 1921 | basin shall develop a cooperative agricultural regional water
 1922 | quality improvement element as part of a basin management action
 1923 | plan only if:

1924 | a. Agricultural measures have been adopted by the
 1925 | Department of Agriculture and Consumer Services pursuant to

1926 subparagraph (c)2. and have been implemented and the waterbody
 1927 remains impaired;

1928 b. Agricultural nonpoint sources contribute to at least 20
 1929 percent of nonpoint source nutrient discharges; and

1930 c. The department determines that additional measures, in
 1931 combination with state-sponsored regional projects and other
 1932 management strategies included in the basin management action
 1933 plan, are necessary to achieve the total maximum daily load.

1934 2. The element will be implemented through the use of
 1935 cost-sharing projects. The element must include cost-effective
 1936 and technically and financially practical cooperative regional
 1937 agricultural nutrient reduction projects that can be implemented
 1938 on private properties on a site-specific, cooperative basis.
 1939 Such cooperative regional agricultural nutrient reduction
 1940 projects may include land acquisition in fee or conservation
 1941 easements on the lands of willing sellers and site-specific
 1942 water quality improvement or dispersed water management projects
 1943 on the lands of project participants.

1944 3. To qualify for participation in the cooperative
 1945 agricultural regional water quality improvement element, the
 1946 participant must have already implemented the interim measures,
 1947 best management practices, or other measures adopted by the
 1948 Department of Agriculture and Consumer Services pursuant to
 1949 subparagraph (c)2. The element may be included in the basin
 1950 management action plan as a part of the next 5-year assessment

1951 under subparagraph (a) 6.

1952 4. The department may submit a legislative budget request
1953 to fund projects developed pursuant to this paragraph.

1954 (f) Data collection and research.—

1955 1. The Department of Agriculture and Consumer Services, in
1956 cooperation with the University of Florida Institute of Food and
1957 Agricultural Sciences and other state universities and Florida
1958 College System institutions that have agricultural research
1959 programs, shall annually develop research plans and legislative
1960 budget requests to:

1961 a. Evaluate and suggest enhancements to the existing
1962 adopted agricultural best management practices to reduce
1963 nutrient runoff;

1964 b. Develop new best management practices that, if proven
1965 effective, the Department of Agriculture and Consumer Services
1966 may adopt by rule pursuant to subparagraph (c)2.; and

1967 c. Develop agricultural nutrient runoff reduction projects
1968 that willing participants could implement on a site-specific,
1969 cooperative basis, in addition to best management practices. The
1970 department may consider these projects for inclusion in a basin
1971 management action plan. These nutrient runoff reduction projects
1972 must reduce the nutrient impacts from agricultural operations on
1973 water quality when evaluated with the projects and management
1974 strategies currently included in the basin management action
1975 plan.

1976 2. To be considered for funding, the University of Florida
 1977 Institute of Food and Agricultural Sciences and other state
 1978 universities and Florida College System institutions that have
 1979 agricultural research programs must submit such plans to the
 1980 department and the Department of Agriculture and Consumer
 1981 Services by August 1, 2021, and each May 1 thereafter.

1982 3. The department shall work with the University of
 1983 Florida Institute of Food and Agricultural Sciences and
 1984 regulated entities to consider the adoption by rule of best
 1985 management practices for nutrient impacts from golf courses.
 1986 Such adopted best management practices are subject to the
 1987 requirements of paragraph (c).

1988 Section 15. Section 403.0671, Florida Statutes, is created
 1989 to read:

1990 403.0671 Basin management action plan wastewater reports.-

1991 (1) By July 1, 2021, the department, in coordination with
 1992 the county health departments, wastewater treatment facilities,
 1993 and other governmental entities, shall submit a report to the
 1994 Governor, the President of the Senate, and the Speaker of the
 1995 House of Representatives evaluating the costs of wastewater
 1996 projects identified in the basin management action plans
 1997 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
 1998 sewage treatment and disposal system remediation plans and other
 1999 restoration plans developed to meet the total maximum daily
 2000 loads required under s. 403.067. The report must include:

2001 (a) Projects to:

2002 1. Replace onsite sewage treatment and disposal systems

2003 with enhanced nutrient reducing onsite sewage treatment and

2004 disposal systems.

2005 2. Install or retrofit onsite sewage treatment and

2006 disposal systems with enhanced nutrient reducing technologies.

2007 3. Construct, upgrade, or expand domestic wastewater

2008 treatment facilities to meet the wastewater treatment plan

2009 required under s. 403.067(7) (a) 9.

2010 4. Connect onsite sewage treatment and disposal systems to

2011 domestic wastewater treatment facilities;

2012 (b) The estimated costs, nutrient load reduction

2013 estimates, and other benefits of each project;

2014 (c) The estimated implementation timeline for each

2015 project;

2016 (d) A proposed 5-year funding plan for each project and

2017 the source and amount of financial assistance the department, a

2018 water management district, or other project partner will make

2019 available to fund the project; and

2020 (e) The projected costs of installing enhanced nutrient

2021 reducing onsite sewage treatment and disposal systems on

2022 buildable lots in priority focus areas to comply with s.

2023 373.811.

2024 (2) By July 1, 2021, the department shall submit a report

2025 to the Governor, the President of the Senate, and the Speaker of

2026 the House of Representatives that provides an assessment of the
2027 water quality monitoring being conducted for each basin
2028 management action plan implementing a nutrient total maximum
2029 daily load. In developing the report, the department may
2030 coordinate with water management districts and any applicable
2031 university. The report must:

2032 (a) Evaluate the water quality monitoring prescribed for
2033 each basin management action plan to determine if it is
2034 sufficient to detect changes in water quality caused by the
2035 implementation of a project.

2036 (b) Identify gaps in water quality monitoring.

2037 (c) Recommend water quality monitoring needs.

2038 (3) Beginning January 1, 2022, and each January 1
2039 thereafter, the department shall submit to the Office of
2040 Economic and Demographic Research the cost estimates for
2041 projects required in s. 403.067(7)(a)9. The office shall include
2042 the project cost estimates in its annual assessment conducted
2043 pursuant to s. 403.928.

2044 Section 16. Section 403.0673, Florida Statutes, is created
2045 to read:

2046 403.0673 Wastewater grant program.—A wastewater grant
2047 program is established within the Department of Environmental
2048 Protection.

2049 (1) Subject to the appropriation of funds by the
2050 Legislature, the department may provide grants for the following

2051 projects within a basin management action plan, an alternative
2052 restoration plan adopted by final order, or a rural area of
2053 opportunity under s. 288.0656 which will individually or
2054 collectively reduce excess nutrient pollution:

2055 (a) Projects to retrofit onsite sewage treatment and
2056 disposal systems to upgrade such systems to enhanced nutrient
2057 reducing onsite sewage treatment and disposal systems.

2058 (b) Projects to construct, upgrade, or expand facilities
2059 to provide advanced waste treatment, as defined in s.
2060 403.086(4).

2061 (c) Projects to connect onsite sewage treatment and
2062 disposal systems to central sewer facilities.

2063 (2) In allocating such funds, priority must be given to
2064 projects that subsidize the connection of onsite sewage
2065 treatment and disposal systems to wastewater treatment
2066 facilities. First priority must be given to subsidize the
2067 connection of onsite sewage treatment and disposal systems to
2068 existing infrastructure. Second priority must be given to any
2069 expansion of a collection or transmission system that promotes
2070 efficiency by planning the installation of wastewater
2071 transmission facilities to be constructed concurrently with
2072 other construction projects occurring within or along a
2073 transportation facility right-of-way. Third priority must be
2074 given to all other connections of onsite sewage treatment and
2075 disposal systems to wastewater treatment facilities. The

2076 department shall consider the estimated reduction in nutrient
2077 load per project; project readiness; cost-effectiveness of the
2078 project; overall environmental benefit of a project; the
2079 location of a project; the availability of local matching funds;
2080 and projected water savings or quantity improvements associated
2081 with a project.

2082 (3) Each grant for a project described in subsection (1)
2083 must require a minimum of a 50 percent local match of funds.
2084 However, the department may, at its discretion, waive, in whole
2085 or in part, this consideration of the local contribution for
2086 proposed projects within an area designated as a rural area of
2087 opportunity under s. 288.0656.

2088 (4) The department shall coordinate with each water
2089 management district, as necessary, to identify grant recipients
2090 in each district.

2091 (5) Beginning January 1, 2021, and each January 1
2092 thereafter, the department shall submit a report regarding the
2093 projects funded pursuant to this section to the Governor, the
2094 President of the Senate, and the Speaker of the House of
2095 Representatives.

2096 Section 17. Section 403.0855, Florida Statutes, is created
2097 to read:

2098 403.0855 Biosolids management.—

2099 (1) The Legislature finds that it is in the best interest
2100 of this state to regulate biosolids management in order to

2101 minimize the migration of nutrients that impair water bodies.
2102 The Legislature further finds that permitting according to site-
2103 specific application conditions, an increased inspection rate,
2104 groundwater and surface water monitoring protocols, and nutrient
2105 management research will improve biosolids management and assist
2106 in protecting this state's water resources and water quality.

