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LEGISLATIVE ACTION

Senate

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House

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The Committee on Appropriations (Mayfield) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 256 - 2003

and insert:

Section 3. Section 327.62, Florida Statutes, is created to read:

327.62 No-Discharge Zone.—

(1) The Legislature finds that the protection and enhancement of water quality in this state requires greater environmental protection than federal standards provide. The



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11 Legislature further finds that a prohibition against discharges  
12 from vessels into the waters of the state would assist in  
13 protecting and enhancing the waters of this state.

14 (2) The Department of Environmental Protection, in  
15 coordination with the commission, shall apply to the  
16 Administrator of the United States Environmental Protection  
17 Agency to establish no-discharge zones wherever adequate pumpout  
18 facilities are available with the ultimate goal of making all of  
19 the waterbodies of this state no-discharge zones pursuant to 40  
20 C.F.R. s. 1700.10.

21 (3) By January 2, 2021, and every 2 years thereafter, the  
22 Department of Environmental Protection shall submit a report to  
23 the Governor, the President of the Senate, and the Speaker of  
24 the House of Representatives on the status and effectiveness of  
25 the no-discharge zone designation. The Department of  
26 Environmental Protection shall identify in the report any  
27 specific impediments that prevent the entire state from  
28 achieving a no-discharge zone designation.

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

31 373.036 Florida water plan; district water management  
32 plans.—

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

34 (a) By March 1, annually, each water management district  
35 shall prepare and submit to the Office of Economic and  
36 Demographic Research, the department, the Governor, the  
37 President of the Senate, and the Speaker of the House of  
38 Representatives a consolidated water management district annual  
39 report on the management of water resources. In addition, copies



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40 must be provided by the water management districts to the chairs  
41 of all legislative committees having substantive or fiscal  
42 jurisdiction over the districts and the governing board of each  
43 county in the district having jurisdiction or deriving any funds  
44 for operations of the district. Copies of the consolidated  
45 annual report must be made available to the public, either in  
46 printed or electronic format.

47 (b) The consolidated annual report shall contain the  
48 following elements, as appropriate to that water management  
49 district:

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

52 2. The department-approved minimum flows and minimum water  
53 levels annual priority list and schedule required by s.  
54 373.042(3).

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

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

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

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

63 7. The mitigation donation annual report required by s.  
64 373.414(1)(b)2.

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

67 a. A list of all specific projects identified to implement  
68 a basin management action plan, including any projects to



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69 connect onsite sewage treatment and disposal systems to central  
70 sewerage systems and convert onsite sewage treatment and  
71 disposal systems to advanced nutrient removing onsite sewage  
72 treatment and disposal systems, or a recovery or prevention  
73 strategy;

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

79 c. The estimated cost for each listed project;

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

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

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

87 9. A grade for each watershed, water body, or water segment  
88 in which a project listed under subparagraph 8. is located  
89 representing the level of impairment and violations of adopted  
90 minimum flow or minimum water levels. The grading system must  
91 reflect the severity of the impairment of the watershed, water  
92 body, or water segment.

93 Section 5. Paragraph (a) of subsection (3) and subsection  
94 (5) of section 373.4131, Florida Statutes, are amended, and  
95 subsection (6) is added to that section, to read:

96 373.4131 Statewide environmental resource permitting  
97 rules.-



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98           (3) (a) The water management districts, with department  
99 oversight, shall ~~may continue to~~ adopt rules governing design  
100 and performance standards for stormwater quality and quantity,  
101 including design and performance standards that increase the  
102 removal of nutrients from stormwater discharges. ~~and~~ The  
103 department shall ~~may~~ incorporate the design and performance  
104 standards by reference for use within the geographic  
105 jurisdiction of each district to ensure that additional  
106 pollutant loadings are not discharged into impaired water  
107 bodies. By January 1, 2021, the department and water management  
108 districts shall amend the Environmental Resource Permit  
109 Applicant's Handbook to include revised best management  
110 practices design criteria and low-impact design best management  
111 practices and design criteria that increase the removal of  
112 nutrients from stormwater discharges, and measures for  
113 consistent application of the net improvement performance  
114 standard to ensure that additional pollutant loadings are not  
115 discharged into impaired water bodies. The level of nutrient  
116 treatment and the design criteria for stormwater best management  
117 practices must be consistent with best available scientific  
118 information.

