



216160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and General Government (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete lines 506 - 2542
and insert:
consider conventional and enhanced nutrient-reducing onsite
sewage treatment and disposal system designs, impaired or
degraded water bodies, domestic wastewater and drinking water
infrastructure, potable water sources, nonpotable wells,
stormwater infrastructure, the onsite sewage treatment and
disposal system remediation plans developed pursuant to s.



216160

11 403.067(7)(a)9.b., nutrient pollution, and the recommendations
12 of the onsite sewage treatment and disposal systems technical
13 advisory committee established pursuant to s. 381.00652.

14 (f)(e) Onsite sewage treatment and disposal systems that
15 are permitted before adoption of the rules identified in
16 paragraph (e) may ~~must~~ not be placed closer than:

17 1. Seventy-five feet from a private potable well.

18 2. Two hundred feet from a public potable well serving a
19 residential or nonresidential establishment having a total
20 sewage flow of greater than 2,000 gallons per day.

21 3. One hundred feet from a public potable well serving a
22 residential or nonresidential establishment having a total
23 sewage flow of less than or equal to 2,000 gallons per day.

24 4. Fifty feet from any nonpotable well.

25 5. Ten feet from any storm sewer pipe, to the maximum
26 extent possible, but in no instance shall the setback be less
27 than 5 feet.

28 6. Seventy-five feet from the mean high-water line of a
29 tidally influenced surface water body.

30 7. Seventy-five feet from the mean annual flood line of a
31 permanent nontidal surface water body.

32 8. Fifteen feet from the design high-water line of
33 retention areas, detention areas, or swales designed to contain
34 standing or flowing water for less than 72 hours after a
35 rainfall or the design high-water level of normally dry drainage
36 ditches or normally dry individual lot stormwater retention
37 areas.

38 ~~(f) Except as provided under paragraphs (e) and (t), no~~
39 ~~limitations shall be imposed by rule, relating to the distance~~



216160

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

42 (g) All provisions of this section and rules adopted under
43 this section relating to soil condition, water table elevation,
44 distance, and other setback requirements must be equally applied
45 to all lots, with the following exceptions:

46 1. Any residential lot that was platted and recorded on or
47 after January 1, 1972, or that is part of a residential
48 subdivision that was approved by the appropriate permitting
49 agency on or after January 1, 1972, and that was eligible for an
50 onsite sewage treatment and disposal system construction permit
51 on the date of such platting and recording or approval shall be
52 eligible for an onsite sewage treatment and disposal system
53 construction permit, regardless of when the application for a
54 permit is made. If rules in effect at the time the permit
55 application is filed cannot be met, residential lots platted and
56 recorded or approved on or after January 1, 1972, shall, to the
57 maximum extent possible, comply with the rules in effect at the
58 time the permit application is filed. At a minimum, however,
59 those residential lots platted and recorded or approved on or
60 after January 1, 1972, but before January 1, 1983, shall comply
61 with those rules in effect on January 1, 1983, and those
62 residential lots platted and recorded or approved on or after
63 January 1, 1983, shall comply with those rules in effect at the
64 time of such platting and recording or approval. In determining
65 the maximum extent of compliance with current rules that is
66 possible, the department shall allow structures and
67 appurtenances thereto which were authorized at the time such
68 lots were platted and recorded or approved.



216160

69 2. Lots platted before 1972 are subject to a 50-foot
70 minimum surface water setback and are not subject to lot size
71 requirements. The projected daily flow for onsite sewage
72 treatment and disposal systems for lots platted before 1972 may
73 not exceed:

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

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

78 (h)1. The department may grant variances in hardship cases
79 which may be less restrictive than ~~the provisions~~ specified in
80 this section. If a variance is granted and the onsite sewage
81 treatment and disposal system construction permit has been
82 issued, the variance may be transferred with the system
83 construction permit, if the transferee files, within 60 days
84 after the transfer of ownership, an amended construction permit
85 application providing all corrected information and proof of
86 ownership of the property and if the same variance would have
87 been required for the new owner of the property as was
88 originally granted to the original applicant for the variance.
89 There is no fee associated with the processing of this
90 supplemental information. A variance may not be granted under
91 this section until the department is satisfied that:

92 a. The hardship was not caused intentionally by the action
93 of the applicant;

94 b. No reasonable alternative, taking into consideration
95 factors such as cost, exists for the treatment of the sewage;
96 and

97 c. The discharge from the onsite sewage treatment and



216160

98 disposal system will not adversely affect the health of the
99 applicant or the public or significantly degrade the groundwater
100 or surface waters.

101
102 Where soil conditions, water table elevation, and setback
103 provisions are determined by the department to be satisfactory,
104 special consideration must be given to those lots platted before
105 1972.

106 2. The department shall appoint and staff a variance review
107 and advisory committee, which shall meet monthly to recommend
108 agency action on variance requests. The committee shall make its
109 recommendations on variance requests at the meeting in which the
110 application is scheduled for consideration, except for an
111 extraordinary change in circumstances, the receipt of new
112 information that raises new issues, or when the applicant
113 requests an extension. The committee shall consider the criteria
114 in subparagraph 1. in its recommended agency action on variance
115 requests and shall also strive to allow property owners the full
116 use of their land where possible. The committee consists of the
117 following:

118 a. The Secretary of Environmental Protection ~~State Surgeon~~
119 ~~General~~ or his or her designee.

120 b. A representative from the county health departments.

121 c. A representative from the home building industry
122 recommended by the Florida Home Builders Association.

123 d. A representative from the septic tank industry
124 recommended by the Florida Onsite Wastewater Association.

125 e. A representative from the Department of Health
126 ~~Environmental Protection~~.



216160

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

131 g. A representative from the engineering profession
132 recommended by the Florida Engineering Society.

133

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

139 (i) A construction permit may not be issued for an onsite
140 sewage treatment and disposal system in any area zoned or used
141 for industrial or manufacturing purposes, or its equivalent,
142 where a publicly owned or investor-owned sewage treatment system
143 is available, or where a likelihood exists that the system will
144 receive toxic, hazardous, or industrial waste. An existing
145 onsite sewage treatment and disposal system may be repaired if a
146 publicly owned or investor-owned sewerage system is not
147 available within 500 feet of the building sewer stub-out and if
148 system construction and operation standards can be met. This
149 paragraph does not require publicly owned or investor-owned
150 sewerage treatment systems to accept anything other than
151 domestic wastewater.

152 1. A building located in an area zoned or used for
153 industrial or manufacturing purposes, or its equivalent, when
154 such building is served by an onsite sewage treatment and
155 disposal system, must not be occupied until the owner or tenant



216160

156 has obtained written approval from the department. The
157 department may ~~shall~~ not grant approval when the proposed use of
158 the system is to dispose of toxic, hazardous, or industrial
159 wastewater or toxic or hazardous chemicals.

160 2. Each person who owns or operates a business or facility
161 in an area zoned or used for industrial or manufacturing
162 purposes, or its equivalent, or who owns or operates a business
163 that has the potential to generate toxic, hazardous, or
164 industrial wastewater or toxic or hazardous chemicals, and uses
165 an onsite sewage treatment and disposal system that is installed
166 on or after July 5, 1989, must obtain an annual system operating
167 permit from the department. A person who owns or operates a
168 business that uses an onsite sewage treatment and disposal
169 system that was installed and approved before July 5, 1989, need
170 not obtain a system operating permit. However, upon change of
171 ownership or tenancy, the new owner or operator must notify the
172 department of the change, and the new owner or operator must
173 obtain an annual system operating permit, regardless of the date
174 that the system was installed or approved.

175 3. The department shall periodically review and evaluate
176 the continued use of onsite sewage treatment and disposal
177 systems in areas zoned or used for industrial or manufacturing
178 purposes, or its equivalent, and may require the collection and
179 analyses of samples from within and around such systems. If the
180 department finds that toxic or hazardous chemicals or toxic,
181 hazardous, or industrial wastewater have been or are being
182 disposed of through an onsite sewage treatment and disposal
183 system, the department shall initiate enforcement actions
184 against the owner or tenant to ensure adequate cleanup,



185 treatment, and disposal.

186 (j) An onsite sewage treatment and disposal system designed
187 by a professional engineer registered in the state and certified
188 by such engineer as complying with performance criteria adopted
189 by the department must be approved by the department subject to
190 the following:

191 1. The performance criteria applicable to engineer-designed
192 systems must be limited to those necessary to ensure that such
193 systems do not adversely affect the public health or
194 significantly degrade the groundwater or surface water. Such
195 performance criteria shall include consideration of the quality
196 of system effluent, the proposed total sewage flow per acre,
197 wastewater treatment capabilities of the natural or replaced
198 soil, water quality classification of the potential surface-
199 water-receiving body, and the structural and maintenance
200 viability of the system for the treatment of domestic
201 wastewater. However, performance criteria shall address only the
202 performance of a system and not a system's design.

203 2. A person electing to utilize an engineer-designed system
204 shall, upon completion of the system design, submit such design,
205 certified by a registered professional engineer, to the county
206 health department. The county health department may utilize an
207 outside consultant to review the engineer-designed system, with
208 the actual cost of such review to be borne by the applicant.
209 Within 5 working days after receiving an engineer-designed
210 system permit application, the county health department shall
211 request additional information if the application is not
212 complete. Within 15 working days after receiving a complete
213 application for an engineer-designed system, the county health



214 department either shall issue the permit or, if it determines
215 that the system does not comply with the performance criteria,
216 shall notify the applicant of that determination and refer the
217 application to the department for a determination as to whether
218 the system should be approved, disapproved, or approved with
219 modification. The department engineer's determination shall
220 prevail over the action of the county health department. The
221 applicant shall be notified in writing of the department's
222 determination and of the applicant's rights to pursue a variance
223 or seek review under ~~the provisions of~~ chapter 120.

224 3. The owner of an engineer-designed performance-based
225 system must maintain a current maintenance service agreement
226 with a maintenance entity permitted by the department. The
227 maintenance entity shall inspect each system at least twice each
228 year and shall report quarterly to the department on the number
229 of systems inspected and serviced. The reports may be submitted
230 electronically.

231 4. The property owner of an owner-occupied, single-family
232 residence may be approved and permitted by the department as a
233 maintenance entity for his or her own performance-based
234 treatment system upon written certification from the system
235 manufacturer's approved representative that the property owner
236 has received training on the proper installation and service of
237 the system. The maintenance service agreement must conspicuously
238 disclose that the property owner has the right to maintain his
239 or her own system and is exempt from contractor registration
240 requirements for performing construction, maintenance, or
241 repairs on the system but is subject to all permitting
242 requirements.



216160

243 5. The property owner shall obtain a biennial system
244 operating permit from the department for each system. The
245 department shall inspect the system at least annually, or on
246 such periodic basis as the fee collected permits, and may
247 collect system-effluent samples if appropriate to determine
248 compliance with the performance criteria. The fee for the
249 biennial operating permit shall be collected beginning with the
250 second year of system operation.

251 6. If an engineer-designed system fails to properly
252 function or fails to meet performance standards, the system
253 shall be re-engineered, if necessary, to bring the system into
254 compliance with ~~the provisions of~~ this section.

255 (k) An innovative system may be approved in conjunction
256 with an engineer-designed site-specific system which is
257 certified by the engineer to meet the performance-based criteria
258 adopted by the department.

259 (l) For the Florida Keys, the department shall adopt a
260 special rule for the construction, installation, modification,
261 operation, repair, maintenance, and performance of onsite sewage
262 treatment and disposal systems which considers the unique soil
263 conditions and water table elevations, densities, and setback
264 requirements. On lots where a setback distance of 75 feet from
265 surface waters, saltmarsh, and buttonwood association habitat
266 areas cannot be met, an injection well, approved and permitted
267 by the department, may be used for disposal of effluent from
268 onsite sewage treatment and disposal systems. The following
269 additional requirements apply to onsite sewage treatment and
270 disposal systems in Monroe County:

271 1. The county, each municipality, and those special



216160

272 districts established for the purpose of the collection,
273 transmission, treatment, or disposal of sewage shall ensure, in
274 accordance with the specific schedules adopted by the
275 Administration Commission under s. 380.0552, the completion of
276 onsite sewage treatment and disposal system upgrades to meet the
277 requirements of this paragraph.

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

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

284 b. Suspended Solids of 10 mg/l.

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

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

291

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

295 3. In areas not scheduled to be served by a central sewer,
296 onsite sewage treatment and disposal systems must, by December
297 31, 2015, comply with department rules and provide the level of
298 treatment described in subparagraph 2.

299 4. In areas scheduled to be served by central sewer by
300 December 31, 2015, if the property owner has paid a connection



216160

301 fee or assessment for connection to the central sewer system,
302 the property owner may install a holding tank with a high water
303 alarm or an onsite sewage treatment and disposal system that
304 meets the following minimum standards:

305 a. The existing tanks must be pumped and inspected and
306 certified as being watertight and free of defects in accordance
307 with department rule; and

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

310 5. Onsite sewage treatment and disposal systems must be
311 monitored for total nitrogen and total phosphorus concentrations
312 as required by department rule.