2107 (2) The department shall adopt rules for biosolids
2108 management. Rules adopted by the department pursuant to this
2109 section may not take effect until ratified by the Legislature.

2110 (3) For a new or renewed biosolids land application site
2111 permit issued after July 1, 2020, the permittee of a biosolids
2112 land application site shall:

2113 (a) Ensure a minimum unsaturated soil depth of 2 feet
2114 between the depth of biosolids placement and the water table
2115 level at the time the Class A or Class B biosolids are applied
2116 to the soil. Biosolids may not be applied on soils that have a
2117 seasonal high-water table less than 6 inches from the soil
2118 surface or within 6 inches of the intended depth of biosolids
2119 placement, unless a department-approved nutrient management plan
2120 and water quality monitoring plan provide reasonable assurances
2121 that the land application of biosolids at the site will not
2122 cause or contribute to a violation of the state's surface water
2123 quality standards or groundwater standards. As used in this
2124 subsection, the term "seasonal high water" means the elevation
2125 to which the ground and surface water may be expected to rise

2126 due to a normal wet season.

2127 (b) Be enrolled in the Department of Agriculture and
2128 Consumer Service's best management practices program or be
2129 within an agricultural operation enrolled in the program for the
2130 applicable commodity type.

2131 (4) All biosolids land application site permits must
2132 comply with the requirements of subsection (3) by July 1, 2022.

2133 (5) A new or renewed biosolids land application site or
2134 facility permit issued after July 1, 2020, must comply with this
2135 section and must include a permit condition that requires the
2136 permit to be reopened to insert a compliance date of no later
2137 than 1 year after the effective date of the rules adopted
2138 pursuant to subsection (2). All permits must meet the
2139 requirements of the rules adopted pursuant to subsection (2) no
2140 later than 2 years after the effective date of such rules.

2141 (6) A municipality or county may enforce or extend a local
2142 ordinance, regulation, resolution, rule, moratorium, or policy,
2143 any of which was adopted before November 1, 2019, relating to
2144 the land application of Class A or Class B biosolids until the
2145 ordinance, regulation, resolution, rule, moratorium, or policy
2146 is repealed by the municipality or county.

2147 Section 18. Subsections (7) through (10) of section
2148 403.086, Florida Statutes, are renumbered as subsections (8)
2149 through (11), respectively, subsections (1) and (2) are amended,
2150 and a new subsection (7) is added to that section, to read:

2151 403.086 Sewage disposal facilities; advanced and secondary
 2152 waste treatment.—

2153 (1) (a) ~~Neither~~ The Department of Health or ~~nor~~ any other
 2154 state agency, county, special district, or municipality may not
 2155 ~~shall~~ approve construction of any sewage disposal facilities ~~for~~
 2156 ~~sanitary sewage disposal~~ which do not provide for secondary
 2157 waste treatment and, ~~in addition thereto,~~ advanced waste
 2158 treatment as deemed necessary and ordered by the department.

2159 (b) Sewage disposal ~~No~~ facilities ~~for sanitary sewage~~
 2160 ~~disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose
 2161 of any wastes by deep well injection without providing for
 2162 secondary waste treatment and, ~~in addition thereto,~~ advanced
 2163 waste treatment deemed necessary by the department to protect
 2164 adequately the beneficial use of the receiving waters.

2165 (c) Notwithstanding ~~any other provisions of~~ this chapter
 2166 or chapter 373, sewage disposal facilities ~~for sanitary sewage~~
 2167 ~~disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa
 2168 Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound,
 2169 Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay,
 2170 Lemon Bay, ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025,
 2171 Indian River Lagoon, or into any river, stream, channel, canal,
 2172 bay, bayou, sound, or other water tributary thereto, without
 2173 providing advanced waste treatment, as defined in subsection
 2174 (4), approved by the department. This paragraph does ~~shall~~ not
 2175 apply to facilities which were permitted by February 1, 1987,

2176 and which discharge secondary treated effluent, followed by
2177 water hyacinth treatment, to tributaries of tributaries of the
2178 named waters; or to facilities permitted to discharge to the
2179 nontidally influenced portions of the Peace River.

2180 (d) By December 31, 2020, the department, in consultation
2181 with the water management districts and sewage disposal
2182 facilities, shall submit to the Governor, the President of the
2183 Senate, and the Speaker of the House of Representatives a
2184 progress report on the status of upgrades made by each facility
2185 to meet the advanced waste treatment requirements under
2186 paragraph (c). The report must include a list of sewage disposal
2187 facilities required to upgrade to advanced waste treatment, the
2188 preliminary cost estimates for the upgrades, and a projected
2189 timeline of the dates by which the upgrades will begin and be
2190 completed and the date by which operations of the upgraded
2191 facility will begin.

2192 (2) All sewage disposal ~~Any facilities for sanitary sewage~~
2193 ~~disposal~~ shall provide for secondary waste treatment, a power
2194 outage contingency plan that mitigates the impacts of power
2195 outages on the utility's collection system and pump stations,
2196 ~~and, in addition thereto,~~ advanced waste treatment as deemed
2197 necessary and ordered by the Department of Environmental
2198 Protection. Failure to conform is ~~shall be~~ punishable by a civil
2199 penalty of \$500 for each 24-hour day or fraction thereof that
2200 such failure is allowed to continue thereafter.

2201 (7) All sewage disposal facilities under subsection (2)
2202 which control a collection or transmission system of pipes and
2203 pumps to collect and transmit wastewater from domestic or
2204 industrial sources to the facility shall take steps to prevent
2205 sanitary sewer overflows or underground pipe leaks and ensure
2206 that collected wastewater reaches the facility for appropriate
2207 treatment. Facilities must use inflow and infiltration studies
2208 and leakage surveys to develop pipe assessment, repair, and
2209 replacement action plans with a 5-year planning horizon that
2210 comply with department rule to limit, reduce, and eliminate
2211 leaks, seepages, or inputs into wastewater treatment systems'
2212 underground pipes. The pipe assessment, repair, and replacement
2213 action plans must be reported to the department. The facility
2214 action plans must include information regarding the annual
2215 expenditures dedicated to the inflow and infiltration studies
2216 and the required replacement action plans; expenditures that are
2217 dedicated to pipe assessment, repair, and replacement; and
2218 expenditures designed to limit the presence of fats, roots,
2219 oils, and grease in the facility's collection system. The
2220 department shall adopt rules regarding the implementation of
2221 inflow and infiltration studies and leakage surveys; however,
2222 such rules may not fix or revise utility rates or budgets. A
2223 utility or an operating entity subject to this subsection and s.
2224 403.061(14) may submit one report to comply with both
2225 requirements. Substantial compliance with this subsection is

2226 evidence in mitigation for the purposes of assessing penalties
 2227 pursuant to ss. 403.121 and 403.141.

2228 Section 19. Subsections (4) through (10) of section
 2229 403.087, Florida Statutes, are renumbered as subsections (5)
 2230 through (11), respectively, and a new subsection (4) is added to
 2231 that section to read:

2232 403.087 Permits; general issuance; denial; revocation;
 2233 prohibition; penalty.—

2234 (4) The department shall issue an operation permit for a
 2235 domestic wastewater treatment facility other than a facility
 2236 regulated under the National Pollutant Discharge Elimination
 2237 System Program under s. 403.0885 for a term of up to 10 years if
 2238 the facility is meeting the stated goals in its action plan
 2239 adopted pursuant to s. 403.086(7).

2240 Section 20. Subsections (3) and (4) of section 403.088,
 2241 Florida Statutes, are renumbered as subsections (4) and (5),
 2242 respectively, paragraph (c) of subsection (2) is amended, and a
 2243 new subsection (3) is added to that section, to read:

2244 403.088 Water pollution operation permits; conditions.—

2245 (2)

2246 (c) A permit shall:

2247 1. Specify the manner, nature, volume, and frequency of
 2248 the discharge permitted;

2249 2. Require proper operation and maintenance of any
 2250 pollution abatement facility by qualified personnel in

2251 accordance with standards established by the department;

2252 3. Require a deliberate, proactive approach to

2253 investigating or surveying a significant percentage of the

2254 domestic wastewater collection system throughout the duration of

2255 the permit to determine pipe integrity, which must be

2256 accomplished in an economically feasible manner. The permittee

2257 shall submit an annual report to the department which details

2258 facility revenues and expenditures in a manner prescribed by

2259 department rule. The report must detail any deviation of annual

2260 expenditures from identified system needs related to inflow and

2261 infiltration studies; model plans for pipe assessment, repair,

2262 and replacement; and pipe assessment, repair, and replacement

2263 required under s. 403.086(7). Substantial compliance with this

2264 subsection is evidence in mitigation for the purposes of

2265 assessing penalties pursuant to ss. 403.121 and 403.141;

2266 ~~4.3.~~ Contain such additional conditions, requirements, and

2267 restrictions as the department deems necessary to preserve and

2268 protect the quality of the receiving waters;

2269 5.4. Be valid for the period of time specified therein;

2270 and

2271 ~~6.5.~~ Constitute the state National Pollutant Discharge

2272 Elimination System permit when issued pursuant to the authority

2273 in s. 403.0885.