119           (5) To ensure consistent implementation and interpretation  
120 of the rules adopted pursuant to this section, the department  
121 shall conduct or oversee regular assessment and training of its  
122 staff and the staffs of the water management districts and local  
123 governments delegated local pollution control program authority  
124 under s. 373.441. The training must include coordinating field  
125 inspections of publicly and privately owned stormwater  
126 structural controls, such as stormwater retention or detention



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127 ponds.

128 (6) By January 1, 2021, the department shall evaluate  
129 inspection data relating to compliance by those entities that  
130 self-certify under s. 403.814(12) and shall provide the  
131 Legislature with recommendations for improvements to the self-  
132 certification program.

133 Section 6. Effective July 1, 2021, present paragraphs (d)  
134 through (q) of subsection (2) of section 381.0065, Florida  
135 Statutes, are redesignated as paragraphs (e) through (r),  
136 respectively, a new paragraph (d) is added to that subsection,  
137 and subsections (3) and (4) of that section are amended, to  
138 read:

139 381.0065 Onsite sewage treatment and disposal systems;  
140 regulation.—

141 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
142 term:

143 (d) "Department" means the Department of Environmental  
144 Protection.

145 (3) DUTIES AND POWERS OF THE DEPARTMENT ~~OF HEALTH~~.—The  
146 department shall:

147 (a) Adopt rules to administer ss. 381.0065-381.0067,  
148 including definitions that are consistent with the definitions  
149 in this section, ~~decreases to setback requirements where no~~  
150 ~~health hazard exists,~~ increases for the lot-flow allowance for  
151 performance-based systems, requirements for separation from  
152 water table elevation during the wettest season, requirements  
153 for the design and construction of any component part of an  
154 onsite sewage treatment and disposal system, application and  
155 permit requirements for persons who maintain an onsite sewage



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156 treatment and disposal system, requirements for maintenance and  
157 service agreements for aerobic treatment units and performance-  
158 based treatment systems, and recommended standards, including  
159 disclosure requirements, for voluntary system inspections to be  
160 performed by individuals who are authorized by law to perform  
161 such inspections and who shall inform a person having ownership,  
162 control, or use of an onsite sewage treatment and disposal  
163 system of the inspection standards and of that person's  
164 authority to request an inspection based on all or part of the  
165 standards.

166 (b) Perform application reviews and site evaluations, issue  
167 permits, and conduct inspections and complaint investigations  
168 associated with the construction, installation, maintenance,  
169 modification, abandonment, operation, use, or repair of an  
170 onsite sewage treatment and disposal system for a residence or  
171 establishment with an estimated domestic sewage flow of 10,000  
172 gallons or less per day, or an estimated commercial sewage flow  
173 of 5,000 gallons or less per day, which is not currently  
174 regulated under chapter 403.

175 (c) Develop a comprehensive program to ensure that onsite  
176 sewage treatment and disposal systems regulated by the  
177 department are sized, designed, constructed, installed, sited,  
178 repaired, modified, abandoned, used, operated, and maintained in  
179 compliance with this section and rules adopted under this  
180 section to prevent groundwater contamination, including impacts  
181 from nutrient pollution, and surface water contamination and to  
182 preserve the public health. The department is the final  
183 administrative interpretive authority regarding rule  
184 interpretation. In the event of a conflict regarding rule



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185 interpretation, the secretary of the department ~~State Surgeon~~  
186 ~~General~~, or his or her designee, shall timely assign a staff  
187 person to resolve the dispute.

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

190 (e) Permit the use of a limited number of innovative  
191 systems for a specific period of time, when there is compelling  
192 evidence that the system will function properly and reliably to  
193 meet the requirements of this section and rules adopted under  
194 this section.

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

196 (g) Establish and collect fees as established under s.  
197 381.0066 for services provided with respect to onsite sewage  
198 treatment and disposal systems.

199 (h) Conduct enforcement activities, including imposing  
200 fines, issuing citations, suspensions, revocations, injunctions,  
201 and emergency orders for violations of this section, part I of  
202 chapter 386, or part III of chapter 489 or for a violation of  
203 any rule adopted under this section, part I of chapter 386, or  
204 part III of chapter 489.