313 6. The department shall enforce proper installation,
314 operation, and maintenance of onsite sewage treatment and
315 disposal systems pursuant to this chapter, including ensuring
316 that the appropriate level of treatment described in
317 subparagraph 2. is met.

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

322 8. Notwithstanding any other ~~provision of~~ law, an onsite
323 sewage treatment and disposal system installed after July 1,
324 2010, in unincorporated Monroe County, excluding special
325 wastewater districts, that complies with the standards in
326 subparagraph 2. is not required to connect to a central sewer
327 system until December 31, 2020.

328 (m) No product sold in the state for use in onsite sewage
329 treatment and disposal systems may contain any substance in



216160

330 concentrations or amounts that would interfere with or prevent
331 the successful operation of such system, or that would cause
332 discharges from such systems to violate applicable water quality
333 standards. The department shall publish criteria for products
334 known or expected to meet the conditions of this paragraph. In
335 the event a product does not meet such criteria, such product
336 may be sold if the manufacturer satisfactorily demonstrates to
337 the department that the conditions of this paragraph are met.

338 (n) Evaluations for determining the seasonal high-water
339 table elevations or the suitability of soils for the use of a
340 new onsite sewage treatment and disposal system shall be
341 performed by department personnel, professional engineers
342 registered in the state, or such other persons with expertise,
343 as defined by rule, in making such evaluations. Evaluations for
344 determining mean annual flood lines shall be performed by those
345 persons identified in paragraph (2) (k) ~~(2) (j)~~. The department
346 shall accept evaluations submitted by professional engineers and
347 such other persons as meet the expertise established by this
348 section or by rule unless the department has a reasonable
349 scientific basis for questioning the accuracy or completeness of
350 the evaluation.

351 (o) The department shall appoint a research review and
352 advisory committee, which shall meet at least semiannually. The
353 committee shall advise the department on directions for new
354 research, review and rank proposals for research contracts, and
355 review draft research reports and make comments. The committee
356 is comprised of:

357 1. A representative of the Secretary of Environmental
358 Protection ~~State Surgeon General~~, or his or her designee.



216160

- 359 2. A representative from the septic tank industry.
360 3. A representative from the home building industry.
361 4. A representative from an environmental interest group.
362 5. A representative from the State University System, from
363 a department knowledgeable about onsite sewage treatment and
364 disposal systems.
365 6. A professional engineer registered in this state who has
366 work experience in onsite sewage treatment and disposal systems.
367 7. A representative from local government who is
368 knowledgeable about domestic wastewater treatment.
369 8. A representative from the real estate profession.
370 9. A representative from the restaurant industry.
371 10. A consumer.

372
373 Members shall be appointed for a term of 3 years, with the
374 appointments being staggered so that the terms of no more than
375 four members expire in any one year. Members shall serve without
376 remuneration, but are entitled to reimbursement for per diem and
377 travel expenses as provided in s. 112.061.

378 (p) An application for an onsite sewage treatment and
379 disposal system permit shall be completed in full, signed by the
380 owner or the owner's authorized representative, or by a
381 contractor licensed under chapter 489, and shall be accompanied
382 by all required exhibits and fees. No specific documentation of
383 property ownership shall be required as a prerequisite to the
384 review of an application or the issuance of a permit. The
385 issuance of a permit does not constitute determination by the
386 department of property ownership.

387 (q) The department may not require any form of subdivision



216160

388 analysis of property by an owner, developer, or subdivider prior
389 to submission of an application for an onsite sewage treatment
390 and disposal system.

391 (r) Nothing in this section limits the power of a
392 municipality or county to enforce other laws for the protection
393 of the public health and safety.

394 (s) In the siting of onsite sewage treatment and disposal
395 systems, including drainfields, shoulders, and slopes, guttering
396 ~~may shall~~ not be required on single-family residential dwelling
397 units for systems located greater than 5 feet from the roof drip
398 line of the house. If guttering is used on residential dwelling
399 units, the downspouts shall be directed away from the
400 drainfield.

401 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,
402 onsite sewage treatment and disposal systems located in
403 floodways of the Suwannee and Aucilla Rivers must adhere to the
404 following requirements:

405 1. The absorption surface of the drainfield ~~may shall~~ not
406 be subject to flooding based on 10-year flood elevations.
407 Provided, however, for lots or parcels created by the
408 subdivision of land in accordance with applicable local
409 government regulations prior to January 17, 1990, if an
410 applicant cannot construct a drainfield system with the
411 absorption surface of the drainfield at an elevation equal to or
412 above 10-year flood elevation, the department shall issue a
413 permit for an onsite sewage treatment and disposal system within
414 the 10-year floodplain of rivers, streams, and other bodies of
415 flowing water if all of the following criteria are met:

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



216160

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

419 c. The applicant installs either: a waterless,
420 incinerating, or organic waste composting toilet and a graywater
421 system and drainfield in accordance with department rules; an
422 aerobic treatment unit and drainfield in accordance with
423 department rules; ~~a system approved by the State Health Office~~
424 that is capable of reducing effluent nitrate by at least 50
425 percent in accordance with department rules; or a system other
426 than a system using alternative drainfield materials in
427 accordance with department rules ~~approved by the county health~~
428 ~~department pursuant to department rule other than a system using~~
429 ~~alternative drainfield materials~~. The United States Department
430 of Agriculture Soil Conservation Service soil maps, State of
431 Florida Water Management District data, and Federal Emergency
432 Management Agency Flood Insurance maps are resources that shall
433 be used to identify flood-prone areas.

434 2. The use of fill or mounding to elevate a drainfield
435 system out of the 10-year floodplain of rivers, streams, or
436 other bodies of flowing water may ~~shall~~ not be permitted if such
437 a system lies within a regulatory floodway of the Suwannee and
438 Aucilla Rivers. In cases where the 10-year flood elevation does
439 not coincide with the boundaries of the regulatory floodway, the
440 regulatory floodway will be considered for the purposes of this
441 subsection to extend at a minimum to the 10-year flood
442 elevation.

443 (u)1. The owner of an aerobic treatment unit system shall
444 maintain a current maintenance service agreement with an aerobic
445 treatment unit maintenance entity permitted by the department.



216160

446 The maintenance entity shall inspect each aerobic treatment unit
447 system at least twice each year and shall report quarterly to
448 the department on the number of aerobic treatment unit systems
449 inspected and serviced. The reports may be submitted
450 electronically.

451 2. The property owner of an owner-occupied, single-family
452 residence may be approved and permitted by the department as a
453 maintenance entity for his or her own aerobic treatment unit
454 system upon written certification from the system manufacturer's
455 approved representative that the property owner has received
456 training on the proper installation and service of the system.
457 The maintenance entity service agreement must conspicuously
458 disclose that the property owner has the right to maintain his
459 or her own system and is exempt from contractor registration
460 requirements for performing construction, maintenance, or
461 repairs on the system but is subject to all permitting
462 requirements.

463 3. A septic tank contractor licensed under part III of
464 chapter 489, if approved by the manufacturer, may not be denied
465 access by the manufacturer to aerobic treatment unit system
466 training or spare parts for maintenance entities. After the
467 original warranty period, component parts for an aerobic
468 treatment unit system may be replaced with parts that meet
469 manufacturer's specifications but are manufactured by others.
470 The maintenance entity shall maintain documentation of the
471 substitute part's equivalency for 2 years and shall provide such
472 documentation to the department upon request.

473 4. The owner of an aerobic treatment unit system shall
474 obtain a system operating permit from the department and allow



216160

475 the department to inspect during reasonable hours each aerobic
476 treatment unit system at least annually, and such inspection may
477 include collection and analysis of system-effluent samples for
478 performance criteria established by rule of the department.

479 (v) The department may require the submission of detailed
480 system construction plans that are prepared by a professional
481 engineer registered in this state. The department shall
482 establish by rule criteria for determining when such a
483 submission is required.

484 (w) Any permit issued and approved by the department for
485 the installation, modification, or repair of an onsite sewage
486 treatment and disposal system shall transfer with the title to
487 the property in a real estate transaction. A title may not be
488 encumbered at the time of transfer by new permit requirements by
489 a governmental entity for an onsite sewage treatment and
490 disposal system which differ from the permitting requirements in
491 effect at the time the system was permitted, modified, or
492 repaired. An inspection of a system may not be mandated by a
493 governmental entity at the point of sale in a real estate
494 transaction. This paragraph does not affect a septic tank phase-
495 out deferral program implemented by a consolidated government as
496 defined in s. 9, Art. VIII of the State Constitution (1885).

497 (x) A governmental entity, including a municipality,
498 county, or statutorily created commission, may not require an
499 engineer-designed performance-based treatment system, excluding
500 a passive engineer-designed performance-based treatment system,
501 before the completion of the Florida Onsite Sewage Nitrogen
502 Reduction Strategies Project. This paragraph does not apply to a
503 governmental entity, including a municipality, county, or



216160

504 statutorily created commission, which adopted a local law,
505 ordinance, or regulation on or before January 31, 2012.
506 Notwithstanding this paragraph, an engineer-designed
507 performance-based treatment system may be used to meet the
508 requirements of the variance review and advisory committee
509 recommendations.

510 (y)1. An onsite sewage treatment and disposal system is not
511 considered abandoned if the system is disconnected from a
512 structure that was made unusable or destroyed following a
513 disaster and if the system was properly functioning at the time
514 of disconnection and was not adversely affected by the disaster.
515 The onsite sewage treatment and disposal system may be
516 reconnected to a rebuilt structure if:

517 a. The reconnection of the system is to the same type of
518 structure which contains the same number of bedrooms or fewer,
519 if the square footage of the structure is less than or equal to
520 110 percent of the original square footage of the structure that
521 existed before the disaster;

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

523 c. The system has not been altered without prior
524 authorization.

525 2. An onsite sewage treatment and disposal system that
526 serves a property that is foreclosed upon is not considered
527 abandoned.

528 (z) If an onsite sewage treatment and disposal system
529 permittee receives, relies upon, and undertakes construction of
530 a system based upon a validly issued construction permit under
531 rules applicable at the time of construction but a change to a
532 rule occurs within 5 years after the approval of the system for



216160

533 construction but before the final approval of the system, the
534 rules applicable and in effect at the time of construction
535 approval apply at the time of final approval if fundamental site
536 conditions have not changed between the time of construction
537 approval and final approval.

538 (aa) An existing-system inspection or evaluation and
539 assessment, or a modification, replacement, or upgrade of an
540 onsite sewage treatment and disposal system is not required for
541 a remodeling addition or modification to a single-family home if
542 a bedroom is not added. However, a remodeling addition or
543 modification to a single-family home may not cover any part of
544 the existing system or encroach upon a required setback or the
545 unobstructed area. To determine if a setback or the unobstructed
546 area is impacted, the local health department shall review and
547 verify a floor plan and site plan of the proposed remodeling
548 addition or modification to the home submitted by a remodeler
549 which shows the location of the system, including the distance
550 of the remodeling addition or modification to the home from the
551 onsite sewage treatment and disposal system. The local health
552 department may visit the site or otherwise determine the best
553 means of verifying the information submitted. A verification of
554 the location of a system is not an inspection or evaluation and
555 assessment of the system. The review and verification must be
556 completed within 7 business days after receipt by the local
557 health department of a floor plan and site plan. If the review
558 and verification is not completed within such time, the
559 remodeling addition or modification to the single-family home,
560 for the purposes of this paragraph, is approved.

561 Section 5. Section 381.00652, Florida Statutes, is created



216160

562 to read:

563 381.00652 Onsite sewage treatment and disposal systems
564 technical advisory committee.—

565 (1) An onsite sewage treatment and disposal systems
566 technical advisory committee, a committee as defined in s.
567 20.03(8), is created within the department. The committee shall:

568 (a) Provide recommendations to increase the availability in
569 the marketplace of enhanced nutrient-reducing onsite sewage
570 treatment and disposal systems, including systems that are cost-
571 effective, low-maintenance, and reliable.

572 (b) Consider and recommend regulatory options, such as
573 fast-track approval, prequalification, or expedited permitting,
574 to facilitate the introduction and use of enhanced nutrient-
575 reducing onsite sewage treatment and disposal systems that have
576 been reviewed and approved by a national agency or organization,
577 such as the American National Standards Institute 245 systems
578 approved by the NSF International.

579 (c) Provide recommendations for appropriate setback
580 distances for onsite sewage treatment and disposal systems from
581 surface water, groundwater, and wells.

582 (2) The department shall use existing and available
583 resources to administer and support the activities of the
584 committee.

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

- 589 1. A professional engineer.
590 2. A septic tank contractor.



216160

- 591 3. A representative from the home building industry.
592 4. A representative from the real estate industry.
593 5. A representative from the onsite sewage treatment and
594 disposal system industry.
595 6. A representative from local government.
596 7. Two representatives from the environmental community.
597 8. A representative of the scientific and technical
598 community who has substantial expertise in the areas of the fate
599 and transport of water pollutants, toxicology, epidemiology,
600 geology, biology, or environmental sciences.

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

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

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

607 (6) For purposes of this section, the term "department"
608 means the Department of Environmental Protection.