2274 (3) No later than March 1 of each year, the department

2275 shall submit a report to the Governor, the President of the

2276 Senate, and the Speaker of the House of Representatives which
2277 identifies all domestic wastewater treatment facilities that
2278 experienced a sanitary sewer overflow in the preceding calendar
2279 year. The report must identify the name of the utility or
2280 responsible operating entity, permitted capacity in annual
2281 average gallons per day, number of overflows, type of water
2282 discharged, total volume of sewage released, and, to the extent
2283 known and available, volume of sewage recovered, volume of
2284 sewage discharged to surface waters, and cause of the sanitary
2285 sewer overflow, including whether the overflow was caused by a
2286 third party. The department shall include with this report the
2287 annual report specified under subparagraph (2)(c)3. for each
2288 utility that experienced an overflow.

2289 Section 21. Subsection (6) of section 403.0891, Florida
2290 Statutes, is amended to read:

2291 403.0891 State, regional, and local stormwater management
2292 plans and programs.—The department, the water management
2293 districts, and local governments shall have the responsibility
2294 for the development of mutually compatible stormwater management
2295 programs.

2296 (6) The department and the Department of Economic
2297 Opportunity, in cooperation with local governments in the
2298 coastal zone, shall develop a model stormwater management
2299 program that could be adopted by local governments. The model
2300 program must contain model ordinances that target nutrient

2301 reduction practices and use green infrastructure. The model
 2302 program shall contain dedicated funding options, including a
 2303 stormwater utility fee system based upon an equitable unit cost
 2304 approach. Funding options shall be designed to generate capital
 2305 to retrofit existing stormwater management systems, build new
 2306 treatment systems, operate facilities, and maintain and service
 2307 debt.

2308 Section 22. Paragraphs (b) and (g) of subsection (2),
 2309 paragraph (b) of subsection (3), and subsections (8) and (9) of
 2310 section 403.121, Florida Statutes, are amended to read:

2311 403.121 Enforcement; procedure; remedies.—The department
 2312 shall have the following judicial and administrative remedies
 2313 available to it for violations of this chapter, as specified in
 2314 s. 403.161(1).

2315 (2) Administrative remedies:

2316 (b) If the department has reason to believe a violation
 2317 has occurred, it may institute an administrative proceeding to
 2318 order the prevention, abatement, or control of the conditions
 2319 creating the violation or other appropriate corrective action.
 2320 Except for violations involving hazardous wastes, asbestos, or
 2321 underground injection, the department shall proceed
 2322 administratively in all cases in which the department seeks
 2323 administrative penalties that do not exceed \$50,000 ~~\$10,000~~ per
 2324 assessment as calculated in accordance with subsections (3),
 2325 (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the

2326 administrative penalty assessed pursuant to subsection (3),
 2327 subsection (4), or subsection (5) against a public water system
 2328 serving a population of more than 10,000 may not ~~shall~~ be ~~not~~
 2329 less than \$1,000 per day per violation. The department may ~~shall~~
 2330 not impose administrative penalties in excess of \$50,000 ~~\$10,000~~
 2331 in a notice of violation. The department may ~~shall~~ not have more
 2332 than one notice of violation seeking administrative penalties
 2333 pending against the same party at the same time unless the
 2334 violations occurred at a different site or the violations were
 2335 discovered by the department subsequent to the filing of a
 2336 previous notice of violation.

2337 (g) This subsection does not prevent ~~Nothing herein shall~~
 2338 ~~be construed as preventing~~ any other legal or administrative
 2339 action in accordance with law and does not. ~~Nothing in this~~
 2340 ~~subsection shall~~ limit the department's authority provided in s.
 2341 ~~ss.~~ 403.131, s. 403.141, and this section to judicially pursue
 2342 injunctive relief. When the department exercises its authority
 2343 to judicially pursue injunctive relief, penalties in any amount
 2344 up to the statutory maximum sought by the department must be
 2345 pursued as part of the state court action and not by initiating
 2346 a separate administrative proceeding. The department retains the
 2347 authority to judicially pursue penalties in excess of \$50,000
 2348 ~~\$10,000~~ for violations not specifically included in the
 2349 administrative penalty schedule, or for multiple or multiday
 2350 violations alleged to exceed a total of \$50,000 ~~\$10,000~~. The

2351 department also retains the authority provided in ss. 403.131,
 2352 403.141, and this section to judicially pursue injunctive relief
 2353 and damages, if a notice of violation seeking the imposition of
 2354 administrative penalties has not been issued. The department has
 2355 the authority to enter into a settlement, ~~either~~ before or after
 2356 initiating a notice of violation, and the settlement may include
 2357 a penalty amount different from the administrative penalty
 2358 schedule. Any case filed in state court because it is alleged to
 2359 exceed a total of \$50,000 ~~\$10,000~~ in penalties may be settled in
 2360 the court action for less than \$50,000 ~~\$10,000~~.

2361 (3) Except for violations involving hazardous wastes,
 2362 asbestos, or underground injection, administrative penalties
 2363 must be calculated according to the following schedule:

2364 (b) For failure to obtain a required wastewater permit,
 2365 other than a permit required for surface water discharge, the
 2366 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a
 2367 domestic or industrial wastewater violation not involving a
 2368 surface water or groundwater quality violation, the department
 2369 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
 2370 unauthorized discharge or effluent-limitation exceedance or for
 2371 failure to comply with s. 403.061(14) or s. 403.086(7) or rules
 2372 adopted thereunder. For an unpermitted or unauthorized discharge
 2373 or effluent-limitation exceedance that resulted in a surface
 2374 water or groundwater quality violation, the department shall
 2375 assess a penalty of \$10,000 ~~\$5,000~~.

2376 (8) The direct economic benefit gained by the violator
 2377 from the violation, where consideration of economic benefit is
 2378 provided by Florida law or required by federal law as part of a
 2379 federally delegated or approved program, must ~~shall~~ be added to
 2380 the scheduled administrative penalty. The total administrative
 2381 penalty, including any economic benefit added to the scheduled
 2382 administrative penalty, may ~~shall~~ not exceed \$10,000.

2383 (9) The administrative penalties assessed for any
 2384 particular violation may ~~shall~~ not exceed \$10,000 ~~\$5,000~~ against
 2385 any one violator, unless the violator has a history of
 2386 noncompliance, the economic benefit of the violation as
 2387 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
 2388 multiday violations. The total administrative penalties may
 2389 ~~shall~~ not exceed \$50,000 ~~\$10,000~~ per assessment for all
 2390 violations attributable to a specific person in the notice of
 2391 violation.

2392 Section 23. Subsection (7) of section 403.1835, Florida
 2393 Statutes, is amended to read:

2394 403.1835 Water pollution control financial assistance.—

2395 (7) Eligible projects must be given priority according to
 2396 the extent each project is intended to remove, mitigate, or
 2397 prevent adverse effects on surface or ground water quality and
 2398 public health. The relative costs of achieving environmental and
 2399 public health benefits must be taken into consideration during
 2400 the department's assignment of project priorities. The

2401 department shall adopt a priority system by rule. In developing
 2402 the priority system, the department shall give priority to
 2403 projects that:

2404 (a) Eliminate public health hazards;

2405 (b) Enable compliance with laws requiring the elimination
 2406 of discharges to specific water bodies, including the
 2407 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic
 2408 wastewater ocean outfalls;

2409 (c) Assist in the implementation of total maximum daily
 2410 loads adopted under s. 403.067;

2411 (d) Enable compliance with other pollution control
 2412 requirements, including, but not limited to, toxics control,
 2413 wastewater residuals management, and reduction of nutrients and
 2414 bacteria;

2415 (e) Assist in the implementation of surface water
 2416 improvement and management plans and pollutant load reduction
 2417 goals developed under state water policy;

2418 (f) Promote reclaimed water reuse;

2419 (g) Eliminate failing onsite sewage treatment and disposal
 2420 systems or those that are causing environmental damage; ~~or~~

2421 (h) Reduce pollutants to and otherwise promote the
 2422 restoration of Florida's surface and ground waters;

2423 (i) Implement the requirements of s. 403.086(7) or s.
 2424 403.088(2)(c); or

2425 (j) Promote efficiency by planning for the installation of

2426 wastewater transmission facilities to be constructed
 2427 concurrently with other construction projects occurring within
 2428 or along a transportation facility right-of-way.

2429 Section 24. Paragraph (b) of subsection (3) of section
 2430 403.1838, Florida Statutes, is amended to read:

2431 403.1838 Small Community Sewer Construction Assistance
 2432 Act.—

2433 (3)

2434 (b) The rules of the Environmental Regulation Commission
 2435 must:

2436 1. Require that projects to plan, design, construct,
 2437 upgrade, or replace wastewater collection, transmission,
 2438 treatment, disposal, and reuse facilities be cost-effective,
 2439 environmentally sound, permittable, and implementable.