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

208 (j) Supervise research on, demonstration of, and training  
209 on the performance, environmental impact, and public health  
210 impact of onsite sewage treatment and disposal systems within  
211 this state. Research fees collected under s. 381.0066(2)(k) must  
212 be used to develop and fund hands-on training centers designed  
213 to provide practical information about onsite sewage treatment





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214 and disposal systems to septic tank contractors, master septic  
215 tank contractors, contractors, inspectors, engineers, and the  
216 public and must also be used to fund research projects which  
217 focus on improvements of onsite sewage treatment and disposal  
218 systems, including use of performance-based standards and  
219 reduction of environmental impact. Research projects shall be  
220 initially approved by the technical review and advisory panel  
221 and shall be applicable to and reflect the soil conditions  
222 specific to Florida. Such projects shall be awarded through  
223 competitive negotiation, using the procedures provided in s.  
224 287.055, to public or private entities that have experience in  
225 onsite sewage treatment and disposal systems in Florida and that  
226 are principally located in Florida. Research projects may ~~shall~~  
227 not be awarded to firms or entities that employ or are  
228 associated with persons who serve on either the technical review  
229 and advisory panel or the research review and advisory  
230 committee.

231 (k) Approve the installation of individual graywater  
232 disposal systems in which blackwater is treated by a central  
233 sewerage system.

234 (l) Regulate and permit the sanitation, handling,  
235 treatment, storage, reuse, and disposal of byproducts from any  
236 system regulated under this chapter and not regulated by the  
237 Department of Environmental Protection.

238 (m) Permit and inspect portable or temporary toilet  
239 services and holding tanks. The department shall review  
240 applications, perform site evaluations, and issue permits for  
241 the temporary use of holding tanks, privies, portable toilet  
242 services, or any other toilet facility that is intended for use



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243 on a permanent or nonpermanent basis, including facilities  
244 placed on construction sites when workers are present. The  
245 department may specify standards for the construction,  
246 maintenance, use, and operation of any such facility for  
247 temporary use.

248 (n) Regulate and permit maintenance entities for  
249 performance-based treatment systems and aerobic treatment unit  
250 systems. To ensure systems are maintained and operated according  
251 to manufacturer's specifications and designs, the department  
252 shall establish by rule minimum qualifying criteria for  
253 maintenance entities. The criteria shall include: training,  
254 access to approved spare parts and components, access to  
255 manufacturer's maintenance and operation manuals, and service  
256 response time. The maintenance entity shall employ a contractor  
257 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
258 a state-licensed wastewater plant operator, who is responsible  
259 for maintenance and repair of all systems under contract.

260 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
261 construct, repair, modify, abandon, or operate an onsite sewage  
262 treatment and disposal system without first obtaining a permit  
263 approved by the department. The department may issue permits to  
264 carry out this section, ~~but shall not make the issuance of such~~  
265 ~~permits contingent upon prior approval by the Department of~~  
266 ~~Environmental Protection, except that~~ The issuance of a permit  
267 for work seaward of the coastal construction control line  
268 established under s. 161.053 shall be contingent upon receipt of  
269 any required coastal construction control line permit from the  
270 department ~~of Environmental Protection~~. A construction permit is  
271 valid for 18 months from the issuance date and may be extended



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272 by the department for one 90-day period under rules adopted by  
273 the department. A repair permit is valid for 90 days from the  
274 date of issuance. An operating permit must be obtained before  
275 ~~prior to~~ the use of any aerobic treatment unit or if the  
276 establishment generates commercial waste. Buildings or  
277 establishments that use an aerobic treatment unit or generate  
278 commercial waste shall be inspected by the department at least  
279 annually to assure compliance with the terms of the operating  
280 permit. The operating permit for a commercial wastewater system  
281 is valid for 1 year from the date of issuance and must be  
282 renewed annually. The operating permit for an aerobic treatment  
283 unit is valid for 2 years from the date of issuance and must be  
284 renewed every 2 years. If all information pertaining to the  
285 siting, location, and installation conditions or repair of an  
286 onsite sewage treatment and disposal system remains the same, a  
287 construction or repair permit for the onsite sewage treatment  
288 and disposal system may be transferred to another person, if the  
289 transferee files, within 60 days after the transfer of  
290 ownership, an amended application providing all corrected  
291 information and proof of ownership of the property. There is no  
292 fee associated with the processing of this supplemental  
293 information. A person may not contract to construct, modify,  
294 alter, repair, service, abandon, or maintain any portion of an  
295 onsite sewage treatment and disposal system without being  
296 registered under part III of chapter 489. A property owner who  
297 personally performs construction, maintenance, or repairs to a  
298 system serving his or her own owner-occupied single-family  
299 residence is exempt from registration requirements for  
300 performing such construction, maintenance, or repairs on that



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301 residence, but is subject to all permitting requirements. A  
302 municipality or political subdivision of the state may not issue  
303 a building or plumbing permit for any building that requires the  
304 use of an onsite sewage treatment and disposal system unless the  
305 owner or builder has received a construction permit for such  
306 system from the department. A building or structure may not be  
307 occupied and a municipality, political subdivision, or any state  
308 or federal agency may not authorize occupancy until the  
309 department approves the final installation of the onsite sewage  
310 treatment and disposal system. A municipality or political  
311 subdivision of the state may not approve any change in occupancy  
312 or tenancy of a building that uses an onsite sewage treatment  
313 and disposal system until the department has reviewed the use of  
314 the system with the proposed change, approved the change, and  
315 amended the operating permit.