609 Section 6. Effective July 1, 2021, section 381.0068,
610 Florida Statutes, is repealed.

611 Section 7. Present subsections (14) through (44) of section
612 403.061, Florida Statutes, are redesignated as subsections (15)
613 through (45), respectively, a new subsection (14) is added to
614 that section, and subsection (7) of that section is amended, to
615 read:

616 403.061 Department; powers and duties.—The department shall
617 have the power and the duty to control and prohibit pollution of
618 air and water in accordance with the law and rules adopted and
619 promulgated by it and, for this purpose, to:



216160

620 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
621 implement ~~the provisions of~~ this act. Any rule adopted pursuant
622 to this act must ~~shall~~ be consistent with the provisions of
623 federal law, if any, relating to control of emissions from motor
624 vehicles, effluent limitations, pretreatment requirements, or
625 standards of performance. A ~~No~~ county, municipality, or
626 political subdivision may not ~~shall~~ adopt or enforce any local
627 ordinance, special law, or local regulation requiring the
628 installation of Stage II vapor recovery systems, as currently
629 defined by department rule, unless such county, municipality, or
630 political subdivision is or has been in the past designated by
631 federal regulation as a moderate, serious, or severe ozone
632 nonattainment area. Rules adopted pursuant to this act may ~~shall~~
633 not require dischargers of waste into waters of the state to
634 improve natural background conditions. The department shall
635 adopt rules to reasonably limit, reduce, and eliminate domestic
636 wastewater collection and transmission system pipe leakages and
637 inflow and infiltration. Discharges from steam electric
638 generating plants existing or licensed under this chapter on
639 July 1, 1984, may ~~shall~~ not be required to be treated to a
640 greater extent than may be necessary to assure that the quality
641 of nonthermal components of discharges from nonrecirculated
642 cooling water systems is as high as the quality of the makeup
643 waters; that the quality of nonthermal components of discharges
644 from recirculated cooling water systems is no lower than is
645 allowed for blowdown from such systems; or that the quality of
646 noncooling system discharges which receive makeup water from a
647 receiving body of water which does not meet applicable
648 department water quality standards is as high as the quality of



216160

649 the receiving body of water. The department may not adopt
650 standards more stringent than federal regulations, except as
651 provided in s. 403.804.

652 (14) In order to promote resilient utilities, require
653 public utilities or their affiliated companies holding, applying
654 for, or renewing a domestic wastewater discharge permit to file
655 annual reports and other data regarding transactions or
656 allocations of common costs and expenditures on pollution
657 mitigation and prevention among the utility's permitted systems,
658 including, but not limited to, the prevention of sanitary sewer
659 overflows, collection and transmission system pipe leakages, and
660 inflow and infiltration. The department shall adopt rules to
661 implement this subsection.

662
663 The department shall implement such programs in conjunction with
664 its other powers and duties and shall place special emphasis on
665 reducing and eliminating contamination that presents a threat to
666 humans, animals or plants, or to the environment.

667 Section 8. Section 403.0616, Florida Statutes, is created
668 to read:

669 403.0616 Real-time water quality monitoring program.-

670 (1) Subject to appropriation, the department shall
671 establish a real-time water quality monitoring program to assist
672 in the restoration, preservation, and enhancement of impaired
673 waterbodies and coastal resources.

674 (2) In order to expedite the creation and implementation of
675 the program, the department is encouraged to form public-private
676 partnerships with established scientific entities that have
677 proven existing real-time water quality monitoring equipment and



216160

678 experience in deploying the equipment.

679 Section 9. Subsection (7) of section 403.067, Florida
680 Statutes, is amended to read:

681 403.067 Establishment and implementation of total maximum
682 daily loads.—

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

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

686 1. In developing and implementing the total maximum daily
687 load for a water body, the department, or the department in
688 conjunction with a water management district, may develop a
689 basin management action plan that addresses some or all of the
690 watersheds and basins tributary to the water body. Such plan
691 must integrate the appropriate management strategies available
692 to the state through existing water quality protection programs
693 to achieve the total maximum daily loads and may provide for
694 phased implementation of these management strategies to promote
695 timely, cost-effective actions as provided for in s. 403.151.
696 The plan must establish a schedule implementing the management
697 strategies, establish a basis for evaluating the plan's
698 effectiveness, and identify feasible funding strategies for
699 implementing the plan's management strategies. The management
700 strategies may include regional treatment systems or other
701 public works, where appropriate, and voluntary trading of water
702 quality credits to achieve the needed pollutant load reductions.

703 2. A basin management action plan must equitably allocate,
704 pursuant to paragraph (6) (b), pollutant reductions to individual
705 basins, as a whole to all basins, or to each identified point
706 source or category of nonpoint sources, as appropriate. For



216160

707 nonpoint sources for which best management practices have been
708 adopted, the initial requirement specified by the plan must be
709 those practices developed pursuant to paragraph (c). When ~~Where~~
710 appropriate, the plan may take into account the benefits of
711 pollutant load reduction achieved by point or nonpoint sources
712 that have implemented management strategies to reduce pollutant
713 loads, including best management practices, before the
714 development of the basin management action plan. The plan must
715 also identify the mechanisms that will address potential future
716 increases in pollutant loading.

717 3. The basin management action planning process is intended
718 to involve the broadest possible range of interested parties,
719 with the objective of encouraging the greatest amount of
720 cooperation and consensus possible. In developing a basin
721 management action plan, the department shall assure that key
722 stakeholders, including, but not limited to, applicable local
723 governments, water management districts, the Department of
724 Agriculture and Consumer Services, other appropriate state
725 agencies, local soil and water conservation districts,
726 environmental groups, regulated interests, and affected
727 pollution sources, are invited to participate in the process.
728 The department shall hold at least one public meeting in the
729 vicinity of the watershed or basin to discuss and receive
730 comments during the planning process and shall otherwise
731 encourage public participation to the greatest practicable
732 extent. Notice of the public meeting must be published in a
733 newspaper of general circulation in each county in which the
734 watershed or basin lies at least ~~not less than~~ 5 days, but not
735 ~~nor~~ more than 15 days, before the public meeting. A basin



736 management action plan does not supplant or otherwise alter any
737 assessment made under subsection (3) or subsection (4) or any
738 calculation or initial allocation.

739 4. Each new or revised basin management action plan shall
740 include:

741 a. The appropriate management strategies available through
742 existing water quality protection programs to achieve total
743 maximum daily loads, which may provide for phased implementation
744 to promote timely, cost-effective actions as provided for in s.
745 403.151;

746 b. A description of best management practices adopted by
747 rule;

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

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

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

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

760 6. The basin management action plan must include milestones
761 for implementation and water quality improvement, and an
762 associated water quality monitoring component sufficient to
763 evaluate whether reasonable progress in pollutant load
764 reductions is being achieved over time. An assessment of



216160

765 progress toward these milestones shall be conducted every 5
766 years, and revisions to the plan shall be made as appropriate.
767 Revisions to the basin management action plan shall be made by
768 the department in cooperation with basin stakeholders. Revisions
769 to the management strategies required for nonpoint sources must
770 follow the procedures set forth in subparagraph (c)4. Revised
771 basin management action plans must be adopted pursuant to
772 subparagraph 5.

773 7. In accordance with procedures adopted by rule under
774 paragraph (9) (c), basin management action plans, and other
775 pollution control programs under local, state, or federal
776 authority as provided in subsection (4), may allow point or
777 nonpoint sources that will achieve greater pollutant reductions
778 than required by an adopted total maximum daily load or
779 wasteload allocation to generate, register, and trade water
780 quality credits for the excess reductions to enable other
781 sources to achieve their allocation; however, the generation of
782 water quality credits does not remove the obligation of a source
783 or activity to meet applicable technology requirements or
784 adopted best management practices. Such plans must allow trading
785 between NPDES permittees, and trading that may or may not
786 involve NPDES permittees, where the generation or use of the
787 credits involve an entity or activity not subject to department
788 water discharge permits whose owner voluntarily elects to obtain
789 department authorization for the generation and sale of credits.

790 8. ~~The provisions of~~ The department's rule relating to the
791 equitable abatement of pollutants into surface waters do not
792 apply to water bodies or water body segments for which a basin
793 management plan that takes into account future new or expanded



216160

794 activities or discharges has been adopted under this section.

795 9. In order to promote resilient utilities, if the
796 department identifies domestic wastewater facilities or onsite
797 sewage treatment and disposal systems as contributors of at
798 least 20 percent of point source or nonpoint source nutrient
799 pollution or if the department determines remediation is
800 necessary to achieve the total maximum daily load, a basin
801 management action plan for a nutrient total maximum daily load
802 must include the following:

803 a. A wastewater treatment plan that addresses domestic
804 wastewater developed by each local government in cooperation
805 with the department, the water management district, and the
806 public and private domestic wastewater facilities within the
807 jurisdiction of the local government. The wastewater treatment
808 plan must:

809 (I) Provide for construction, expansion, or upgrades
810 necessary to achieve the total maximum daily load requirements
811 applicable to the domestic wastewater facility.

812 (II) Include the permitted capacity in average annual
813 gallons per day for the domestic wastewater facility; the
814 average nutrient concentration and the estimated average
815 nutrient load of the domestic wastewater; a timeline of the
816 dates by which the construction of any facility improvements
817 will begin and be completed and the date by which operations of
818 the improved facility will begin; the estimated cost of the
819 improvements; and the identity of responsible parties.

820
821 The wastewater treatment plan must be adopted as part of the
822 basin management action plan no later than July 1, 2025. A local



823 government that does not have a domestic wastewater treatment
824 facility in its jurisdiction is not required to develop a
825 wastewater treatment plan unless there is a demonstrated need to
826 establish a domestic wastewater treatment facility within its
827 jurisdiction to improve water quality necessary to achieve a
828 total maximum daily load. A local government is not responsible
829 for a private domestic wastewater facility's compliance with a
830 basin management action plan.

831 b. An onsite sewage treatment and disposal system
832 remediation plan developed by each local government in
833 cooperation with the department, the Department of Health, water
834 management districts, and public and private domestic wastewater
835 facilities.

836 (I) The onsite sewage treatment and disposal system
837 remediation plan must identify cost-effective and financially
838 feasible projects necessary to achieve the nutrient load
839 reductions required for onsite sewage treatment and disposal
840 systems. To identify cost-effective and financially feasible
841 projects for remediation of onsite sewage treatment and disposal
842 systems, the local government shall:

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

845 (B) Identify onsite sewage treatment and disposal systems
846 that would be eliminated through connection to existing or
847 future central domestic wastewater infrastructure in the
848 jurisdiction or domestic wastewater service area of the local
849 government, that would be replaced with or upgraded to enhanced
850 nutrient-reducing systems, or that would remain on conventional
851 onsite sewage treatment and disposal systems;



216160

852 (C) Estimate the costs of potential onsite sewage treatment
853 and disposal systems connections, upgrades, or replacements; and

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

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

860 10. When identifying wastewater projects in a basin
861 management action plan, the department may not require the
862 higher cost option if it achieves the same nutrient load
863 reduction as a lower cost option.

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

865 1. The department shall be the lead agency in coordinating
866 the implementation of the total maximum daily loads through
867 existing water quality protection programs. Application of a
868 total maximum daily load by a water management district must be
869 consistent with this section and does not require the issuance
870 of an order or a separate action pursuant to s. 120.536(1) or s.
871 120.54 for the adoption of the calculation and allocation
872 previously established by the department. Such programs may
873 include, but are not limited to:

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

876 b. Nonregulatory and incentive-based programs, including
877 best management practices, cost sharing, waste minimization,
878 pollution prevention, agreements established pursuant to s.
879 403.061(22) ~~s. 403.061(21)~~, and public education;

880 c. Other water quality management and restoration



216160

881 activities, for example surface water improvement and management
882 plans approved by water management districts or basin management
883 action plans developed pursuant to this subsection;

884 d. Trading of water quality credits or other equitable
885 economically based agreements;

886 e. Public works including capital facilities; or

887 f. Land acquisition.

888 2. For a basin management action plan adopted pursuant to
889 paragraph (a), any management strategies and pollutant reduction
890 requirements associated with a pollutant of concern for which a
891 total maximum daily load has been developed, including effluent
892 limits set forth for a discharger subject to NPDES permitting,
893 if any, must be included in a timely manner in subsequent NPDES
894 permits or permit modifications for that discharger. The
895 department may not impose limits or conditions implementing an
896 adopted total maximum daily load in an NPDES permit until the
897 permit expires, the discharge is modified, or the permit is
898 reopened pursuant to an adopted basin management action plan.

899 a. Absent a detailed allocation, total maximum daily loads
900 must be implemented through NPDES permit conditions that provide
901 for a compliance schedule. In such instances, a facility's NPDES
902 permit must allow time for the issuance of an order adopting the
903 basin management action plan. The time allowed for the issuance
904 of an order adopting the plan may not exceed 5 years. Upon
905 issuance of an order adopting the plan, the permit must be
906 reopened or renewed, as necessary, and permit conditions
907 consistent with the plan must be established. Notwithstanding
908 the other provisions of this subparagraph, upon request by an
909 NPDES permittee, the department as part of a permit issuance,



216160

910 renewal, or modification may establish individual allocations
911 before the adoption of a basin management action plan.