2440 2. Require appropriate user charges, connection fees, and
 2441 other charges sufficient to ensure the long-term operation,
 2442 maintenance, and replacement of the facilities constructed under
 2443 each grant.

2444 3. Require grant applications to be submitted on
 2445 appropriate forms with appropriate supporting documentation, and
 2446 require records to be maintained.

2447 4. Establish a system to determine eligibility of grant
 2448 applications.

2449 5. Establish a system to determine the relative priority
 2450 of grant applications. The system must consider public health

2451 protection and water pollution prevention or abatement and must
 2452 prioritize projects that plan for the installation of wastewater
 2453 transmission facilities to be constructed concurrently with
 2454 other construction projects occurring within or along a
 2455 transportation facility right-of-way.

2456 6. Establish requirements for competitive procurement of
 2457 engineering and construction services, materials, and equipment.

2458 7. Provide for termination of grants when program
 2459 requirements are not met.

2460 Section 25. Subsection (9) is added to section 403.412,
 2461 Florida Statutes, to read:

2462 403.412 Environmental Protection Act.—

2463 (9) (a) A local government regulation, ordinance, code,
 2464 rule, comprehensive plan, charter, or any other provision of law
 2465 may not recognize or grant any legal rights to a plant, an
 2466 animal, a body of water, or any other part of the natural
 2467 environment that is not a person or political subdivision as
 2468 defined in s. 1.01 or grant such person or political subdivision
 2469 any specific rights relating to the natural environment not
 2470 otherwise authorized in general law or specifically granted in
 2471 the State Constitution.

2472 (b) This subsection does not limit the power of an
 2473 adversely affected party to challenge the consistency of a
 2474 development order with a comprehensive plan as provided in s.
 2475 163.3215 or to file an action for injunctive relief to enforce

2476 | the terms of a development agreement or challenge compliance of
 2477 | the agreement as provided in s. 163.3243.

2478 | (c) This subsection does not limit the standing of the
 2479 | Department of Legal Affairs, a political subdivision or
 2480 | municipality of the state, or a citizen of the state to maintain
 2481 | an action for injunctive relief as provided in this section.

2482 | Section 26. The Legislature determines and declares that
 2483 | this act fulfills an important state interest.

2484 | Section 27. Effective July 1, 2021, subsection (5) of
 2485 | section 153.54, Florida Statutes, is amended to read:

2486 | 153.54 Preliminary report by county commissioners with
 2487 | respect to creation of proposed district.—Upon receipt of a
 2488 | petition duly signed by not less than 25 qualified electors who
 2489 | are also freeholders residing within an area proposed to be
 2490 | incorporated into a water and sewer district pursuant to this
 2491 | law and describing in general terms the proposed boundaries of
 2492 | such proposed district, the board of county commissioners if it
 2493 | shall deem it necessary and advisable to create and establish
 2494 | such proposed district for the purpose of constructing,
 2495 | establishing or acquiring a water system or a sewer system or
 2496 | both in and for such district (herein called "improvements"),
 2497 | shall first cause a preliminary report to be made which such
 2498 | report together with any other relevant or pertinent matters,
 2499 | shall include at least the following:

2500 | (5) For the construction of a new proposed central

2501 sewerage system or the extension of an existing central sewerage
2502 system that was not previously approved, the report shall
2503 include a study that includes the available information from the
2504 Department of Environmental Protection ~~Health~~ on the history of
2505 onsite sewage treatment and disposal systems currently in use in
2506 the area and a comparison of the projected costs to the owner of
2507 a typical lot or parcel of connecting to and using the proposed
2508 central sewerage system versus installing, operating, and
2509 properly maintaining an onsite sewage treatment and disposal
2510 system that is approved by the Department of Environmental
2511 Protection ~~Health~~ and that provides for the comparable level of
2512 environmental and health protection as the proposed central
2513 sewerage system; consideration of the local authority's
2514 obligations or reasonably anticipated obligations for water body
2515 cleanup and protection under state or federal programs,
2516 including requirements for water bodies listed under s. 303(d)
2517 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
2518 et seq.; and other factors deemed relevant by the local
2519 authority.

2520
2521 Such report shall be filed in the office of the clerk of the
2522 circuit court and shall be open for the inspection of any
2523 taxpayer, property owner, qualified elector or any other
2524 interested or affected person.

2525 Section 28. Effective July 1, 2021, paragraph (c) of

2526 subsection (2) of section 153.73, Florida Statutes, is amended
2527 to read:

2528 153.73 Assessable improvements; levy and payment of
2529 special assessments.—Any district may provide for the
2530 construction or reconstruction of assessable improvements as
2531 defined in s. 153.52, and for the levying of special assessments
2532 upon benefited property for the payment thereof, under the
2533 provisions of this section.

2534 (2)

2535 (c) For the construction of a new proposed central
2536 sewerage system or the extension of an existing central sewerage
2537 system that was not previously approved, the report shall
2538 include a study that includes the available information from the
2539 Department of Environmental Protection ~~Health~~ on the history of
2540 onsite sewage treatment and disposal systems currently in use in
2541 the area and a comparison of the projected costs to the owner of
2542 a typical lot or parcel of connecting to and using the proposed
2543 central sewerage system versus installing, operating, and
2544 properly maintaining an onsite sewage treatment and disposal
2545 system that is approved by the Department of Environmental
2546 Protection ~~Health~~ and that provides for the comparable level of
2547 environmental and health protection as the proposed central
2548 sewerage system; consideration of the local authority's
2549 obligations or reasonably anticipated obligations for water body
2550 cleanup and protection under state or federal programs,

2551 including requirements for water bodies listed under s. 303(d)
 2552 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
 2553 et seq.; and other factors deemed relevant by the local
 2554 authority.

2555 Section 29. Effective July 1, 2021, subsection (2) of
 2556 section 163.3180, Florida Statutes, is amended to read:

2557 163.3180 Concurrency.—

2558 (2) Consistent with public health and safety, sanitary
 2559 sewer, solid waste, drainage, adequate water supplies, and
 2560 potable water facilities shall be in place and available to
 2561 serve new development no later than the issuance by the local
 2562 government of a certificate of occupancy or its functional
 2563 equivalent. Before ~~Prior to~~ approval of a building permit or its
 2564 functional equivalent, the local government shall consult with
 2565 the applicable water supplier to determine whether adequate
 2566 water supplies to serve the new development will be available no
 2567 later than the anticipated date of issuance by the local
 2568 government of a certificate of occupancy or its functional
 2569 equivalent. A local government may meet the concurrency
 2570 requirement for sanitary sewer through the use of onsite sewage
 2571 treatment and disposal systems approved by the Department of
 2572 Environmental Protection ~~Health~~ to serve new development.

2573 Section 30. Effective July 1, 2021, subsection (3) of
 2574 section 180.03, Florida Statutes, is amended to read:

2575 180.03 Resolution or ordinance proposing construction or

2576 extension of utility; objections to same.—

2577 (3) For the construction of a new proposed central
2578 sewerage system or the extension of an existing central sewerage
2579 system that was not previously approved, the report shall
2580 include a study that includes the available information from the
2581 Department of Environmental Protection ~~Health~~ on the history of
2582 onsite sewage treatment and disposal systems currently in use in
2583 the area and a comparison of the projected costs to the owner of
2584 a typical lot or parcel of connecting to and using the proposed
2585 central sewerage system versus installing, operating, and
2586 properly maintaining an onsite sewage treatment and disposal
2587 system that is approved by the Department of Environmental
2588 Protection ~~Health~~ and that provides for the comparable level of
2589 environmental and health protection as the proposed central
2590 sewerage system; consideration of the local authority's
2591 obligations or reasonably anticipated obligations for water body
2592 cleanup and protection under state or federal programs,
2593 including requirements for water bodies listed under s. 303(d)
2594 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
2595 et seq.; and other factors deemed relevant by the local
2596 authority. The results of the ~~such a~~ study shall be included in
2597 the resolution or ordinance required under subsection (1).

2598 Section 31. Subsections (2), (3), and (6) of section
2599 311.105, Florida Statutes, are amended to read:

2600 311.105 Florida Seaport Environmental Management

2601 Committee; permitting; mitigation.—

2602 (2) Each application for a permit authorized pursuant to
 2603 s. 403.061(38) ~~s. 403.061(37)~~ must include:

2604 (a) A description of maintenance dredging activities to be
 2605 conducted and proposed methods of dredged-material management.

2606 (b) A characterization of the materials to be dredged and
 2607 the materials within dredged-material management sites.

2608 (c) A description of dredged-material management sites and
 2609 plans.

2610 (d) A description of measures to be undertaken, including
 2611 environmental compliance monitoring, to minimize adverse
 2612 environmental effects of maintenance dredging and dredged-
 2613 material management.