316 (a) Subdivisions and lots in which each lot has a minimum  
317 area of at least one-half acre and either a minimum dimension of  
318 100 feet or a mean of at least 100 feet of the side bordering  
319 the street and the distance formed by a line parallel to the  
320 side bordering the street drawn between the two most distant  
321 points of the remainder of the lot may be developed with a water  
322 system regulated under s. 381.0062 and onsite sewage treatment  
323 and disposal systems, provided the projected daily sewage flow  
324 does not exceed an average of 1,500 gallons per acre per day,  
325 and provided satisfactory drinking water can be obtained and all  
326 distance and setback, soil condition, water table elevation, and  
327 other related requirements of this section and rules adopted  
328 under this section can be met.

329 (b) Subdivisions and lots using a public water system as



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330 defined in s. 403.852 may use onsite sewage treatment and  
331 disposal systems, provided there are no more than four lots per  
332 acre, provided the projected daily sewage flow does not exceed  
333 an average of 2,500 gallons per acre per day, and provided that  
334 all distance and setback, soil condition, water table elevation,  
335 and other related requirements that are generally applicable to  
336 the use of onsite sewage treatment and disposal systems are met.

337 (c) Notwithstanding paragraphs (a) and (b), for  
338 subdivisions platted of record on or before October 1, 1991,  
339 when a developer or other appropriate entity has previously made  
340 or makes provisions, including financial assurances or other  
341 commitments, acceptable to the Department ~~of Health~~, that a  
342 central water system will be installed by a regulated public  
343 utility based on a density formula, private potable wells may be  
344 used with onsite sewage treatment and disposal systems until the  
345 agreed-upon densities are reached. In a subdivision regulated by  
346 this paragraph, the average daily sewage flow may not exceed  
347 2,500 gallons per acre per day. This section does not affect the  
348 validity of existing prior agreements. After October 1, 1991,  
349 the exception provided under this paragraph is not available to  
350 a developer or other appropriate entity.

351 (d) Paragraphs (a) and (b) do not apply to any proposed  
352 residential subdivision with more than 50 lots or to any  
353 proposed commercial subdivision with more than 5 lots where a  
354 publicly owned or investor-owned sewerage system is available.  
355 It is the intent of this paragraph not to allow development of  
356 additional proposed subdivisions in order to evade the  
357 requirements of this paragraph.

358 (e) The department shall adopt rules to locate onsite



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359 sewage treatment and disposal systems, including establishing  
360 setback distances, to prevent groundwater contamination and  
361 surface water contamination and to preserve the public health.  
362 The rulemaking process for such rules must be completed by July  
363 1, 2022, and the department shall notify the Division of Law  
364 Revision of the date such rules are adopted. The rules must  
365 consider conventional and enhanced nutrient-reducing onsite  
366 sewage treatment and disposal system designs, impaired or  
367 degraded water bodies, domestic wastewater and drinking water  
368 infrastructure, potable water sources, nonpotable wells,  
369 stormwater infrastructure, the onsite sewage treatment and  
370 disposal system remediation plans developed pursuant to s.  
371 403.067(7)(a)9.b., nutrient pollution, and the recommendations  
372 of the onsite sewage treatment and disposal systems technical  
373 advisory committee established pursuant to s. 381.00652.

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

- 377 1. Seventy-five feet from a private potable well.
- 378 2. Two hundred feet from a public potable well serving a  
379 residential or nonresidential establishment having a total  
380 sewage flow of greater than 2,000 gallons per day.
- 381 3. One hundred feet from a public potable well serving a  
382 residential or nonresidential establishment having a total  
383 sewage flow of less than or equal to 2,000 gallons per day.
- 384 4. Fifty feet from any nonpotable well.
- 385 5. Ten feet from any storm sewer pipe, to the maximum  
386 extent possible, but in no instance shall the setback be less  
387 than 5 feet.



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

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

392           8. Fifteen feet from the design high-water line of  
393 retention areas, detention areas, or swales designed to contain  
394 standing or flowing water for less than 72 hours after a  
395 rainfall or the design high-water level of normally dry drainage  
396 ditches or normally dry individual lot stormwater retention  
397 areas.