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

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

920 d. Management strategies set forth in a basin management
921 action plan to be implemented by a discharger subject to
922 permitting by the department must be completed pursuant to the
923 schedule set forth in the basin management action plan. This
924 implementation schedule may extend beyond the 5-year term of an
925 NPDES permit.

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

931 f. For nonagricultural pollutant sources not subject to
932 NPDES permitting but permitted pursuant to other state,
933 regional, or local water quality programs, the pollutant
934 reduction actions adopted in a basin management action plan must
935 be implemented to the maximum extent practicable as part of
936 those permitting programs.

937 g. A nonpoint source discharger included in a basin
938 management action plan must demonstrate compliance with the



216160

939 pollutant reductions established under subsection (6) by
940 implementing the appropriate best management practices
941 established pursuant to paragraph (c) or conducting water
942 quality monitoring prescribed by the department or a water
943 management district. A nonpoint source discharger may, in
944 accordance with department rules, supplement the implementation
945 of best management practices with water quality credit trades in
946 order to demonstrate compliance with the pollutant reductions
947 established under subsection (6).

948 h. A nonpoint source discharger included in a basin
949 management action plan may be subject to enforcement action by
950 the department or a water management district based upon a
951 failure to implement the responsibilities set forth in sub-
952 subparagraph g.

953 i. A landowner, discharger, or other responsible person who
954 is implementing applicable management strategies specified in an
955 adopted basin management action plan may not be required by
956 permit, enforcement action, or otherwise to implement additional
957 management strategies, including water quality credit trading,
958 to reduce pollutant loads to attain the pollutant reductions
959 established pursuant to subsection (6) and shall be deemed to be
960 in compliance with this section. This subparagraph does not
961 limit the authority of the department to amend a basin
962 management action plan as specified in subparagraph (a)6.

963 (c) *Best management practices.*—

964 1. The department, in cooperation with the water management
965 districts and other interested parties, as appropriate, may
966 develop suitable interim measures, best management practices, or
967 other measures necessary to achieve the level of pollution



216160

968 reduction established by the department for nonagricultural
969 nonpoint pollutant sources in allocations developed pursuant to
970 subsection (6) and this subsection. These practices and measures
971 may be adopted by rule by the department and the water
972 management districts and, where adopted by rule, shall be
973 implemented by those parties responsible for nonagricultural
974 nonpoint source pollution.

975 2. The Department of Agriculture and Consumer Services may
976 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
977 suitable interim measures, best management practices, or other
978 measures necessary to achieve the level of pollution reduction
979 established by the department for agricultural pollutant sources
980 in allocations developed pursuant to subsection (6) and this
981 subsection or for programs implemented pursuant to paragraph
982 (12) (b). These practices and measures may be implemented by
983 those parties responsible for agricultural pollutant sources and
984 the department, the water management districts, and the
985 Department of Agriculture and Consumer Services shall assist
986 with implementation. In the process of developing and adopting
987 rules for interim measures, best management practices, or other
988 measures, the Department of Agriculture and Consumer Services
989 shall consult with the department, the Department of Health, the
990 water management districts, representatives from affected
991 farming groups, and environmental group representatives. Such
992 rules must also incorporate provisions for a notice of intent to
993 implement the practices and a system to assure the
994 implementation of the practices, including site inspection and
995 recordkeeping requirements.

996 3. Where interim measures, best management practices, or



216160

997 other measures are adopted by rule, the effectiveness of such
998 practices in achieving the levels of pollution reduction
999 established in allocations developed by the department pursuant
1000 to subsection (6) and this subsection or in programs implemented
1001 pursuant to paragraph (12)(b) must be verified at representative
1002 sites by the department. The department shall use best
1003 professional judgment in making the initial verification that
1004 the best management practices are reasonably expected to be
1005 effective and, where applicable, must notify the appropriate
1006 water management district or the Department of Agriculture and
1007 Consumer Services of its initial verification before the
1008 adoption of a rule proposed pursuant to this paragraph.
1009 Implementation, in accordance with rules adopted under this
1010 paragraph, of practices that have been initially verified to be
1011 effective, or verified to be effective by monitoring at
1012 representative sites, by the department, shall provide a
1013 presumption of compliance with state water quality standards and
1014 release from ~~the provisions of~~ s. 376.307(5) for those
1015 pollutants addressed by the practices, and the department is not
1016 authorized to institute proceedings against the owner of the
1017 source of pollution to recover costs or damages associated with
1018 the contamination of surface water or groundwater caused by
1019 those pollutants. Research projects funded by the department, a
1020 water management district, or the Department of Agriculture and
1021 Consumer Services to develop or demonstrate interim measures or
1022 best management practices shall be granted a presumption of
1023 compliance with state water quality standards and a release from
1024 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1025 and release is limited to the research site and only for those



216160

1026 pollutants addressed by the interim measures or best management
1027 practices. Eligibility for the presumption of compliance and
1028 release is limited to research projects on sites where the owner
1029 or operator of the research site and the department, a water
1030 management district, or the Department of Agriculture and
1031 Consumer Services have entered into a contract or other
1032 agreement that, at a minimum, specifies the research objectives,
1033 the cost-share responsibilities of the parties, and a schedule
1034 that details the beginning and ending dates of the project.

1035 4. Where water quality problems are demonstrated, despite
1036 the appropriate implementation, operation, and maintenance of
1037 best management practices and other measures required by rules
1038 adopted under this paragraph, the department, a water management
1039 district, or the Department of Agriculture and Consumer
1040 Services, in consultation with the department, shall institute a
1041 reevaluation of the best management practice or other measure.
1042 Should the reevaluation determine that the best management
1043 practice or other measure requires modification, the department,
1044 a water management district, or the Department of Agriculture
1045 and Consumer Services, as appropriate, shall revise the rule to
1046 require implementation of the modified practice within a
1047 reasonable time period as specified in the rule.

1048 5. Subject to subparagraph 6., the Department of
1049 Agriculture and Consumer Services shall provide to the
1050 department information that it obtains pursuant to subparagraph
1051 (d) 3.

1052 6. Agricultural records relating to processes or methods of
1053 production, costs of production, profits, or other financial
1054 information held by the Department of Agriculture and Consumer



216160

1055 Services pursuant to subparagraphs 3., ~~and 4.~~, and 5. or
1056 pursuant to any rule adopted pursuant to subparagraph 2. are
1057 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1058 of the State Constitution. Upon request, records made
1059 confidential and exempt pursuant to this subparagraph shall be
1060 released to the department or any water management district
1061 provided that the confidentiality specified by this subparagraph
1062 for such records is maintained.

1063 ~~7.6. The provisions of~~ Subparagraphs 1. and 2. do not
1064 preclude the department or water management district from
1065 requiring compliance with water quality standards or with
1066 current best management practice requirements set forth in any
1067 applicable regulatory program authorized by law for the purpose
1068 of protecting water quality. Additionally, subparagraphs 1. and
1069 2. are applicable only to the extent that they do not conflict
1070 with any rules adopted by the department that are necessary to
1071 maintain a federally delegated or approved program.

1072 (d) *Enforcement and verification of basin management action*
1073 *plans and management strategies.-*

1074 1. Basin management action plans are enforceable pursuant
1075 to this section and ss. 403.121, 403.141, and 403.161.

1076 Management strategies, including best management practices and
1077 water quality monitoring, are enforceable under this chapter.

1078 2. No later than January 1, 2017:

1079 a. The department, in consultation with the water
1080 management districts and the Department of Agriculture and
1081 Consumer Services, shall initiate rulemaking to adopt procedures
1082 to verify implementation of water quality monitoring required in
1083 lieu of implementation of best management practices or other



216160

1084 measures pursuant to sub-subparagraph (b)2.g.;

1085 b. The department, in consultation with the water
1086 management districts and the Department of Agriculture and
1087 Consumer Services, shall initiate rulemaking to adopt procedures
1088 to verify implementation of nonagricultural interim measures,
1089 best management practices, or other measures adopted by rule
1090 pursuant to subparagraph (c)1.; and

1091 c. The Department of Agriculture and Consumer Services, in
1092 consultation with the water management districts and the
1093 department, shall initiate rulemaking to adopt procedures to
1094 verify implementation of agricultural interim measures, best
1095 management practices, or other measures adopted by rule pursuant
1096 to subparagraph(c)2.

1097
1098 The rules required under this subparagraph shall include
1099 enforcement procedures applicable to the landowner, discharger,
1100 or other responsible person required to implement applicable
1101 management strategies, including best management practices or
1102 water quality monitoring as a result of noncompliance.

1103 3. At least every 2 years, the Department of Agriculture
1104 and Consumer Services shall perform onsite inspections of each
1105 agricultural producer that enrolls in a best management practice
1106 to ensure that such practice is being properly implemented. Such
1107 verification must include a review of the best management
1108 practice documentation required by rule adopted in accordance
1109 with subparagraph (c)2., including, but not limited to, nitrogen
1110 and phosphorous fertilizer application records, which must be
1111 collected and retained pursuant to subparagraphs (c)3., 4., and
1112 6.



216160

1113 (e) Data collection and research.—
1114 1. The Department of Agriculture and Consumer Services, the
1115 University of Florida Institute of Food and Agricultural
1116 Sciences, and other state universities and Florida College
1117 System institutions with agricultural research programs may
1118 annually develop research plans and legislative budget requests
1119 to:
1120 a. Evaluate and suggest enhancements to the existing
1121 adopted agricultural best management practices to reduce
1122 nutrients;
1123 b. Develop new best management practices that, if proven
1124 effective, the Department of Agriculture and Consumer Services
1125 may adopt by rule pursuant to paragraph (c); and
1126 c. Develop agricultural nutrient reduction projects that
1127 willing participants could implement on a site-specific,
1128 cooperative basis, in addition to best management practices. The
1129 department may consider these projects for inclusion in a basin
1130 management action plan. These nutrient reduction projects must
1131 reduce the nutrient impacts from agricultural operations on
1132 water quality when evaluated with the projects and management
1133 strategies currently included in the basin management action
1134 plan.
1135 2. To be considered for funding, the University of Florida
1136 Institute of Food and Agricultural Sciences and other state
1137 universities and Florida College System institutions that have
1138 agricultural research programs must submit such plans to the
1139 department and the Department of Agriculture and Consumer
1140 Services by August 1 of each year.
1141 Section 10. Section 403.0673, Florida Statutes, is created



216160

1142 to read:

1143 403.0673 Wastewater grant program.—A wastewater grant
1144 program is established within the Department of Environmental
1145 Protection.

1146 (1) Subject to the appropriation of funds by the
1147 Legislature, the department may provide grants for the following
1148 projects within a basin management action plan, an alternative
1149 restoration plan adopted by final order, or a rural area of
1150 opportunity under s. 288.0656 which will individually or
1151 collectively reduce excess nutrient pollution:

1152 (a) Projects to retrofit onsite sewage treatment and
1153 disposal systems to upgrade them to enhanced nutrient-reducing
1154 onsite sewage treatment and disposal systems.

1155 (b) Projects to construct, upgrade, or expand facilities to
1156 provide advanced waste treatment, as defined in s. 403.086(4).

1157 (c) Projects to connect onsite sewage treatment and
1158 disposal systems to central sewer facilities.

1159 (2) In allocating such funds, priority must be given to
1160 projects that subsidize the connection of onsite sewage
1161 treatment and disposal systems to wastewater treatment plants.
1162 First priority must be given to subsidize connection to existing
1163 infrastructure. Second priority must be given to any expansion
1164 of a collection or transmission system that promotes efficiency
1165 by planning the installation of wastewater transmission
1166 facilities to be constructed concurrently with other
1167 construction projects occurring within or along a transportation
1168 facility right-of-way. Third priority must be given to all other
1169 connection of onsite sewage treatment and disposal systems to a
1170 wastewater treatment plants. The department shall consider the



216160

1171 estimated reduction in nutrient load per project; project
1172 readiness; cost-effectiveness of the project; overall
1173 environmental benefit of a project; the location of a project;
1174 the availability of local matching funds; and projected water
1175 savings or quantity improvements associated with a project.

1176 (3) Each grant for a project described in subsection (1)
1177 must require a minimum of a 50 percent local match of funds.
1178 However, the department may, at its discretion, waive, in whole
1179 or in part, this consideration of the local contribution for
1180 proposed projects within an area designated as a rural area of
1181 opportunity under s. 288.0656.

1182 (4) The department shall coordinate with each water
1183 management district, as necessary, to identify grant recipients
1184 in each district.

1185 (5) Beginning January 1, 2021, and each January 1
1186 thereafter, the department shall submit a report regarding the
1187 projects funded pursuant to this section to the Governor, the
1188 President of the Senate, and the Speaker of the House of
1189 Representatives.