2614 (e) Such scheduling information as is required to
 2615 facilitate state supplementary funding of federal maintenance
 2616 dredging and dredged-material management programs consistent
 2617 with beach restoration criteria of the Department of
 2618 Environmental Protection.

2619 (3) Each application for a permit authorized pursuant to
 2620 s. 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~
 2621 paragraphs (2)(b)-(e) and the following:

2622 (a) A description of dredging and dredged-material
 2623 management and other related activities associated with port
 2624 development, including the expansion of navigation channels,
 2625 dredged-material management sites, port harbors, turning basins,

2626 harbor berths, and associated facilities.

2627 (b) A discussion of environmental mitigation as is
 2628 proposed for dredging and dredged-material management for port
 2629 development, including the expansion of navigation channels,
 2630 dredged-material management sites, port harbors, turning basins,
 2631 harbor berths, and associated facilities.

2632 (6) Dredged-material management activities authorized
 2633 pursuant to s. 403.061(38) or (39) ~~s. 403.061(37) or (38)~~ shall
 2634 be incorporated into port master plans developed pursuant to s.
 2635 163.3178(2) (k) .

2636 Section 32. Paragraph (d) of subsection (1) of section
 2637 327.46, Florida Statutes, is amended to read:

2638 327.46 Boating-restricted areas.—

2639 (1) Boating-restricted areas, including, but not limited
 2640 to, restrictions of vessel speeds and vessel traffic, may be
 2641 established on the waters of this state for any purpose
 2642 necessary to protect the safety of the public if such
 2643 restrictions are necessary based on boating accidents,
 2644 visibility, hazardous currents or water levels, vessel traffic
 2645 congestion, or other navigational hazards or to protect
 2646 seagrasses on privately owned submerged lands.

2647 (d) Owners of private submerged lands that are adjacent to
 2648 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~
 2649 ~~403.061(27)~~, or an aquatic preserve established under ss.
 2650 258.39-258.399 may request that the commission establish

2651 boating-restricted areas solely to protect any seagrass and
 2652 contiguous seagrass habitat within their private property
 2653 boundaries from seagrass scarring due to propeller dredging.
 2654 Owners making a request pursuant to this paragraph must
 2655 demonstrate to the commission clear ownership of the submerged
 2656 lands. The commission shall adopt rules to implement this
 2657 paragraph, including, but not limited to, establishing an
 2658 application process and criteria for meeting the requirements of
 2659 this paragraph. Each approved boating-restricted area shall be
 2660 established by commission rule. For marking boating-restricted
 2661 zones established pursuant to this paragraph, owners of
 2662 privately submerged lands shall apply to the commission for a
 2663 uniform waterway marker permit in accordance with ss. 327.40 and
 2664 327.41, and shall be responsible for marking the boating-
 2665 restricted zone in accordance with the terms of the permit.

2666 Section 33. Paragraph (d) of subsection (3) of section
 2667 373.250, Florida Statutes, is amended to read:

2668 373.250 Reuse of reclaimed water.—

2669 (3)

2670 (d) The South Florida Water Management District shall
 2671 require the use of reclaimed water made available by the
 2672 elimination of wastewater ocean outfall discharges as provided
 2673 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or
 2674 groundwater when the use of reclaimed water is available; is
 2675 environmentally, economically, and technically feasible; and is

2676 of such quality and reliability as is necessary to the user.
 2677 Such reclaimed water may also be required in lieu of other
 2678 alternative sources. In determining whether to require such
 2679 reclaimed water in lieu of other alternative sources, the water
 2680 management district shall consider existing infrastructure
 2681 investments in place or obligated to be constructed by an
 2682 executed contract or similar binding agreement as of July 1,
 2683 2011, for the development of other alternative sources.

2684 Section 34. Subsection (9) of section 373.414, Florida
 2685 Statutes, is amended to read:

2686 373.414 Additional criteria for activities in surface
 2687 waters and wetlands.—

2688 (9) The department and the governing boards, on or before
 2689 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
 2690 this section, relying primarily on the existing rules of the
 2691 department and the water management districts, into the rules
 2692 governing the management and storage of surface waters. Such
 2693 rules shall seek to achieve a statewide, coordinated and
 2694 consistent permitting approach to activities regulated under
 2695 this part. Variations in permitting criteria in the rules of
 2696 individual water management districts or the department shall
 2697 only be provided to address differing physical or natural
 2698 characteristics. Such rules adopted pursuant to this subsection
 2699 shall include the special criteria adopted pursuant to s.
 2700 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria

2701 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
2702 shall include a provision requiring that a notice of intent to
2703 deny or a permit denial based upon this section shall contain an
2704 explanation of the reasons for such denial and an explanation,
2705 in general terms, of what changes, if any, are necessary to
2706 address such reasons for denial. Such rules may establish
2707 exemptions and general permits, if such exemptions and general
2708 permits do not allow significant adverse impacts to occur
2709 individually or cumulatively. Such rules may require submission
2710 of proof of financial responsibility which may include the
2711 posting of a bond or other form of surety prior to the
2712 commencement of construction to provide reasonable assurance
2713 that any activity permitted pursuant to this section, including
2714 any mitigation for such permitted activity, will be completed in
2715 accordance with the terms and conditions of the permit once the
2716 construction is commenced. Until rules adopted pursuant to this
2717 subsection become effective, existing rules adopted under this
2718 part and rules adopted pursuant to the authority of ss. 403.91-
2719 403.929 shall be deemed authorized under this part and shall
2720 remain in full force and effect. Neither the department nor the
2721 governing boards are limited or prohibited from amending any
2722 such rules.

2723 Section 35. Paragraph (b) of subsection (4) of section
2724 373.705, Florida Statutes, is amended to read:

2725 373.705 Water resource development; water supply

2726 development.—

2727 (4)

2728 (b) Water supply development projects that meet the
2729 criteria in paragraph (a) and that meet one or more of the
2730 following additional criteria shall be given first consideration
2731 for state or water management district funding assistance:

2732 1. The project brings about replacement of existing
2733 sources in order to help implement a minimum flow or minimum
2734 water level;

2735 2. The project implements reuse that assists in the
2736 elimination of domestic wastewater ocean outfalls as provided in
2737 s. 403.086(10) ~~s. 403.086(9)~~; or

2738 3. The project reduces or eliminates the adverse effects
2739 of competition between legal users and the natural system.

2740 Section 36. Paragraph (f) of subsection (8) of section
2741 373.707, Florida Statutes, is amended to read:

2742 373.707 Alternative water supply development.—

2743 (8)

2744 (f) The governing boards shall determine those projects
2745 that will be selected for financial assistance. The governing
2746 boards may establish factors to determine project funding;
2747 however, significant weight shall be given to the following
2748 factors:

2749 1. Whether the project provides substantial environmental
2750 benefits by preventing or limiting adverse water resource

2751 impacts.

2752 2. Whether the project reduces competition for water
2753 supplies.

2754 3. Whether the project brings about replacement of
2755 traditional sources in order to help implement a minimum flow or
2756 level or a reservation.

2757 4. Whether the project will be implemented by a
2758 consumptive use permittee that has achieved the targets
2759 contained in a goal-based water conservation program approved
2760 pursuant to s. 373.227.

2761 5. The quantity of water supplied by the project as
2762 compared to its cost.

2763 6. Projects in which the construction and delivery to end
2764 users of reuse water is a major component.

2765 7. Whether the project will be implemented by a
2766 multijurisdictional water supply entity or regional water supply
2767 authority.

2768 8. Whether the project implements reuse that assists in
2769 the elimination of domestic wastewater ocean outfalls as
2770 provided in s. 403.086(10) ~~s. 403.086(9)~~.

2771 9. Whether the county or municipality, or the multiple
2772 counties or municipalities, in which the project is located has
2773 implemented a high-water recharge protection tax assessment
2774 program as provided in s. 193.625.

2775 Section 37. Subsection (4) of section 373.709, Florida

2776 Statutes, is amended to read:

2777 373.709 Regional water supply planning.—

2778 (4) The South Florida Water Management District shall
 2779 include in its regional water supply plan water resource and
 2780 water supply development projects that promote the elimination
 2781 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~
 2782 ~~403.086(9)~~.

2783 Section 38. Effective July 1, 2021, subsection (3) of
 2784 section 373.807, Florida Statutes, is amended to read:

2785 373.807 Protection of water quality in Outstanding Florida
 2786 Springs.—By July 1, 2016, the department shall initiate
 2787 assessment, pursuant to s. 403.067(3), of Outstanding Florida
 2788 Springs or spring systems for which an impairment determination
 2789 has not been made under the numeric nutrient standards in effect
 2790 for spring vents. Assessments must be completed by July 1, 2018.