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

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

406           1. Any residential lot that was platted and recorded on or  
407 after January 1, 1972, or that is part of a residential  
408 subdivision that was approved by the appropriate permitting  
409 agency on or after January 1, 1972, and that was eligible for an  
410 onsite sewage treatment and disposal system construction permit  
411 on the date of such platting and recording or approval shall be  
412 eligible for an onsite sewage treatment and disposal system  
413 construction permit, regardless of when the application for a  
414 permit is made. If rules in effect at the time the permit  
415 application is filed cannot be met, residential lots platted and  
416 recorded or approved on or after January 1, 1972, shall, to the



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417 maximum extent possible, comply with the rules in effect at the  
418 time the permit application is filed. At a minimum, however,  
419 those residential lots platted and recorded or approved on or  
420 after January 1, 1972, but before January 1, 1983, shall comply  
421 with those rules in effect on January 1, 1983, and those  
422 residential lots platted and recorded or approved on or after  
423 January 1, 1983, shall comply with those rules in effect at the  
424 time of such platting and recording or approval. In determining  
425 the maximum extent of compliance with current rules that is  
426 possible, the department shall allow structures and  
427 appurtenances thereto which were authorized at the time such  
428 lots were platted and recorded or approved.

429         2. Lots platted before 1972 are subject to a 50-foot  
430 minimum surface water setback and are not subject to lot size  
431 requirements. The projected daily flow for onsite sewage  
432 treatment and disposal systems for lots platted before 1972 may  
433 not exceed:

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

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

438             (h)1. The department may grant variances in hardship cases  
439 which may be less restrictive than ~~the provisions~~ specified in  
440 this section. If a variance is granted and the onsite sewage  
441 treatment and disposal system construction permit has been  
442 issued, the variance may be transferred with the system  
443 construction permit, if the transferee files, within 60 days  
444 after the transfer of ownership, an amended construction permit  
445 application providing all corrected information and proof of





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446 ownership of the property and if the same variance would have  
447 been required for the new owner of the property as was  
448 originally granted to the original applicant for the variance.  
449 There is no fee associated with the processing of this  
450 supplemental information. A variance may not be granted under  
451 this section until the department is satisfied that:

452 a. The hardship was not caused intentionally by the action  
453 of the applicant;

454 b. No reasonable alternative, taking into consideration  
455 factors such as cost, exists for the treatment of the sewage;  
456 and

457 c. The discharge from the onsite sewage treatment and  
458 disposal system will not adversely affect the health of the  
459 applicant or the public or significantly degrade the groundwater  
460 or surface waters.

461  
462 Where soil conditions, water table elevation, and setback  
463 provisions are determined by the department to be satisfactory,  
464 special consideration must be given to those lots platted before  
465 1972.

466 2. The department shall appoint and staff a variance review  
467 and advisory committee, which shall meet monthly to recommend  
468 agency action on variance requests. The committee shall make its  
469 recommendations on variance requests at the meeting in which the  
470 application is scheduled for consideration, except for an  
471 extraordinary change in circumstances, the receipt of new  
472 information that raises new issues, or when the applicant  
473 requests an extension. The committee shall consider the criteria  
474 in subparagraph 1. in its recommended agency action on variance



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475 requests and shall also strive to allow property owners the full  
476 use of their land where possible. The committee consists of the  
477 following:

478 a. The Secretary of Environmental Protection ~~State Surgeon~~  
479 ~~General~~ or his or her designee.

480 b. A representative from the county health departments.

481 c. A representative from the home building industry  
482 recommended by the Florida Home Builders Association.

483 d. A representative from the septic tank industry  
484 recommended by the Florida Onsite Wastewater Association.

485 e. A representative from the Department of Health  
486 ~~Environmental Protection~~.

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

491 g. A representative from the engineering profession  
492 recommended by the Florida Engineering Society.

493

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

499 (i) A construction permit may not be issued for an onsite  
500 sewage treatment and disposal system in any area zoned or used  
501 for industrial or manufacturing purposes, or its equivalent,  
502 where a publicly owned or investor-owned sewage treatment system  
503 is available, or where a likelihood exists that the system will



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504 receive toxic, hazardous, or industrial waste. An existing  
505 onsite sewage treatment and disposal system may be repaired if a  
506 publicly owned or investor-owned sewerage system is not  
507 available within 500 feet of the building sewer stub-out and if  
508 system construction and operation standards can be met. This  
509 paragraph does not require publicly owned or investor-owned  
510 sewerage treatment systems to accept anything other than  
511 domestic wastewater.