1190 Section 11. Section 403.0855, Florida Statutes, is created
1191 to read:

1192 403.0855 Biosolids management.—The Legislature finds that
1193 it is in the best interest of this state to regulate biosolids
1194 management in order to minimize the migration of nutrients that
1195 impair waterbodies. The Legislature further finds that the
1196 expedited implementation of the recommendations of the Biosolids
1197 Technical Advisory Committee, including permitting according to
1198 site-specific application conditions, an increased inspection
1199 rate, groundwater and surface water monitoring protocols, and



216160

1200 nutrient management research, will improve biosolids management
1201 and assist in protecting this state's water resources and water
1202 quality. The department shall adopt rules for biosolids
1203 management. Rules adopted by the department pursuant to this
1204 section before the 2021 regular legislative session are not
1205 subject to s. 120.541(3). A municipality or county may enforce
1206 or extend an ordinance, a regulation, a resolution, a rule, a
1207 moratorium, or a policy, any of which was adopted before
1208 November 1, 2019, relating to the land application of Class B
1209 biosolids until the ordinance, regulation, resolution, rule,
1210 moratorium, or policy is repealed by the municipality or county.

1211 Section 12. Present subsections (7) through (10) of section
1212 403.086, Florida Statutes, are redesignated as subsections (8)
1213 through (11), respectively, a new subsection (7) is added to
1214 that section, and paragraph (c) of subsection (1) and subsection
1215 (2) of that section are amended, to read:

1216 403.086 Sewage disposal facilities; advanced and secondary
1217 waste treatment.—

1218 (1)

1219 (c) Notwithstanding any other provisions of this chapter or
1220 chapter 373, facilities for sanitary sewage disposal may not
1221 dispose of any wastes into Old Tampa Bay, Tampa Bay,
1222 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
1223 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
1224 or Charlotte Harbor Bay, Indian River Lagoon beginning July 1,
1225 2025, or into any river, stream, channel, canal, bay, bayou,
1226 sound, or other water tributary thereto, without providing
1227 advanced waste treatment, as defined in subsection (4), approved
1228 by the department. This paragraph shall not apply to facilities



216160

1229 which were permitted by February 1, 1987, and which discharge
1230 secondary treated effluent, followed by water hyacinth
1231 treatment, to tributaries of tributaries of the named waters; or
1232 to facilities permitted to discharge to the nontidally
1233 influenced portions of the Peace River.

1234 (2) Any facilities for sanitary sewage disposal shall
1235 provide for secondary waste treatment, a power outage
1236 contingency plan that mitigates the impacts of power outages on
1237 the utility's collection system and pump stations, and, ~~in~~
1238 addition thereto, advanced waste treatment as deemed necessary
1239 and ordered by the Department of Environmental Protection.
1240 Failure to conform is ~~shall be~~ punishable by a civil penalty of
1241 \$500 for each 24-hour day or fraction thereof that such failure
1242 is allowed to continue thereafter.

1243 (7) All facilities for sanitary sewage under subsection (2)
1244 which control a collection or transmission system of pipes and
1245 pumps to collect and transmit wastewater from domestic or
1246 industrial sources to the facility shall take steps to prevent
1247 sanitary sewer overflows or underground pipe leaks and ensure
1248 that collected wastewater reaches the facility for appropriate
1249 treatment. Facilities must use inflow and infiltration studies
1250 and leakage surveys to develop pipe assessment, repair, and
1251 replacement action plans that comply with department rule to
1252 limit, reduce, and eliminate leaks, seepages, or inputs into
1253 wastewater treatment systems' underground pipes. The pipe
1254 assessment, repair, and replacement action plans must be
1255 reported to the department. The facility action plan must
1256 include information regarding the annual expenditures dedicated
1257 to the inflow and infiltration studies and the required



216160

1258 replacement action plans, as well as expenditures that are
1259 dedicated to pipe assessment, repair, and replacement. The
1260 department shall adopt rules regarding the implementation of
1261 inflow and infiltration studies and leakage surveys; however,
1262 such department rules may not fix or revise utility rates or
1263 budgets. Any entity subject to this subsection and s.
1264 403.061(14) may submit one report to comply with both
1265 provisions. Substantial compliance with this subsection is
1266 evidence in mitigation for the purposes of assessing penalties
1267 pursuant to ss. 403.121 and 403.141.

1268 Section 13. Present subsections (4) through (10) of section
1269 403.087, Florida Statutes, are redesignated as subsections (5)
1270 through (11), respectively, and a new subsection (4) is added to
1271 that section, to read:

1272 403.087 Permits; general issuance; denial; revocation;
1273 prohibition; penalty.—

1274 (4) The department shall issue an operation permit for a
1275 domestic wastewater treatment facility other than a facility
1276 regulated under the National Pollutant Discharge Elimination
1277 System Program under s. 403.0885 for a term of up to 10 years if
1278 the facility is meeting the stated goals in its action plan
1279 adopted pursuant to s. 403.086(7).

1280 Section 14. Present subsections (3) and (4) of section
1281 403.088, Florida Statutes, are redesignated as subsections (4)
1282 and (5), respectively, a new subsection (3) is added to that
1283 section, and paragraph (c) of subsection (2) of that section is
1284 amended, to read:

1285 403.088 Water pollution operation permits; conditions.—

1286 (2)



216160

1287 (c) A permit shall:
1288 1. Specify the manner, nature, volume, and frequency of the
1289 discharge permitted;
1290 2. Require proper operation and maintenance of any
1291 pollution abatement facility by qualified personnel in
1292 accordance with standards established by the department;
1293 3. Require a deliberate, proactive approach to
1294 investigating or surveying a significant percentage of the
1295 domestic wastewater collection system throughout the duration of
1296 the permit to determine pipe integrity, which must be
1297 accomplished in an economically feasible manner. The permittee
1298 shall submit an annual report to the department which details
1299 facility revenues and expenditures in a manner prescribed by
1300 department rule. The report must detail any deviation of annual
1301 expenditures from identified system needs related to inflow and
1302 infiltration studies; model plans for pipe assessment, repair,
1303 and replacement; and pipe assessment, repair, and replacement
1304 required under s. 403.086(7). Substantial compliance with this
1305 subsection is evidence in mitigation for the purposes of
1306 assessing penalties pursuant to ss. 403.121 and 403.141;
1307 4. Contain such additional conditions, requirements, and
1308 restrictions as the department deems necessary to preserve and
1309 protect the quality of the receiving waters;
1310 ~~5.4.~~ Be valid for the period of time specified therein; and
1311 ~~6.5.~~ Constitute the state National Pollutant Discharge
1312 Elimination System permit when issued pursuant to the authority
1313 in s. 403.0885.
1314 (3) No later than March 1 of each year, the department
1315 shall submit a report to the Governor, the President of the



216160

1316 Senate, and the Speaker of the House of Representatives which
1317 identifies all domestic wastewater treatment facilities that
1318 experienced a sanitary sewer overflow in the preceding calendar
1319 year. The report must identify the utility name, operator,
1320 permitted capacity in annual average gallons per day, the number
1321 of overflows, and the total volume of sewage released, and, to
1322 the extent known and available, the volume of sewage recovered,
1323 the volume of sewage discharged to surface waters, and the cause
1324 of the sanitary sewer overflow, including whether it was caused
1325 by a third party. The department shall include with this report
1326 the annual report specified under subparagraph (2)(c)3. for each
1327 utility that experienced an overflow.

1328 Section 15. Subsection (6) of section 403.0891, Florida
1329 Statutes, is amended to read:

1330 403.0891 State, regional, and local stormwater management
1331 plans and programs.—The department, the water management
1332 districts, and local governments shall have the responsibility
1333 for the development of mutually compatible stormwater management
1334 programs.

1335 (6) The department and the Department of Economic
1336 Opportunity, in cooperation with local governments in the
1337 coastal zone, shall develop a model stormwater management
1338 program that could be adopted by local governments. The model
1339 program must contain model ordinances that target nutrient
1340 reduction practices and use green infrastructure. The model
1341 program shall contain dedicated funding options, including a
1342 stormwater utility fee system based upon an equitable unit cost
1343 approach. Funding options shall be designed to generate capital
1344 to retrofit existing stormwater management systems, build new



216160

1345 treatment systems, operate facilities, and maintain and service
1346 debt.

1347 Section 16. Paragraphs (b) and (g) of subsection (2),
1348 paragraph (b) of subsection (3), and subsections (8) and (9) of
1349 section 403.121, Florida Statutes, are amended to read:

1350 403.121 Enforcement; procedure; remedies.—The department
1351 shall have the following judicial and administrative remedies
1352 available to it for violations of this chapter, as specified in
1353 s. 403.161(1).

1354 (2) Administrative remedies:

1355 (b) If the department has reason to believe a violation has
1356 occurred, it may institute an administrative proceeding to order
1357 the prevention, abatement, or control of the conditions creating
1358 the violation or other appropriate corrective action. Except for
1359 violations involving hazardous wastes, asbestos, or underground
1360 injection, the department shall proceed administratively in all
1361 cases in which the department seeks administrative penalties
1362 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated
1363 in accordance with subsections (3), (4), (5), (6), and (7).
1364 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
1365 assessed pursuant to subsection (3), subsection (4), or
1366 subsection (5) against a public water system serving a
1367 population of more than 10,000 shall be not less than \$1,000 per
1368 day per violation. The department shall not impose
1369 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a
1370 notice of violation. The department shall not have more than one
1371 notice of violation seeking administrative penalties pending
1372 against the same party at the same time unless the violations
1373 occurred at a different site or the violations were discovered



216160

1374 by the department subsequent to the filing of a previous notice
1375 of violation.

1376 (g) Nothing herein shall be construed as preventing any
1377 other legal or administrative action in accordance with law.
1378 Nothing in this subsection shall limit the department's
1379 authority provided in ss. 403.131, 403.141, and this section to
1380 judicially pursue injunctive relief. When the department
1381 exercises its authority to judicially pursue injunctive relief,
1382 penalties in any amount up to the statutory maximum sought by
1383 the department must be pursued as part of the state court action
1384 and not by initiating a separate administrative proceeding. The
1385 department retains the authority to judicially pursue penalties
1386 in excess of \$50,000 ~~\$10,000~~ for violations not specifically
1387 included in the administrative penalty schedule, or for multiple
1388 or multiday violations alleged to exceed a total of \$50,000
1389 ~~\$10,000~~. The department also retains the authority provided in
1390 ss. 403.131, 403.141, and this section to judicially pursue
1391 injunctive relief and damages, if a notice of violation seeking
1392 the imposition of administrative penalties has not been issued.
1393 The department has the authority to enter into a settlement,
1394 either before or after initiating a notice of violation, and the
1395 settlement may include a penalty amount different from the
1396 administrative penalty schedule. Any case filed in state court
1397 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in
1398 penalties may be settled in the court action for less than
1399 \$50,000 ~~\$10,000~~.

1400 (3) Except for violations involving hazardous wastes,
1401 asbestos, or underground injection, administrative penalties
1402 must be calculated according to the following schedule:



216160

1403 (b) For failure to obtain a required wastewater permit,
1404 other than a permit required for surface water discharge, the
1405 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a
1406 domestic or industrial wastewater violation not involving a
1407 surface water or groundwater quality violation, the department
1408 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
1409 unauthorized discharge or effluent-limitation exceedance or
1410 failure to comply with s. 403.061(14) or s. 403.086(7) or rules
1411 adopted thereunder. For an unpermitted or unauthorized discharge
1412 or effluent-limitation exceedance that resulted in a surface
1413 water or groundwater quality violation, the department shall
1414 assess a penalty of \$10,000 ~~\$5,000~~.

1415 (8) The direct economic benefit gained by the violator from
1416 the violation, where consideration of economic benefit is
1417 provided by Florida law or required by federal law as part of a
1418 federally delegated or approved program, shall be added to the
1419 scheduled administrative penalty. The total administrative
1420 penalty, including any economic benefit added to the scheduled
1421 administrative penalty, shall not exceed \$20,000 ~~\$10,000~~.

1422 (9) The administrative penalties assessed for any
1423 particular violation shall not exceed \$10,000 ~~\$5,000~~ against any
1424 one violator, unless the violator has a history of
1425 noncompliance, the economic benefit of the violation as
1426 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are
1427 multiday violations. The total administrative penalties shall
1428 not exceed \$50,000 ~~\$10,000~~ per assessment for all violations
1429 attributable to a specific person in the notice of violation.

1430 Section 17. Subsection (7) of section 403.1835, Florida
1431 Statutes, is amended to read:



1432 403.1835 Water pollution control financial assistance.—
1433 (7) Eligible projects must be given priority according to
1434 the extent each project is intended to remove, mitigate, or
1435 prevent adverse effects on surface or ground water quality and
1436 public health. The relative costs of achieving environmental and
1437 public health benefits must be taken into consideration during
1438 the department's assignment of project priorities. The
1439 department shall adopt a priority system by rule. In developing
1440 the priority system, the department shall give priority to
1441 projects that:

- 1442 (a) Eliminate public health hazards;
- 1443 (b) Enable compliance with laws requiring the elimination
1444 of discharges to specific water bodies, including the
1445 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic
1446 wastewater ocean outfalls;
- 1447 (c) Assist in the implementation of total maximum daily
1448 loads adopted under s. 403.067;
- 1449 (d) Enable compliance with other pollution control
1450 requirements, including, but not limited to, toxics control,
1451 wastewater residuals management, and reduction of nutrients and
1452 bacteria;
- 1453 (e) Assist in the implementation of surface water
1454 improvement and management plans and pollutant load reduction
1455 goals developed under state water policy;
- 1456 (f) Promote reclaimed water reuse;
- 1457 (g) Eliminate failing onsite sewage treatment and disposal
1458 systems or those that are causing environmental damage; or
- 1459 (h) Reduce pollutants to and otherwise promote the
1460 restoration of Florida's surface and ground waters.