2791 (3) As part of a basin management action plan that
 2792 includes an Outstanding Florida Spring, the department, ~~the~~
 2793 ~~Department of Health,~~ relevant local governments, and relevant
 2794 local public and private wastewater utilities shall develop an
 2795 onsite sewage treatment and disposal system remediation plan for
 2796 a spring if the department determines onsite sewage treatment
 2797 and disposal systems within a priority focus area contribute at
 2798 least 20 percent of nonpoint source nitrogen pollution or if the
 2799 department determines remediation is necessary to achieve the
 2800 total maximum daily load. The plan shall identify cost-effective

2801 and financially feasible projects necessary to reduce the
2802 nutrient impacts from onsite sewage treatment and disposal
2803 systems and shall be completed and adopted as part of the basin
2804 management action plan no later than the first 5-year milestone
2805 required by subparagraph (1)(b)8. The department is the lead
2806 agency in coordinating the preparation of and the adoption of
2807 the plan. The department shall:

2808 (a) Collect and evaluate credible scientific information
2809 on the effect of nutrients, particularly forms of nitrogen, on
2810 springs and springs systems; and

2811 (b) Develop a public education plan to provide area
2812 residents with reliable, understandable information about onsite
2813 sewage treatment and disposal systems and springs.

2814
2815 In addition to the requirements in s. 403.067, the plan shall
2816 include options for repair, upgrade, replacement, drainfield
2817 modification, addition of effective nitrogen reducing features,
2818 connection to a central sewerage system, or other action for an
2819 onsite sewage treatment and disposal system or group of systems
2820 within a priority focus area that contribute at least 20 percent
2821 of nonpoint source nitrogen pollution or if the department
2822 determines remediation is necessary to achieve a total maximum
2823 daily load. For these systems, the department shall include in
2824 the plan a priority ranking for each system or group of systems
2825 that requires remediation and shall award funds to implement the

2826 remediation projects contingent on an appropriation in the
 2827 General Appropriations Act, which may include all or part of the
 2828 costs necessary for repair, upgrade, replacement, drainfield
 2829 modification, addition of effective nitrogen reducing features,
 2830 initial connection to a central sewerage system, or other
 2831 action. In awarding funds, the department may consider expected
 2832 nutrient reduction benefit per unit cost, size and scope of
 2833 project, relative local financial contribution to the project,
 2834 and the financial impact on property owners and the community.
 2835 The department may waive matching funding requirements for
 2836 proposed projects within an area designated as a rural area of
 2837 opportunity under s. 288.0656.

2838 Section 39. Paragraph (k) of subsection (1) of section
 2839 376.307, Florida Statutes, is amended to read:

2840 376.307 Water Quality Assurance Trust Fund.—

2841 (1) The Water Quality Assurance Trust Fund is intended to
 2842 serve as a broad-based fund for use in responding to incidents
 2843 of contamination that pose a serious danger to the quality of
 2844 groundwater and surface water resources or otherwise pose a
 2845 serious danger to the public health, safety, or welfare. Moneys
 2846 in this fund may be used:

2847 (k) For funding activities described in s. 403.086(10) ~~s.~~
 2848 ~~403.086(9)~~ which are authorized for implementation under the
 2849 Leah Schad Memorial Ocean Outfall Program.

2850 Section 40. Paragraph (i) of subsection (2), paragraph (b)

2851 of subsection (4), paragraph (j) of subsection (7), and
 2852 paragraph (a) of subsection (9) of section 380.0552, Florida
 2853 Statutes, are amended to read:

2854 380.0552 Florida Keys Area; protection and designation as
 2855 area of critical state concern.—

2856 (2) LEGISLATIVE INTENT.—It is the intent of the
 2857 Legislature to:

2858 (i) Protect and improve the nearshore water quality of the
 2859 Florida Keys through federal, state, and local funding of water
 2860 quality improvement projects, including the construction and
 2861 operation of wastewater management facilities that meet the
 2862 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,
 2863 as applicable.

2864 (4) REMOVAL OF DESIGNATION.—

2865 (b) Beginning November 30, 2010, the state land planning
 2866 agency shall annually submit a written report to the
 2867 Administration Commission describing the progress of the Florida
 2868 Keys Area toward completing the work program tasks specified in
 2869 commission rules. The land planning agency shall recommend
 2870 removing the Florida Keys Area from being designated as an area
 2871 of critical state concern to the commission if it determines
 2872 that:

2873 1. All of the work program tasks have been completed,
 2874 including construction of, operation of, and connection to
 2875 central wastewater management facilities pursuant to s.

2876 | 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage
2877 | treatment and disposal systems pursuant to s. 381.0065(4)(1);
2878 | 2. All local comprehensive plans and land development
2879 | regulations and the administration of such plans and regulations
2880 | are adequate to protect the Florida Keys Area, fulfill the
2881 | legislative intent specified in subsection (2), and are
2882 | consistent with and further the principles guiding development;
2883 | and
2884 | 3. A local government has adopted a resolution at a public
2885 | hearing recommending the removal of the designation.
2886 | (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
2887 | and local agencies and units of government in the Florida Keys
2888 | Area shall coordinate their plans and conduct their programs and
2889 | regulatory activities consistent with the principles for guiding
2890 | development as specified in chapter 27F-8, Florida
2891 | Administrative Code, as amended effective August 23, 1984, which
2892 | is adopted and incorporated herein by reference. For the
2893 | purposes of reviewing the consistency of the adopted plan, or
2894 | any amendments to that plan, with the principles for guiding
2895 | development, and any amendments to the principles, the
2896 | principles shall be construed as a whole and specific provisions
2897 | may not be construed or applied in isolation from the other
2898 | provisions. However, the principles for guiding development are
2899 | repealed 18 months from July 1, 1986. After repeal, any plan
2900 | amendments must be consistent with the following principles:

2901 (j) Ensuring the improvement of nearshore water quality by
 2902 requiring the construction and operation of wastewater
 2903 management facilities that meet the requirements of ss.
 2904 381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable,
 2905 and by directing growth to areas served by central wastewater
 2906 treatment facilities through permit allocation systems.

2907 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2908 (a) Any land development regulation or element of a local
 2909 comprehensive plan in the Florida Keys Area may be enacted,
 2910 amended, or rescinded by a local government, but the enactment,
 2911 amendment, or rescission becomes effective only upon approval by
 2912 the state land planning agency. The state land planning agency
 2913 shall review the proposed change to determine if it is in
 2914 compliance with the principles for guiding development specified
 2915 in chapter 27F-8, Florida Administrative Code, as amended
 2916 effective August 23, 1984, and must approve or reject the
 2917 requested changes within 60 days after receipt. Amendments to
 2918 local comprehensive plans in the Florida Keys Area must also be
 2919 reviewed for compliance with the following:

2920 1. Construction schedules and detailed capital financing
 2921 plans for wastewater management improvements in the annually
 2922 adopted capital improvements element, and standards for the
 2923 construction of wastewater treatment and disposal facilities or
 2924 collection systems that meet or exceed the criteria in s.
 2925 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal

2926 facilities or s. 381.0065(4)(1) for onsite sewage treatment and
 2927 disposal systems.

2928 2. Goals, objectives, and policies to protect public
 2929 safety and welfare in the event of a natural disaster by
 2930 maintaining a hurricane evacuation clearance time for permanent
 2931 residents of no more than 24 hours. The hurricane evacuation
 2932 clearance time shall be determined by a hurricane evacuation
 2933 study conducted in accordance with a professionally accepted
 2934 methodology and approved by the state land planning agency.

2935 Section 41. Effective July 1, 2021, section 381.006,
 2936 Florida Statutes, is amended to read:

2937 381.006 Environmental health.—The Department of Health
 2938 shall conduct an environmental health program as part of
 2939 fulfilling the state's public health mission. The purpose of
 2940 this program is to detect and prevent disease caused by natural
 2941 and manmade factors in the environment. The environmental health
 2942 program shall include, but not be limited to:

2943 (1) A drinking water function.

2944 (2) An environmental health surveillance function which
 2945 shall collect, compile, and correlate information on public
 2946 health and exposure to hazardous substances through sampling and
 2947 testing of water, air, or foods. Environmental health
 2948 surveillance shall include a comprehensive assessment of
 2949 drinking water under the department's supervision and an indoor
 2950 air quality testing and monitoring program to assess health

2951 risks from exposure to chemical, physical, and biological agents
 2952 in the indoor environment.

2953 (3) A toxicology and hazard assessment function which
 2954 shall conduct toxicological and human health risk assessments of
 2955 exposure to toxic agents, for the purposes of:

2956 (a) Supporting determinations by the State Health Officer
 2957 of safe levels of contaminants in water, air, or food if
 2958 applicable standards or criteria have not been adopted. These
 2959 determinations shall include issuance of health advisories to
 2960 protect the health and safety of the public at risk from
 2961 exposure to toxic agents.

2962 (b) Provision of human toxicological health risk
 2963 assessments to the public and other governmental agencies to
 2964 characterize the risks to the public from exposure to
 2965 contaminants in air, water, or food.

2966 (c) Consultation and technical assistance to the
 2967 Department of Environmental Protection and other governmental
 2968 agencies on actions necessary to ameliorate exposure to toxic
 2969 agents, including the emergency provision by the Department of
 2970 Environmental Protection of drinking water in cases of drinking
 2971 water contamination that present an imminent and substantial
 2972 threat to the public's health, as required by s.
 2973 376.30(3)(c)1.a.