512 1. A building located in an area zoned or used for  
513 industrial or manufacturing purposes, or its equivalent, when  
514 such building is served by an onsite sewage treatment and  
515 disposal system, must not be occupied until the owner or tenant  
516 has obtained written approval from the department. The  
517 department may ~~shall~~ not grant approval when the proposed use of  
518 the system is to dispose of toxic, hazardous, or industrial  
519 wastewater or toxic or hazardous chemicals.

520 2. Each person who owns or operates a business or facility  
521 in an area zoned or used for industrial or manufacturing  
522 purposes, or its equivalent, or who owns or operates a business  
523 that has the potential to generate toxic, hazardous, or  
524 industrial wastewater or toxic or hazardous chemicals, and uses  
525 an onsite sewage treatment and disposal system that is installed  
526 on or after July 5, 1989, must obtain an annual system operating  
527 permit from the department. A person who owns or operates a  
528 business that uses an onsite sewage treatment and disposal  
529 system that was installed and approved before July 5, 1989, need  
530 not obtain a system operating permit. However, upon change of  
531 ownership or tenancy, the new owner or operator must notify the  
532 department of the change, and the new owner or operator must



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533 obtain an annual system operating permit, regardless of the date  
534 that the system was installed or approved.

535         3. The department shall periodically review and evaluate  
536 the continued use of onsite sewage treatment and disposal  
537 systems in areas zoned or used for industrial or manufacturing  
538 purposes, or its equivalent, and may require the collection and  
539 analyses of samples from within and around such systems. If the  
540 department finds that toxic or hazardous chemicals or toxic,  
541 hazardous, or industrial wastewater have been or are being  
542 disposed of through an onsite sewage treatment and disposal  
543 system, the department shall initiate enforcement actions  
544 against the owner or tenant to ensure adequate cleanup,  
545 treatment, and disposal.

546         (j) An onsite sewage treatment and disposal system designed  
547 by a professional engineer registered in the state and certified  
548 by such engineer as complying with performance criteria adopted  
549 by the department must be approved by the department subject to  
550 the following:

551         1. The performance criteria applicable to engineer-designed  
552 systems must be limited to those necessary to ensure that such  
553 systems do not adversely affect the public health or  
554 significantly degrade the groundwater or surface water. Such  
555 performance criteria shall include consideration of the quality  
556 of system effluent, the proposed total sewage flow per acre,  
557 wastewater treatment capabilities of the natural or replaced  
558 soil, water quality classification of the potential surface-  
559 water-receiving body, and the structural and maintenance  
560 viability of the system for the treatment of domestic  
561 wastewater. However, performance criteria shall address only the



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562 performance of a system and not a system's design.

563         2. A person electing to utilize an engineer-designed system  
564 shall, upon completion of the system design, submit such design,  
565 certified by a registered professional engineer, to the county  
566 health department. The county health department may utilize an  
567 outside consultant to review the engineer-designed system, with  
568 the actual cost of such review to be borne by the applicant.  
569 Within 5 working days after receiving an engineer-designed  
570 system permit application, the county health department shall  
571 request additional information if the application is not  
572 complete. Within 15 working days after receiving a complete  
573 application for an engineer-designed system, the county health  
574 department either shall issue the permit or, if it determines  
575 that the system does not comply with the performance criteria,  
576 shall notify the applicant of that determination and refer the  
577 application to the department for a determination as to whether  
578 the system should be approved, disapproved, or approved with  
579 modification. The department engineer's determination shall  
580 prevail over the action of the county health department. The  
581 applicant shall be notified in writing of the department's  
582 determination and of the applicant's rights to pursue a variance  
583 or seek review under ~~the provisions of~~ chapter 120.

584         3. The owner of an engineer-designed performance-based  
585 system must maintain a current maintenance service agreement  
586 with a maintenance entity permitted by the department. The  
587 maintenance entity shall inspect each system at least twice each  
588 year and shall report quarterly to the department on the number  
589 of systems inspected and serviced. The reports may be submitted  
590 electronically.



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591           4. The property owner of an owner-occupied, single-family  
592 residence may be approved and permitted by the department as a  
593 maintenance entity for his or her own performance-based  
594 treatment system upon written certification from the system  
595 manufacturer's approved representative that the property owner  
596 has received training on the proper installation and service of  
597 the system. The maintenance service agreement must conspicuously  
598 disclose that the property owner has the right to maintain his  
599 or her own system and is exempt from contractor registration  
600 requirements for performing construction, maintenance, or  
601 repairs on the system but is subject to all permitting  
602 requirements.