216160

1461 (i) Implement the requirements of ss. 403.086(7) and
1462 403.088(2)(c).

1463 (j) Promote efficiency by planning for the installation of
1464 wastewater transmission facilities to be constructed
1465 concurrently with other construction projects occurring within
1466 or along a transportation facility right-of-way.

1467 Section 18. Paragraph (b) of subsection (3) of section
1468 403.1838, Florida Statutes, is amended to read:

1469 403.1838 Small Community Sewer Construction Assistance
1470 Act.—

1471 (3)

1472 (b) The rules of the Environmental Regulation Commission
1473 must:

1474 1. Require that projects to plan, design, construct,
1475 upgrade, or replace wastewater collection, transmission,
1476 treatment, disposal, and reuse facilities be cost-effective,
1477 environmentally sound, permittable, and implementable.

1478 2. Require appropriate user charges, connection fees, and
1479 other charges sufficient to ensure the long-term operation,
1480 maintenance, and replacement of the facilities constructed under
1481 each grant.

1482 3. Require grant applications to be submitted on
1483 appropriate forms with appropriate supporting documentation, and
1484 require records to be maintained.

1485 4. Establish a system to determine eligibility of grant
1486 applications.

1487 5. Establish a system to determine the relative priority of
1488 grant applications. The system must consider public health
1489 protection and water pollution prevention or abatement and must



216160

1490 prioritize projects that plan for the installation of wastewater
1491 transmission facilities to be constructed concurrently with
1492 other construction projects occurring within or along a
1493 transportation facility right-of-way.

1494 6. Establish requirements for competitive procurement of
1495 engineering and construction services, materials, and equipment.

1496 7. Provide for termination of grants when program
1497 requirements are not met.

1498 Section 19. The Legislature determines and declares that
1499 this act fulfills an important state interest.

1500 Section 20. Effective July 1, 2021, subsection (5) of
1501 section 153.54, Florida Statutes, is amended to read:

1502 153.54 Preliminary report by county commissioners with
1503 respect to creation of proposed district.—Upon receipt of a
1504 petition duly signed by not less than 25 qualified electors who
1505 are also freeholders residing within an area proposed to be
1506 incorporated into a water and sewer district pursuant to this
1507 law and describing in general terms the proposed boundaries of
1508 such proposed district, the board of county commissioners if it
1509 shall deem it necessary and advisable to create and establish
1510 such proposed district for the purpose of constructing,
1511 establishing or acquiring a water system or a sewer system or
1512 both in and for such district (herein called "improvements"),
1513 shall first cause a preliminary report to be made which such
1514 report together with any other relevant or pertinent matters,
1515 shall include at least the following:

1516 (5) For the construction of a new proposed central sewerage
1517 system or the extension of an existing sewerage system that was
1518 not previously approved, the report shall include a study that



216160

1519 includes the available information from the Department of
1520 Environmental Protection ~~Health~~ on the history of onsite sewage
1521 treatment and disposal systems currently in use in the area and
1522 a comparison of the projected costs to the owner of a typical
1523 lot or parcel of connecting to and using the proposed sewerage
1524 system versus installing, operating, and properly maintaining an
1525 onsite sewage treatment and disposal system that is approved by
1526 the Department of Environmental Protection ~~Health~~ and that
1527 provides for the comparable level of environmental and health
1528 protection as the proposed central sewerage system;
1529 consideration of the local authority's obligations or reasonably
1530 anticipated obligations for water body cleanup and protection
1531 under state or federal programs, including requirements for
1532 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
1533 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
1534 deemed relevant by the local authority.

1535

1536 Such report shall be filed in the office of the clerk of the
1537 circuit court and shall be open for the inspection of any
1538 taxpayer, property owner, qualified elector or any other
1539 interested or affected person.

1540 Section 21. Effective July 1, 2021, paragraph (c) of
1541 subsection (2) of section 153.73, Florida Statutes, is amended
1542 to read:

1543 153.73 Assessable improvements; levy and payment of special
1544 assessments.—Any district may provide for the construction or
1545 reconstruction of assessable improvements as defined in s.
1546 153.52, and for the levying of special assessments upon
1547 benefited property for the payment thereof, under ~~the provisions~~



216160

1548 of this section.

1549 (2)

1550 (c) For the construction of a new proposed central sewerage
1551 system or the extension of an existing sewerage system that was
1552 not previously approved, the report shall include a study that
1553 includes the available information from the Department of
1554 Environmental Protection ~~Health~~ on the history of onsite sewage
1555 treatment and disposal systems currently in use in the area and
1556 a comparison of the projected costs to the owner of a typical
1557 lot or parcel of connecting to and using the proposed sewerage
1558 system versus installing, operating, and properly maintaining an
1559 onsite sewage treatment and disposal system that is approved by
1560 the Department of Environmental Protection ~~Health~~ and that
1561 provides for the comparable level of environmental and health
1562 protection as the proposed central sewerage system;
1563 consideration of the local authority's obligations or reasonably
1564 anticipated obligations for water body cleanup and protection
1565 under state or federal programs, including requirements for
1566 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
1567 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
1568 deemed relevant by the local authority.

1569 Section 22. Effective July 1, 2021, subsection (2) of
1570 section 163.3180, Florida Statutes, is amended to read:

1571 163.3180 Concurrency.—

1572 (2) Consistent with public health and safety, sanitary
1573 sewer, solid waste, drainage, adequate water supplies, and
1574 potable water facilities shall be in place and available to
1575 serve new development no later than the issuance by the local
1576 government of a certificate of occupancy or its functional



216160

1577 equivalent. Prior to approval of a building permit or its
1578 functional equivalent, the local government shall consult with
1579 the applicable water supplier to determine whether adequate
1580 water supplies to serve the new development will be available no
1581 later than the anticipated date of issuance by the local
1582 government of a certificate of occupancy or its functional
1583 equivalent. A local government may meet the concurrency
1584 requirement for sanitary sewer through the use of onsite sewage
1585 treatment and disposal systems approved by the Department of
1586 Environmental Protection Health to serve new development.

1587 Section 23. Effective July 1, 2021, subsection (3) of
1588 section 180.03, Florida Statutes, is amended to read:

1589 180.03 Resolution or ordinance proposing construction or
1590 extension of utility; objections to same.-

1591 (3) For the construction of a new proposed central sewerage
1592 system or the extension of an existing central sewerage system
1593 that was not previously approved, the report shall include a
1594 study that includes the available information from the
1595 Department of Environmental Protection Health on the history of
1596 onsite sewage treatment and disposal systems currently in use in
1597 the area and a comparison of the projected costs to the owner of
1598 a typical lot or parcel of connecting to and using the proposed
1599 central sewerage system versus installing, operating, and
1600 properly maintaining an onsite sewage treatment and disposal
1601 system that is approved by the Department of Environmental
1602 Protection Health and that provides for the comparable level of
1603 environmental and health protection as the proposed central
1604 sewerage system; consideration of the local authority's
1605 obligations or reasonably anticipated obligations for water body



216160

1606 cleanup and protection under state or federal programs,
1607 including requirements for water bodies listed under s. 303(d)
1608 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
1609 et seq.; and other factors deemed relevant by the local
1610 authority. The results of such a study shall be included in the
1611 resolution or ordinance required under subsection (1).

1612 Section 24. Subsections (2), (3), and (6) of section
1613 311.105, Florida Statutes, are amended to read:

1614 311.105 Florida Seaport Environmental Management Committee;
1615 permitting; mitigation.-

1616 (2) Each application for a permit authorized pursuant to s.
1617 403.061(38) ~~s. 403.061(37)~~ must include:

1618 (a) A description of maintenance dredging activities to be
1619 conducted and proposed methods of dredged-material management.

1620 (b) A characterization of the materials to be dredged and
1621 the materials within dredged-material management sites.

1622 (c) A description of dredged-material management sites and
1623 plans.

1624 (d) A description of measures to be undertaken, including
1625 environmental compliance monitoring, to minimize adverse
1626 environmental effects of maintenance dredging and dredged-
1627 material management.

1628 (e) Such scheduling information as is required to
1629 facilitate state supplementary funding of federal maintenance
1630 dredging and dredged-material management programs consistent
1631 with beach restoration criteria of the Department of
1632 Environmental Protection.

1633 (3) Each application for a permit authorized pursuant to s.
1634 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~



216160

1635 paragraphs (2) (b)-(e) and the following:

1636 (a) A description of dredging and dredged-material
1637 management and other related activities associated with port
1638 development, including the expansion of navigation channels,
1639 dredged-material management sites, port harbors, turning basins,
1640 harbor berths, and associated facilities.

1641 (b) A discussion of environmental mitigation as is proposed
1642 for dredging and dredged-material management for port
1643 development, including the expansion of navigation channels,
1644 dredged-material management sites, port harbors, turning basins,
1645 harbor berths, and associated facilities.

1646 (c) Dredged-material management activities authorized
1647 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~
1648 shall be incorporated into port master plans developed pursuant
1649 to s. 163.3178(2) (k).

1650 Section 25. Paragraph (d) of subsection (1) of section
1651 327.46, Florida Statutes, is amended to read:

1652 327.46 Boating-restricted areas.—

1653 (1) Boating-restricted areas, including, but not limited
1654 to, restrictions of vessel speeds and vessel traffic, may be
1655 established on the waters of this state for any purpose
1656 necessary to protect the safety of the public if such
1657 restrictions are necessary based on boating accidents,
1658 visibility, hazardous currents or water levels, vessel traffic
1659 congestion, or other navigational hazards or to protect
1660 seagrasses on privately owned submerged lands.

1661 (d) Owners of private submerged lands that are adjacent to
1662 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~
1663 ~~403.061(27)~~, or an aquatic preserve established under ss.



216160

1664 258.39-258.399 may request that the commission establish
1665 boating-restricted areas solely to protect any seagrass and
1666 contiguous seagrass habitat within their private property
1667 boundaries from seagrass scarring due to propeller dredging.
1668 Owners making a request pursuant to this paragraph must
1669 demonstrate to the commission clear ownership of the submerged
1670 lands. The commission shall adopt rules to implement this
1671 paragraph, including, but not limited to, establishing an
1672 application process and criteria for meeting the requirements of
1673 this paragraph. Each approved boating-restricted area shall be
1674 established by commission rule. For marking boating-restricted
1675 zones established pursuant to this paragraph, owners of
1676 privately submerged lands shall apply to the commission for a
1677 uniform waterway marker permit in accordance with ss. 327.40 and
1678 327.41, and shall be responsible for marking the boating-
1679 restricted zone in accordance with the terms of the permit.

1680 Section 26. Paragraph (d) of subsection (3) of section
1681 373.250, Florida Statutes, is amended to read:

1682 373.250 Reuse of reclaimed water.-

1683 (3)

1684 (d) The South Florida Water Management District shall
1685 require the use of reclaimed water made available by the
1686 elimination of wastewater ocean outfall discharges as provided
1687 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or
1688 groundwater when the use of reclaimed water is available; is
1689 environmentally, economically, and technically feasible; and is
1690 of such quality and reliability as is necessary to the user.
1691 Such reclaimed water may also be required in lieu of other
1692 alternative sources. In determining whether to require such



216160

1693 reclaimed water in lieu of other alternative sources, the water
1694 management district shall consider existing infrastructure
1695 investments in place or obligated to be constructed by an
1696 executed contract or similar binding agreement as of July 1,
1697 2011, for the development of other alternative sources.

1698 Section 27. Subsection (9) of section 373.414, Florida
1699 Statutes, is amended to read:

1700 373.414 Additional criteria for activities in surface
1701 waters and wetlands.—

1702 (9) The department and the governing boards, on or before
1703 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
1704 this section, relying primarily on the existing rules of the
1705 department and the water management districts, into the rules
1706 governing the management and storage of surface waters. Such
1707 rules shall seek to achieve a statewide, coordinated and
1708 consistent permitting approach to activities regulated under
1709 this part. Variations in permitting criteria in the rules of
1710 individual water management districts or the department shall
1711 only be provided to address differing physical or natural
1712 characteristics. Such rules adopted pursuant to this subsection
1713 shall include the special criteria adopted pursuant to s.
1714 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria
1715 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
1716 shall include a provision requiring that a notice of intent to
1717 deny or a permit denial based upon this section shall contain an
1718 explanation of the reasons for such denial and an explanation,
1719 in general terms, of what changes, if any, are necessary to
1720 address such reasons for denial. Such rules may establish
1721 exemptions and general permits, if such exemptions and general



216160

1722 permits do not allow significant adverse impacts to occur
1723 individually or cumulatively. Such rules may require submission
1724 of proof of financial responsibility which may include the
1725 posting of a bond or other form of surety prior to the
1726 commencement of construction to provide reasonable assurance
1727 that any activity permitted pursuant to this section, including
1728 any mitigation for such permitted activity, will be completed in
1729 accordance with the terms and conditions of the permit once the
1730 construction is commenced. Until rules adopted pursuant to this
1731 subsection become effective, existing rules adopted under this
1732 part and rules adopted pursuant to the authority of ss. 403.91-
1733 403.929 shall be deemed authorized under this part and shall
1734 remain in full force and effect. Neither the department nor the
1735 governing boards are limited or prohibited from amending any
1736 such rules.