2974 (d) Monitoring and reporting the body burden of toxic
 2975 agents to estimate past exposure to these toxic agents, predict

2976 future health effects, and decrease the incidence of poisoning
 2977 by identifying and eliminating exposure.

2978 (4) A sanitary nuisance function, as that term is defined
 2979 in chapter 386.

2980 (5) A migrant labor function.

2981 (6) A public facilities function, including sanitary
 2982 practices relating to state, county, municipal, and private
 2983 institutions serving the public; jointly with the Department of
 2984 Education, publicly and privately owned schools; all places used
 2985 for the incarceration of prisoners and inmates of state
 2986 institutions for the mentally ill; toilets and washrooms in all
 2987 public places and places of employment; any other condition,
 2988 place, or establishment necessary for the control of disease or
 2989 the protection and safety of public health.

2990 ~~(7) An onsite sewage treatment and disposal function.~~

2991 (7)~~(8)~~ A biohazardous waste control function.

2992 (8)~~(9)~~ A function to control diseases transmitted from
 2993 animals to humans, including the segregation, quarantine, and
 2994 destruction of domestic pets and wild animals having or
 2995 suspected of having such diseases.

2996 (9)~~(10)~~ An environmental epidemiology function which shall
 2997 investigate food-borne disease, waterborne disease, and other
 2998 diseases of environmental causation, whether of chemical,
 2999 radiological, or microbiological origin. A \$10 surcharge for
 3000 this function shall be assessed upon all persons permitted under

3001 chapter 500. This function shall include an educational program
3002 for physicians and health professionals designed to promote
3003 surveillance and reporting of environmental diseases, and to
3004 further the dissemination of knowledge about the relationship
3005 between toxic substances and human health which will be useful
3006 in the formulation of public policy and will be a source of
3007 information for the public.

3008 (10)~~(11)~~ Mosquito and pest control functions as provided
3009 in chapters 388 and 482.

3010 (11)~~(12)~~ A radiation control function as provided in
3011 chapter 404 and part IV of chapter 468.

3012 (12)~~(13)~~ A public swimming and bathing facilities function
3013 as provided in chapter 514.

3014 (13)~~(14)~~ A mobile home park, lodging park, recreational
3015 vehicle park, and recreational camp function as provided in
3016 chapter 513.

3017 (14)~~(15)~~ A sanitary facilities function, which shall
3018 include minimum standards for the maintenance and sanitation of
3019 sanitary facilities; public access to sanitary facilities; and
3020 fixture ratios for special or temporary events and for homeless
3021 shelters.

3022 (15)~~(16)~~ A group-care-facilities function. As used in this
3023 subsection, the term "group care facility" means any public or
3024 private school, assisted living facility, adult family-care
3025 home, adult day care center, short-term residential treatment

3026 center, residential treatment facility, home for special
3027 services, transitional living facility, crisis stabilization
3028 unit, hospice, prescribed pediatric extended care center,
3029 intermediate care facility for persons with developmental
3030 disabilities, or boarding school. The department may adopt rules
3031 necessary to protect the health and safety of residents, staff,
3032 and patrons of group care facilities. Rules related to public
3033 and private schools shall be developed by the Department of
3034 Education in consultation with the department. Rules adopted
3035 under this subsection may include definitions of terms;
3036 provisions relating to operation and maintenance of facilities,
3037 buildings, grounds, equipment, furnishings, and occupant-space
3038 requirements; lighting; heating, cooling, and ventilation; food
3039 service; water supply and plumbing; sewage; sanitary facilities;
3040 insect and rodent control; garbage; safety; personnel health,
3041 hygiene, and work practices; and other matters the department
3042 finds are appropriate or necessary to protect the safety and
3043 health of the residents, staff, students, faculty, or patrons.
3044 The department may not adopt rules that conflict with rules
3045 adopted by the licensing or certifying agency. The department
3046 may enter and inspect at reasonable hours to determine
3047 compliance with applicable statutes or rules. In addition to any
3048 sanctions that the department may impose for violations of rules
3049 adopted under this section, the department shall also report
3050 such violations to any agency responsible for licensing or

3051 certifying the group care facility. The licensing or certifying
 3052 agency may also impose any sanction based solely on the findings
 3053 of the department.

3054 (16)~~(17)~~ A function for investigating elevated levels of
 3055 lead in blood. Each participating county health department may
 3056 expend funds for federally mandated certification or
 3057 recertification fees related to conducting investigations of
 3058 elevated levels of lead in blood.

3059 (17)~~(18)~~ A food service inspection function for domestic
 3060 violence centers that are certified by the Department of
 3061 Children and Families and monitored by the Florida Coalition
 3062 Against Domestic Violence under part XII of chapter 39 and group
 3063 care homes as described in subsection (15)~~(16)~~, which shall be
 3064 conducted annually and be limited to the requirements in
 3065 department rule applicable to community-based residential
 3066 facilities with five or fewer residents.

3067
 3068 The department may adopt rules to carry out ~~the provisions of~~
 3069 this section.

3070 Section 42. Effective July 1, 2021, subsection (1) of
 3071 section 381.0061, Florida Statutes, is amended to read:

3072 381.0061 Administrative fines.—

3073 (1) In addition to any administrative action authorized by
 3074 chapter 120 or by other law, the department may impose a fine,
 3075 which shall not exceed \$500 for each violation, for a violation

3076 of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s.
 3077 381.0072, or part III of chapter 489, for a violation of any
 3078 rule adopted under this chapter, or for a violation of any of
 3079 the provisions of chapter 386. Notice of intent to impose such
 3080 fine shall be given by the department to the alleged violator.
 3081 Each day that a violation continues may constitute a separate
 3082 violation.

3083 Section 43. Effective July 1, 2021, subsection (1) of
 3084 section 381.0064, Florida Statutes, is amended to read:

3085 381.0064 Continuing education courses for persons
 3086 installing or servicing septic tanks.—

3087 (1) The Department of Environmental Protection ~~Health~~
 3088 shall establish a program for continuing education which meets
 3089 the purposes of ss. 381.0101 and 489.554 regarding the public
 3090 health and environmental effects of onsite sewage treatment and
 3091 disposal systems and any other matters the department determines
 3092 desirable for the safe installation and use of onsite sewage
 3093 treatment and disposal systems. The department may charge a fee
 3094 to cover the cost of such program.

3095 Section 44. Effective July 1, 2021, paragraph (g) of
 3096 subsection (1) of section 381.0101, Florida Statutes, is amended
 3097 to read:

3098 381.0101 Environmental health professionals.—

3099 (1) DEFINITIONS.—As used in this section:

3100 (g) "Primary environmental health program" means those

3101 | programs determined by the department to be essential for
 3102 | providing basic environmental and sanitary protection to the
 3103 | public. At a minimum, these programs shall include food
 3104 | protection program work ~~and onsite sewage treatment and disposal~~
 3105 | ~~system evaluations.~~

3106 | Section 45. Section 403.08601, Florida Statutes, is
 3107 | amended to read:

3108 | 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
 3109 | Legislature declares that as funds become available the state
 3110 | may assist the local governments and agencies responsible for
 3111 | implementing the Leah Schad Memorial Ocean Outfall Program
 3112 | pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from
 3113 | other sources provided for in law, the General Appropriations
 3114 | Act, from gifts designated for implementation of the plan from
 3115 | individuals, corporations, or other entities, or federal funds
 3116 | appropriated by Congress for implementation of the plan, may be
 3117 | deposited into an account of the Water Quality Assurance Trust
 3118 | Fund.

3119 | Section 46. Section 403.0871, Florida Statutes, is amended
 3120 | to read:

3121 | 403.0871 Florida Permit Fee Trust Fund.—There is
 3122 | established within the department a nonlapsing trust fund to be
 3123 | known as the "Florida Permit Fee Trust Fund." All funds received
 3124 | from applicants for permits pursuant to ss. 161.041, 161.053,
 3125 | 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7)(a) shall be

3126 deposited in the Florida Permit Fee Trust Fund and shall be used
3127 by the department with the advice and consent of the Legislature
3128 to supplement appropriations and other funds received by the
3129 department for the administration of its responsibilities under
3130 this chapter and chapter 161. In no case shall funds from the
3131 Florida Permit Fee Trust Fund be used for salary increases
3132 without the approval of the Legislature.

3133 Section 47. Paragraph (a) of subsection (11) of section
3134 403.0872, Florida Statutes, is amended to read:

3135 403.0872 Operation permits for major sources of air
3136 pollution; annual operation license fee.—Provided that program
3137 approval pursuant to 42 U.S.C. s. 7661a has been received from
3138 the United States Environmental Protection Agency, beginning
3139 January 2, 1995, each major source of air pollution, including
3140 electrical power plants certified under s. 403.511, must obtain
3141 from the department an operation permit for a major source of
3142 air pollution under this section. This operation permit is the
3143 only department operation permit for a major source of air
3144 pollution required for such source; provided, at the applicant's
3145 request, the department shall issue a separate acid rain permit
3146 for a major source of air pollution that is an affected source
3147 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
3148 for major sources of air pollution, except general permits
3149 issued pursuant to s. 403.814, must be issued in accordance with
3150 the procedures contained in this section and in accordance with

3151 chapter 120; however, to the extent that chapter 120 is
3152 inconsistent with ~~the provisions of~~ this section, the procedures
3153 contained in this section prevail.