603           5. The property owner shall obtain a biennial system  
604 operating permit from the department for each system. The  
605 department shall inspect the system at least annually, or on  
606 such periodic basis as the fee collected permits, and may  
607 collect system-effluent samples if appropriate to determine  
608 compliance with the performance criteria. The fee for the  
609 biennial operating permit shall be collected beginning with the  
610 second year of system operation.

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

615           (k) An innovative system may be approved in conjunction  
616 with an engineer-designed site-specific system which is  
617 certified by the engineer to meet the performance-based criteria  
618 adopted by the department.

619           (l) For the Florida Keys, the department shall adopt a



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620 special rule for the construction, installation, modification,  
621 operation, repair, maintenance, and performance of onsite sewage  
622 treatment and disposal systems which considers the unique soil  
623 conditions and water table elevations, densities, and setback  
624 requirements. On lots where a setback distance of 75 feet from  
625 surface waters, saltmarsh, and buttonwood association habitat  
626 areas cannot be met, an injection well, approved and permitted  
627 by the department, may be used for disposal of effluent from  
628 onsite sewage treatment and disposal systems. The following  
629 additional requirements apply to onsite sewage treatment and  
630 disposal systems in Monroe County:

631 1. The county, each municipality, and those special  
632 districts established for the purpose of the collection,  
633 transmission, treatment, or disposal of sewage shall ensure, in  
634 accordance with the specific schedules adopted by the  
635 Administration Commission under s. 380.0552, the completion of  
636 onsite sewage treatment and disposal system upgrades to meet the  
637 requirements of this paragraph.

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

- 643 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 644 b. Suspended Solids of 10 mg/l.
- 645 c. Total Nitrogen, expressed as N, of 10 mg/l or a  
646 reduction in nitrogen of at least 70 percent. A system that has  
647 been tested and certified to reduce nitrogen concentrations by  
648 at least 70 percent shall be deemed to be in compliance with



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649 this standard.

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

651

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

655 3. In areas not scheduled to be served by a central sewer,  
656 onsite sewage treatment and disposal systems must, by December  
657 31, 2015, comply with department rules and provide the level of  
658 treatment described in subparagraph 2.

659 4. In areas scheduled to be served by central sewer by  
660 December 31, 2015, if the property owner has paid a connection  
661 fee or assessment for connection to the central sewer system,  
662 the property owner may install a holding tank with a high water  
663 alarm or an onsite sewage treatment and disposal system that  
664 meets the following minimum standards:

665 a. The existing tanks must be pumped and inspected and  
666 certified as being watertight and free of defects in accordance  
667 with department rule; and

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

670 5. Onsite sewage treatment and disposal systems must be  
671 monitored for total nitrogen and total phosphorus concentrations  
672 as required by department rule.

673 6. The department shall enforce proper installation,  
674 operation, and maintenance of onsite sewage treatment and  
675 disposal systems pursuant to this chapter, including ensuring  
676 that the appropriate level of treatment described in  
677 subparagraph 2. is met.





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

682           8. Notwithstanding any other ~~provision of~~ law, an onsite  
683 sewage treatment and disposal system installed after July 1,  
684 2010, in unincorporated Monroe County, excluding special  
685 wastewater districts, that complies with the standards in  
686 subparagraph 2. is not required to connect to a central sewer  
687 system until December 31, 2020.

688           (m) No product sold in the state for use in onsite sewage  
689 treatment and disposal systems may contain any substance in  
690 concentrations or amounts that would interfere with or prevent  
691 the successful operation of such system, or that would cause  
692 discharges from such systems to violate applicable water quality  
693 standards. The department shall publish criteria for products  
694 known or expected to meet the conditions of this paragraph. In  
695 the event a product does not meet such criteria, such product  
696 may be sold if the manufacturer satisfactorily demonstrates to  
697 the department that the conditions of this paragraph are met.

698           (n) Evaluations for determining the seasonal high-water  
699 table elevations or the suitability of soils for the use of a  
700 new onsite sewage treatment and disposal system shall be  
701 performed by department personnel, professional engineers  
702 registered in the state, or such other persons with expertise,  
703 as defined by rule, in making such evaluations. Evaluations for  
704 determining mean annual flood lines shall be performed by those  
705 persons identified in paragraph (2)(k) ~~(2)(j)~~. The department  
706 shall accept evaluations submitted by professional engineers and



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707 such other persons as meet the expertise established by this  
708 section or by rule unless the department has a reasonable  
709 scientific basis for questioning the accuracy or completeness of  
710 the evaluation.