1737 Section 28. Paragraph (b) of subsection (4) of section
1738 373.705, Florida Statutes, is amended to read:

1739 373.705 Water resource development; water supply
1740 development.-

1741 (4)

1742 (b) Water supply development projects that meet the
1743 criteria in paragraph (a) and that meet one or more of the
1744 following additional criteria shall be given first consideration
1745 for state or water management district funding assistance:

1746 1. The project brings about replacement of existing sources
1747 in order to help implement a minimum flow or minimum water
1748 level;

1749 2. The project implements reuse that assists in the
1750 elimination of domestic wastewater ocean outfalls as provided in



216160

1751 s. 403.086(10) ~~s. 403.086(9)~~; or
1752 3. The project reduces or eliminates the adverse effects of
1753 competition between legal users and the natural system.
1754 Section 29. Paragraph (f) of subsection (8) of section
1755 373.707, Florida Statutes, is amended to read:
1756 373.707 Alternative water supply development.—
1757 (8)
1758 (f) The governing boards shall determine those projects
1759 that will be selected for financial assistance. The governing
1760 boards may establish factors to determine project funding;
1761 however, significant weight shall be given to the following
1762 factors:
1763 1. Whether the project provides substantial environmental
1764 benefits by preventing or limiting adverse water resource
1765 impacts.
1766 2. Whether the project reduces competition for water
1767 supplies.
1768 3. Whether the project brings about replacement of
1769 traditional sources in order to help implement a minimum flow or
1770 level or a reservation.
1771 4. Whether the project will be implemented by a consumptive
1772 use permittee that has achieved the targets contained in a goal-
1773 based water conservation program approved pursuant to s.
1774 373.227.
1775 5. The quantity of water supplied by the project as
1776 compared to its cost.
1777 6. Projects in which the construction and delivery to end
1778 users of reuse water is a major component.
1779 7. Whether the project will be implemented by a



216160

1780 multijurisdictional water supply entity or regional water supply
1781 authority.

1782 8. Whether the project implements reuse that assists in the
1783 elimination of domestic wastewater ocean outfalls as provided in
1784 s. 403.086(10) ~~s. 403.086(9)~~.

1785 9. Whether the county or municipality, or the multiple
1786 counties or municipalities, in which the project is located has
1787 implemented a high-water recharge protection tax assessment
1788 program as provided in s. 193.625.

1789 Section 30. Subsection (4) of section 373.709, Florida
1790 Statutes, is amended to read:

1791 373.709 Regional water supply planning.—

1792 (4) The South Florida Water Management District shall
1793 include in its regional water supply plan water resource and
1794 water supply development projects that promote the elimination
1795 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~
1796 ~~403.086(9)~~.

1797 Section 31. Subsection (3) of section 373.807, Florida
1798 Statutes, is amended to read:

1799 373.807 Protection of water quality in Outstanding Florida
1800 Springs.—By July 1, 2016, the department shall initiate
1801 assessment, pursuant to s. 403.067(3), of Outstanding Florida
1802 Springs or spring systems for which an impairment determination
1803 has not been made under the numeric nutrient standards in effect
1804 for spring vents. Assessments must be completed by July 1, 2018.

1805 (3) As part of a basin management action plan that includes
1806 an Outstanding Florida Spring, the department, ~~the Department of~~
1807 ~~Health~~, relevant local governments, and relevant local public
1808 and private wastewater utilities shall develop an onsite sewage



1809 treatment and disposal system remediation plan for a spring if
1810 the department determines onsite sewage treatment and disposal
1811 systems within a priority focus area contribute at least 20
1812 percent of nonpoint source nitrogen pollution or if the
1813 department determines remediation is necessary to achieve the
1814 total maximum daily load. The plan shall identify cost-effective
1815 and financially feasible projects necessary to reduce the
1816 nutrient impacts from onsite sewage treatment and disposal
1817 systems and shall be completed and adopted as part of the basin
1818 management action plan no later than the first 5-year milestone
1819 required by subparagraph (1)(b)8. The department is the lead
1820 agency in coordinating the preparation of and the adoption of
1821 the plan. The department shall:

1822 (a) Collect and evaluate credible scientific information on
1823 the effect of nutrients, particularly forms of nitrogen, on
1824 springs and springs systems; and

1825 (b) Develop a public education plan to provide area
1826 residents with reliable, understandable information about onsite
1827 sewage treatment and disposal systems and springs.

1828
1829 In addition to the requirements in s. 403.067, the plan shall
1830 include options for repair, upgrade, replacement, drainfield
1831 modification, addition of effective nitrogen reducing features,
1832 connection to a central sewerage system, or other action for an
1833 onsite sewage treatment and disposal system or group of systems
1834 within a priority focus area that contribute at least 20 percent
1835 of nonpoint source nitrogen pollution or if the department
1836 determines remediation is necessary to achieve a total maximum
1837 daily load. For these systems, the department shall include in



216160

1838 the plan a priority ranking for each system or group of systems
1839 that requires remediation and shall award funds to implement the
1840 remediation projects contingent on an appropriation in the
1841 General Appropriations Act, which may include all or part of the
1842 costs necessary for repair, upgrade, replacement, drainfield
1843 modification, addition of effective nitrogen reducing features,
1844 initial connection to a central sewerage system, or other
1845 action. In awarding funds, the department may consider expected
1846 nutrient reduction benefit per unit cost, size and scope of
1847 project, relative local financial contribution to the project,
1848 and the financial impact on property owners and the community.
1849 The department may waive matching funding requirements for
1850 proposed projects within an area designated as a rural area of
1851 opportunity under s. 288.0656.

1852 Section 32. Paragraph (k) of subsection (1) of section
1853 376.307, Florida Statutes, is amended to read:

1854 376.307 Water Quality Assurance Trust Fund.—

1855 (1) The Water Quality Assurance Trust Fund is intended to
1856 serve as a broad-based fund for use in responding to incidents
1857 of contamination that pose a serious danger to the quality of
1858 groundwater and surface water resources or otherwise pose a
1859 serious danger to the public health, safety, or welfare. Moneys
1860 in this fund may be used:

1861 (k) For funding activities described in s. 403.086(10) ~~s.~~
1862 ~~403.086(9)~~ which are authorized for implementation under the
1863 Leah Schad Memorial Ocean Outfall Program.

1864 Section 33. Paragraph (i) of subsection (2), paragraph (b)
1865 of subsection (4), paragraph (j) of subsection (7), and
1866 paragraph (a) of subsection (9) of section 380.0552, Florida



216160

1867 Statutes, are amended to read:

1868 380.0552 Florida Keys Area; protection and designation as
1869 area of critical state concern.—

1870 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
1871 to:

1872 (i) Protect and improve the nearshore water quality of the
1873 Florida Keys through federal, state, and local funding of water
1874 quality improvement projects, including the construction and
1875 operation of wastewater management facilities that meet the
1876 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,
1877 as applicable.

1878 (4) REMOVAL OF DESIGNATION.—

1879 (b) Beginning November 30, 2010, the state land planning
1880 agency shall annually submit a written report to the
1881 Administration Commission describing the progress of the Florida
1882 Keys Area toward completing the work program tasks specified in
1883 commission rules. The land planning agency shall recommend
1884 removing the Florida Keys Area from being designated as an area
1885 of critical state concern to the commission if it determines
1886 that:

1887 1. All of the work program tasks have been completed,
1888 including construction of, operation of, and connection to
1889 central wastewater management facilities pursuant to s.
1890 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage
1891 treatment and disposal systems pursuant to s. 381.0065(4)(1);

1892 2. All local comprehensive plans and land development
1893 regulations and the administration of such plans and regulations
1894 are adequate to protect the Florida Keys Area, fulfill the
1895 legislative intent specified in subsection (2), and are



216160

1896 consistent with and further the principles guiding development;
1897 and

1898 3. A local government has adopted a resolution at a public
1899 hearing recommending the removal of the designation.

1900 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
1901 and local agencies and units of government in the Florida Keys
1902 Area shall coordinate their plans and conduct their programs and
1903 regulatory activities consistent with the principles for guiding
1904 development as specified in chapter 27F-8, Florida
1905 Administrative Code, as amended effective August 23, 1984, which
1906 is adopted and incorporated herein by reference. For the
1907 purposes of reviewing the consistency of the adopted plan, or
1908 any amendments to that plan, with the principles for guiding
1909 development, and any amendments to the principles, the
1910 principles shall be construed as a whole and specific provisions
1911 may not be construed or applied in isolation from the other
1912 provisions. However, the principles for guiding development are
1913 repealed 18 months from July 1, 1986. After repeal, any plan
1914 amendments must be consistent with the following principles:

1915 (j) Ensuring the improvement of nearshore water quality by
1916 requiring the construction and operation of wastewater
1917 management facilities that meet the requirements of ss.
1918 381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable,
1919 and by directing growth to areas served by central wastewater
1920 treatment facilities through permit allocation systems.

1921 (9) MODIFICATION TO PLANS AND REGULATIONS.—

1922 (a) Any land development regulation or element of a local
1923 comprehensive plan in the Florida Keys Area may be enacted,
1924 amended, or rescinded by a local government, but the enactment,



216160

1925 amendment, or rescission becomes effective only upon approval by
1926 the state land planning agency. The state land planning agency
1927 shall review the proposed change to determine if it is in
1928 compliance with the principles for guiding development specified
1929 in chapter 27F-8, Florida Administrative Code, as amended
1930 effective August 23, 1984, and must approve or reject the
1931 requested changes within 60 days after receipt. Amendments to
1932 local comprehensive plans in the Florida Keys Area must also be
1933 reviewed for compliance with the following:

1934 1. Construction schedules and detailed capital financing
1935 plans for wastewater management improvements in the annually
1936 adopted capital improvements element, and standards for the
1937 construction of wastewater treatment and disposal facilities or
1938 collection systems that meet or exceed the criteria in s.
1939 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal
1940 facilities or s. 381.0065(4)(1) for onsite sewage treatment and
1941 disposal systems.

1942 2. Goals, objectives, and policies to protect public safety
1943 and welfare in the event of a natural disaster by maintaining a
1944 hurricane evacuation clearance time for permanent residents of
1945 no more than 24 hours. The hurricane evacuation clearance time
1946 shall be determined by a hurricane evacuation study conducted in
1947 accordance with a professionally accepted methodology and
1948 approved by the state land planning agency.

1949 Section 34. Effective July 1, 2021, subsections (7) and
1950 (18) of section 381.006, Florida Statutes, are amended to read:

1951 381.006 Environmental health.—The department shall conduct
1952 an environmental health program as part of fulfilling the
1953 state's public health mission. The purpose of this program is to



216160

1954 detect and prevent disease caused by natural and manmade factors
1955 in the environment. The environmental health program shall
1956 include, but not be limited to:

1957 ~~(7) An onsite sewage treatment and disposal function.~~

1958 (17)~~(18)~~ A food service inspection function for domestic
1959 violence centers that are certified by the Department of
1960 Children and Families and monitored by the Florida Coalition
1961 Against Domestic Violence under part XII of chapter 39 and group
1962 care homes as described in subsection (15) ~~(16)~~, which shall be
1963 conducted annually and be limited to the requirements in
1964 department rule applicable to community-based residential
1965 facilities with five or fewer residents.

1966
1967 The department may adopt rules to carry out the provisions of
1968 this section.

1969 Section 35. Effective July 1, 2021, subsection (1) of
1970 section 381.0061, Florida Statutes, is amended to read:

1971 381.0061 Administrative fines.—

1972 (1) In addition to any administrative action authorized by
1973 chapter 120 or by other law, the department may impose a fine,
1974 which may ~~shall~~ not exceed \$500 for each violation, for a
1975 violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s.
1976 381.0066, s. 381.0072, or part III of chapter 489, for a
1977 violation of any rule adopted under this chapter, or for a
1978 violation of ~~any of the provisions of~~ chapter 386. Notice of
1979 intent to impose such fine shall be given by the department to
1980 the alleged violator. Each day that a violation continues may
1981 constitute a separate violation.