3154 (11) Each major source of air pollution permitted to
3155 operate in this state must pay between January 15 and April 1 of
3156 each year, upon written notice from the department, an annual
3157 operation license fee in an amount determined by department
3158 rule. The annual operation license fee shall be terminated
3159 immediately in the event the United States Environmental
3160 Protection Agency imposes annual fees solely to implement and
3161 administer the major source air-operation permit program in
3162 Florida under 40 C.F.R. s. 70.10(d).

3163 (a) The annual fee must be assessed based upon the
3164 source's previous year's emissions and must be calculated by
3165 multiplying the applicable annual operation license fee factor
3166 times the tons of each regulated air pollutant actually emitted,
3167 as calculated in accordance with the department's emissions
3168 computation and reporting rules. The annual fee shall only apply
3169 to those regulated pollutants, except carbon monoxide and
3170 greenhouse gases, for which an allowable numeric emission
3171 limiting standard is specified in the source's most recent
3172 construction or operation permit; provided, however, that:

3173 1. The license fee factor is \$25 or another amount
3174 determined by department rule which ensures that the revenue
3175 provided by each year's operation license fees is sufficient to

3176 cover all reasonable direct and indirect costs of the major
3177 stationary source air-operation permit program established by
3178 this section. The license fee factor may be increased beyond \$25
3179 only if the secretary of the department affirmatively finds that
3180 a shortage of revenue for support of the major stationary source
3181 air-operation permit program will occur in the absence of a fee
3182 factor adjustment. The annual license fee factor may never
3183 exceed \$35.

3184 2. The amount of each regulated air pollutant in excess of
3185 4,000 tons per year emitted by any source, or group of sources
3186 belonging to the same Major Group as described in the Standard
3187 Industrial Classification Manual, 1987, may not be included in
3188 the calculation of the fee. Any source, or group of sources,
3189 which does not emit any regulated air pollutant in excess of
3190 4,000 tons per year, is allowed a one-time credit not to exceed
3191 25 percent of the first annual licensing fee for the prorated
3192 portion of existing air-operation permit application fees
3193 remaining upon commencement of the annual licensing fees.

3194 3. If the department has not received the fee by March 1
3195 of the calendar year, the permittee must be sent a written
3196 warning of the consequences for failing to pay the fee by April
3197 1. If the fee is not postmarked by April 1 of the calendar year,
3198 the department shall impose, in addition to the fee, a penalty
3199 of 50 percent of the amount of the fee, plus interest on such
3200 amount computed in accordance with s. 220.807. The department

3201 may not impose such penalty or interest on any amount underpaid,
 3202 provided that the permittee has timely remitted payment of at
 3203 least 90 percent of the amount determined to be due and remits
 3204 full payment within 60 days after receipt of notice of the
 3205 amount underpaid. The department may waive the collection of
 3206 underpayment and may ~~shall~~ not be required to refund overpayment
 3207 of the fee, if the amount due is less than 1 percent of the fee,
 3208 up to \$50. The department may revoke any major air pollution
 3209 source operation permit if it finds that the permit holder has
 3210 failed to timely pay any required annual operation license fee,
 3211 penalty, or interest.

3212 4. Notwithstanding the computational provisions of this
 3213 subsection, the annual operation license fee for any source
 3214 subject to this section may ~~shall~~ not be less than \$250, except
 3215 that the annual operation license fee for sources permitted
 3216 solely through general permits issued under s. 403.814 may ~~shall~~
 3217 not exceed \$50 per year.

3218 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
 3219 ~~the provisions of s. 403.087(6)(a)5.a., authorizing air~~
 3220 pollution construction permit fees, the department may not
 3221 require such fees for changes or additions to a major source of
 3222 air pollution permitted pursuant to this section, unless the
 3223 activity triggers permitting requirements under Title I, Part C
 3224 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
 3225 7514a. Costs to issue and administer such permits shall be

3226 considered direct and indirect costs of the major stationary
 3227 source air-operation permit program under s. 403.0873. The
 3228 department shall, however, require fees pursuant to s.
 3229 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the
 3230 construction of a new major source of air pollution that will be
 3231 subject to the permitting requirements of this section once
 3232 constructed and for activities triggering permitting
 3233 requirements under Title I, Part C or Part D, of the federal
 3234 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

3235 Section 48. Paragraph (d) of subsection (3) of section
 3236 403.707, Florida Statutes, is amended to read:

3237 403.707 Permits.—

3238 (3)

3239 (d) The department may adopt rules to administer this
 3240 subsection. However, the department is not required to submit
 3241 such rules to the Environmental Regulation Commission for
 3242 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~
 3243 ~~403.087(6)(a)~~, permit fee caps for solid waste management
 3244 facilities shall be prorated to reflect the extended permit term
 3245 authorized by this subsection.

3246 Section 49. Subsections (8) and (21) of section 403.861,
 3247 Florida Statutes, are amended to read:

3248 403.861 Department; powers and duties.—The department
 3249 shall have the power and the duty to carry out the provisions
 3250 and purposes of this act and, for this purpose, to:

3251 (8) Initiate rulemaking to increase each drinking water
 3252 permit application fee authorized under s. 403.087(7) ~~s.~~
 3253 ~~403.087(6)~~ and this part and adopted by rule to ensure that such
 3254 fees are increased to reflect, at a minimum, any upward
 3255 adjustment in the Consumer Price Index compiled by the United
 3256 States Department of Labor, or similar inflation indicator,
 3257 since the original fee was established or most recently revised.

3258 (a) The department shall establish by rule the inflation
 3259 index to be used for this purpose. The department shall review
 3260 the drinking water permit application fees authorized under s.
 3261 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5
 3262 years and shall adjust the fees upward, as necessary, within the
 3263 established fee caps to reflect changes in the Consumer Price
 3264 Index or similar inflation indicator. In the event of deflation,
 3265 the department shall consult with the Executive Office of the
 3266 Governor and the Legislature to determine whether downward fee
 3267 adjustments are appropriate based on the current budget and
 3268 appropriation considerations. The department shall also review
 3269 the drinking water operation license fees established pursuant
 3270 to paragraph (7)(b) at least once every 5 years to adopt, as
 3271 necessary, the same inflationary adjustments provided for in
 3272 this subsection.

3273 (b) The minimum fee amount shall be the minimum fee
 3274 prescribed in this section, and such fee amount shall remain in
 3275 effect until the effective date of fees adopted by rule by the

3276 department.

3277 (21) (a) Upon issuance of a construction permit to
 3278 construct a new public water system drinking water treatment
 3279 facility to provide potable water supply using a surface water
 3280 that, at the time of the permit application, is not being used
 3281 as a potable water supply, and the classification of which does
 3282 not include potable water supply as a designated use, the
 3283 department shall add treated potable water supply as a
 3284 designated use of the surface water segment in accordance with
 3285 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

3286 (b) For existing public water system drinking water
 3287 treatment facilities that use a surface water as a treated
 3288 potable water supply, which surface water classification does
 3289 not include potable water supply as a designated use, the
 3290 department shall add treated potable water supply as a
 3291 designated use of the surface water segment in accordance with
 3292 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

3293 Section 50. Effective July 1, 2021, subsection (1) of
 3294 section 489.551, Florida Statutes, is amended to read:

3295 489.551 Definitions.—As used in this part:

3296 (1) "Department" means the Department of Environmental
 3297 Protection Health.

3298 Section 51. Paragraph (b) of subsection (10) of section
 3299 590.02, Florida Statutes, is amended to read:

3300 590.02 Florida Forest Service; powers, authority, and

3301 duties; liability; building structures; Withlacoochee Training
 3302 Center.—

3303 (10)

3304 (b) The Florida Forest Service may delegate to a county,
 3305 municipality, or special district its authority:

3306 1. As delegated by the Department of Environmental
 3307 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and
 3308 403.081, to manage and enforce regulations pertaining to the
 3309 burning of yard trash in accordance with s. 590.125(6).

3310 2. To manage the open burning of land clearing debris in
 3311 accordance with s. 590.125.

3312 Section 52. The Division of Law Revision is directed to
 3313 replace the phrase "before the rules in paragraph (e) take
 3314 effect" as it is used in the amendment made by this act to s.
 3315 381.0065(4)(f), Florida Statutes, with the date such rules are
 3316 adopted, as provided by the Department of Environmental
 3317 Protection pursuant to s. 381.0065(4)(f), Florida Statutes, as
 3318 amended by this act.

3319 Section 53. Except as otherwise expressly provided in this
 3320 act, this act shall take effect July 1, 2020.