1982 Section 36. Effective July 1, 2021, subsection (1) of



216160

1983 section 381.0064, Florida Statutes, is amended to read:

1984 381.0064 Continuing education courses for persons
1985 installing or servicing septic tanks.—

1986 (1) The Department of Environmental Protection ~~Health~~ shall
1987 establish a program for continuing education which meets the
1988 purposes of ss. 381.0101 and 489.554 regarding the public health
1989 and environmental effects of onsite sewage treatment and
1990 disposal systems and any other matters the department determines
1991 desirable for the safe installation and use of onsite sewage
1992 treatment and disposal systems. The department may charge a fee
1993 to cover the cost of such program.

1994 Section 37. Effective July 1, 2021, paragraph (d) of
1995 subsection (7), subsection (8), and paragraphs (b), (c), and (d)
1996 of subsection (9) of section 381.00651, Florida Statutes, are
1997 amended to read:

1998 381.00651 Periodic evaluation and assessment of onsite
1999 sewage treatment and disposal systems.—

2000 (7) The following procedures shall be used for conducting
2001 evaluations:

2002 (d) *Assessment procedure.*—All evaluation procedures used by
2003 a qualified contractor shall be documented in the environmental
2004 health database of the Department of Environmental Protection
2005 ~~Health~~. The qualified contractor shall provide a copy of a
2006 written, signed evaluation report to the property owner upon
2007 completion of the evaluation and to the county health department
2008 within 30 days after the evaluation. The report must ~~shall~~
2009 contain the name and license number of the company providing the
2010 report. A copy of the evaluation report shall be retained by the
2011 local county health department for a minimum of 5 years and



216160

2012 until a subsequent inspection report is filed. The front cover
2013 of the report must identify any system failure and include a
2014 clear and conspicuous notice to the owner that the owner has a
2015 right to have any remediation of the failure performed by a
2016 qualified contractor other than the contractor performing the
2017 evaluation. The report must further identify any crack, leak,
2018 improper fit, or other defect in the tank, manhole, or lid, and
2019 any other damaged or missing component; any sewage or effluent
2020 visible on the ground or discharging to a ditch or other surface
2021 water body; any downspout, stormwater, or other source of water
2022 directed onto or toward the system; and any other maintenance
2023 need or condition of the system at the time of the evaluation
2024 which, in the opinion of the qualified contractor, would
2025 possibly interfere with or restrict any future repair or
2026 modification to the existing system. The report shall conclude
2027 with an overall assessment of the fundamental operational
2028 condition of the system.

2029 (8) The county health department, in coordination with the
2030 department, shall administer any evaluation program on behalf of
2031 a county, or a municipality within the county, that has adopted
2032 an evaluation program pursuant to this section. In order to
2033 administer the evaluation program, the county or municipality,
2034 in consultation with the county health department, may develop a
2035 reasonable fee schedule to be used solely to pay for the costs
2036 of administering the evaluation program. Such a fee schedule
2037 shall be identified in the ordinance that adopts the evaluation
2038 program. When arriving at a reasonable fee schedule, the
2039 estimated annual revenues to be derived from fees may not exceed
2040 reasonable estimated annual costs of the program. Fees shall be



216160

2041 assessed to the system owner during an inspection and separately
2042 identified on the invoice of the qualified contractor. Fees
2043 shall be remitted by the qualified contractor to the county
2044 health department. The county health department's administrative
2045 responsibilities include the following:

2046 (a) Providing a notice to the system owner at least 60 days
2047 before the system is due for an evaluation. The notice may
2048 include information on the proper maintenance of onsite sewage
2049 treatment and disposal systems.

2050 (b) In consultation with the department ~~of Health,~~
2051 providing uniform disciplinary procedures and penalties for
2052 qualified contractors who do not comply with the requirements of
2053 the adopted ordinance, including, but not limited to, failure to
2054 provide the evaluation report as required in this subsection to
2055 the system owner and the county health department. Only the
2056 county health department may assess penalties against system
2057 owners for failure to comply with the adopted ordinance,
2058 consistent with existing requirements of law.

2059 (9)

2060 (b) Upon receipt of the notice under paragraph (a), the
2061 department ~~of Environmental Protection~~ shall, within existing
2062 resources, notify the county or municipality of the potential
2063 use of, and access to, program funds under the Clean Water State
2064 Revolving Fund or s. 319 of the Clean Water Act, provide
2065 guidance in the application process to receive such moneys, and
2066 provide advice and technical assistance to the county or
2067 municipality on how to establish a low-interest revolving loan
2068 program or how to model a revolving loan program after the low-
2069 interest loan program of the Clean Water State Revolving Fund.



216160

2070 This paragraph does not obligate the department ~~of Environmental~~
2071 ~~Protection~~ to provide any county or municipality with money to
2072 fund such programs.

2073 (c) The department ~~of Health~~ may not adopt any rule that
2074 alters ~~the provisions of~~ this section.

2075 (d) The department ~~of Health~~ must allow county health
2076 departments and qualified contractors access to the
2077 environmental health database to track relevant information and
2078 assimilate data from assessment and evaluation reports of the
2079 overall condition of onsite sewage treatment and disposal
2080 systems. The environmental health database must be used by
2081 contractors to report each service and evaluation event and by a
2082 county health department to notify owners of onsite sewage
2083 treatment and disposal systems when evaluations are due. Data
2084 and information must be recorded and updated as service and
2085 evaluations are conducted and reported.

2086 Section 38. Paragraph (g) of subsection (1) of section
2087 381.0101, Florida Statutes, is amended to read:

2088 381.0101 Environmental health professionals.—

2089 (1) DEFINITIONS.—As used in this section:

2090 (g) "Primary environmental health program" means those
2091 programs determined by the department to be essential for
2092 providing basic environmental and sanitary protection to the
2093 public. At a minimum, these programs shall include food
2094 protection program work ~~and onsite sewage treatment and disposal~~
2095 ~~system evaluations.~~

2096 Section 39. Section 403.08601, Florida Statutes, is amended
2097 to read:

2098 403.08601 Leah Schad Memorial Ocean Outfall Program.—The



216160

2099 Legislature declares that as funds become available the state
2100 may assist the local governments and agencies responsible for
2101 implementing the Leah Schad Memorial Ocean Outfall Program
2102 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from
2103 other sources provided for in law, the General Appropriations
2104 Act, from gifts designated for implementation of the plan from
2105 individuals, corporations, or other entities, or federal funds
2106 appropriated by Congress for implementation of the plan, may be
2107 deposited into an account of the Water Quality Assurance Trust
2108 Fund.

2109 Section 40. Section 403.0871, Florida Statutes, is amended
2110 to read:

2111 403.0871 Florida Permit Fee Trust Fund.—There is
2112 established within the department a nonlapsing trust fund to be
2113 known as the “Florida Permit Fee Trust Fund.” All funds received
2114 from applicants for permits pursuant to ss. 161.041, 161.053,
2115 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7) (a) shall be
2116 deposited in the Florida Permit Fee Trust Fund and shall be used
2117 by the department with the advice and consent of the Legislature
2118 to supplement appropriations and other funds received by the
2119 department for the administration of its responsibilities under
2120 this chapter and chapter 161. In no case shall funds from the
2121 Florida Permit Fee Trust Fund be used for salary increases
2122 without the approval of the Legislature.

2123 Section 41. Paragraph (a) of subsection (11) of section
2124 403.0872, Florida Statutes, is amended to read:

2125 403.0872 Operation permits for major sources of air
2126 pollution; annual operation license fee.—Provided that program
2127 approval pursuant to 42 U.S.C. s. 7661a has been received from



216160

2128 the United States Environmental Protection Agency, beginning
2129 January 2, 1995, each major source of air pollution, including
2130 electrical power plants certified under s. 403.511, must obtain
2131 from the department an operation permit for a major source of
2132 air pollution under this section. This operation permit is the
2133 only department operation permit for a major source of air
2134 pollution required for such source; provided, at the applicant's
2135 request, the department shall issue a separate acid rain permit
2136 for a major source of air pollution that is an affected source
2137 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
2138 for major sources of air pollution, except general permits
2139 issued pursuant to s. 403.814, must be issued in accordance with
2140 the procedures contained in this section and in accordance with
2141 chapter 120; however, to the extent that chapter 120 is
2142 inconsistent with ~~the provisions of~~ this section, the procedures
2143 contained in this section prevail.

2144 (11) Each major source of air pollution permitted to
2145 operate in this state must pay between January 15 and April 1 of
2146 each year, upon written notice from the department, an annual
2147 operation license fee in an amount determined by department
2148 rule. The annual operation license fee shall be terminated
2149 immediately in the event the United States Environmental
2150 Protection Agency imposes annual fees solely to implement and
2151 administer the major source air-operation permit program in
2152 Florida under 40 C.F.R. s. 70.10(d).

2153 (a) The annual fee must be assessed based upon the source's
2154 previous year's emissions and must be calculated by multiplying
2155 the applicable annual operation license fee factor times the
2156 tons of each regulated air pollutant actually emitted, as



216160

2157 calculated in accordance with the department's emissions
2158 computation and reporting rules. The annual fee shall only apply
2159 to those regulated pollutants, except carbon monoxide and
2160 greenhouse gases, for which an allowable numeric emission
2161 limiting standard is specified in the source's most recent
2162 construction or operation permit; provided, however, that:

2163 1. The license fee factor is \$25 or another amount
2164 determined by department rule which ensures that the revenue
2165 provided by each year's operation license fees is sufficient to
2166 cover all reasonable direct and indirect costs of the major
2167 stationary source air-operation permit program established by
2168 this section. The license fee factor may be increased beyond \$25
2169 only if the secretary of the department affirmatively finds that
2170 a shortage of revenue for support of the major stationary source
2171 air-operation permit program will occur in the absence of a fee
2172 factor adjustment. The annual license fee factor may never
2173 exceed \$35.

2174 2. The amount of each regulated air pollutant in excess of
2175 4,000 tons per year emitted by any source, or group of sources
2176 belonging to the same Major Group as described in the Standard
2177 Industrial Classification Manual, 1987, may not be included in
2178 the calculation of the fee. Any source, or group of sources,
2179 which does not emit any regulated air pollutant in excess of
2180 4,000 tons per year, is allowed a one-time credit not to exceed
2181 25 percent of the first annual licensing fee for the prorated
2182 portion of existing air-operation permit application fees
2183 remaining upon commencement of the annual licensing fees.

2184 3. If the department has not received the fee by March 1 of
2185 the calendar year, the permittee must be sent a written warning



216160

2186 of the consequences for failing to pay the fee by April 1. If
2187 the fee is not postmarked by April 1 of the calendar year, the
2188 department shall impose, in addition to the fee, a penalty of 50
2189 percent of the amount of the fee, plus interest on such amount
2190 computed in accordance with s. 220.807. The department may not
2191 impose such penalty or interest on any amount underpaid,
2192 provided that the permittee has timely remitted payment of at
2193 least 90 percent of the amount determined to be due and remits
2194 full payment within 60 days after receipt of notice of the
2195 amount underpaid. The department may waive the collection of
2196 underpayment and may ~~shall~~ not be required to refund overpayment
2197 of the fee, if the amount due is less than 1 percent of the fee,
2198 up to \$50. The department may revoke any major air pollution
2199 source operation permit if it finds that the permit holder has
2200 failed to timely pay any required annual operation license fee,
2201 penalty, or interest.

2202 4. Notwithstanding the computational provisions of this
2203 subsection, the annual operation license fee for any source
2204 subject to this section may ~~shall~~ not be less than \$250, except
2205 that the annual operation license fee for sources permitted
2206 solely through general permits issued under s. 403.814 may ~~shall~~
2207 not exceed \$50 per year.

2208 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
2209 ~~the provisions of s. 403.087(6)(a)5.a., authorizing air~~
2210 pollution construction permit fees, the department may not
2211 require such fees for changes or additions to a major source of
2212 air pollution permitted pursuant to this section, unless the
2213 activity triggers permitting requirements under Title I, Part C
2214 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-



216160

2215 7514a. Costs to issue and administer such permits shall be
2216 considered direct and indirect costs of the major stationary
2217 source air-operation permit program under s. 403.0873. The
2218 department shall, however, require fees pursuant to s.
2219 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the
2220 construction of a new major source of air pollution that will be
2221 subject to the permitting requirements of this section once
2222 constructed and for activities triggering permitting
2223 requirements under Title I, Part C or Part D, of the federal
2224 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

2225
2226 ===== T I T L E A M E N D M E N T =====

2227 And the title is amended as follows:

2228 Delete lines 104 - 113

2229 and insert:

2230 amending s. 403.121, F.S.; increasing and providing
2231 administrative penalties; amending s. 403.1835, F.S.;
2232 conforming a cross-reference; requiring the department
2233 to give priority for water pollution control financial
2234 assistance to projects that implement certain
2235 provisions and that promote efficiency; amending s.
2236 403.1838, F.S.; revising requirements for the
2237 prioritization of grant applications within the Small
2238 Community Sewer Construction Assistance Act; providing
2239 a declaration of important state interest; amending
2240 ss. 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,
2241 373.250, 373.414, 373.705, 373.707, 373.709, 373.807,
2242 376.307, 380.0552, 381.006, 381.0061, 381.0064,
2243 381.00651, 381.0101, 403.08601, 403.0871, 403.0872,



216160

2244

403.707, 403.861, 489.551, and 590.02, F.S.;