711 (o) The department shall appoint a research review and  
712 advisory committee, which shall meet at least semiannually. The  
713 committee shall advise the department on directions for new  
714 research, review and rank proposals for research contracts, and  
715 review draft research reports and make comments. The committee  
716 is comprised of:

717 1. A representative of the Secretary of Environmental  
718 Protection State Surgeon General, or his or her designee.

719 2. A representative from the septic tank industry.

720 3. A representative from the home building industry.

721 4. A representative from an environmental interest group.

722 5. A representative from the State University System, from  
723 a department knowledgeable about onsite sewage treatment and  
724 disposal systems.

725 6. A professional engineer registered in this state who has  
726 work experience in onsite sewage treatment and disposal systems.

727 7. A representative from local government who is  
728 knowledgeable about domestic wastewater treatment.

729 8. A representative from the real estate profession.

730 9. A representative from the restaurant industry.

731 10. A consumer.

732

733 Members shall be appointed for a term of 3 years, with the  
734 appointments being staggered so that the terms of no more than  
735 four members expire in any one year. Members shall serve without



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736 remuneration, but are entitled to reimbursement for per diem and  
737 travel expenses as provided in s. 112.061.

738 (p) An application for an onsite sewage treatment and  
739 disposal system permit shall be completed in full, signed by the  
740 owner or the owner's authorized representative, or by a  
741 contractor licensed under chapter 489, and shall be accompanied  
742 by all required exhibits and fees. No specific documentation of  
743 property ownership shall be required as a prerequisite to the  
744 review of an application or the issuance of a permit. The  
745 issuance of a permit does not constitute determination by the  
746 department of property ownership.

747 (q) The department may not require any form of subdivision  
748 analysis of property by an owner, developer, or subdivider prior  
749 to submission of an application for an onsite sewage treatment  
750 and disposal system.

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

754 (s) In the siting of onsite sewage treatment and disposal  
755 systems, including drainfields, shoulders, and slopes, guttering  
756 ~~may shall~~ not be required on single-family residential dwelling  
757 units for systems located greater than 5 feet from the roof drip  
758 line of the house. If guttering is used on residential dwelling  
759 units, the downspouts shall be directed away from the  
760 drainfield.

761 (t) Notwithstanding ~~the provisions of~~ subparagraph (g)1.,  
762 onsite sewage treatment and disposal systems located in  
763 floodways of the Suwannee and Aucilla Rivers must adhere to the  
764 following requirements:



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765           1. The absorption surface of the drainfield may ~~shall~~ not  
766 be subject to flooding based on 10-year flood elevations.  
767 Provided, however, for lots or parcels created by the  
768 subdivision of land in accordance with applicable local  
769 government regulations prior to January 17, 1990, if an  
770 applicant cannot construct a drainfield system with the  
771 absorption surface of the drainfield at an elevation equal to or  
772 above 10-year flood elevation, the department shall issue a  
773 permit for an onsite sewage treatment and disposal system within  
774 the 10-year floodplain of rivers, streams, and other bodies of  
775 flowing water if all of the following criteria are met:  
776           a. The lot is at least one-half acre in size;  
777           b. The bottom of the drainfield is at least 36 inches above  
778 the 2-year flood elevation; and  
779           c. The applicant installs either: a waterless,  
780 incinerating, or organic waste composting toilet and a graywater  
781 system and drainfield in accordance with department rules; an  
782 aerobic treatment unit and drainfield in accordance with  
783 department rules; a system ~~approved by the State Health Office~~  
784 that is capable of reducing effluent nitrate by at least 50  
785 percent in accordance with department rules; or a system other  
786 than a system using alternative drainfield materials in  
787 accordance with department rules ~~approved by the county health~~  
788 ~~department pursuant to department rule other than a system using~~  
789 ~~alternative drainfield materials~~. The United States Department  
790 of Agriculture Soil Conservation Service soil maps, State of  
791 Florida Water Management District data, and Federal Emergency  
792 Management Agency Flood Insurance maps are resources that shall  
793 be used to identify flood-prone areas.



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794           2. The use of fill or mounding to elevate a drainfield  
795 system out of the 10-year floodplain of rivers, streams, or  
796 other bodies of flowing water may ~~shall~~ not be permitted if such  
797 a system lies within a regulatory floodway of the Suwannee and  
798 Aucilla Rivers. In cases where the 10-year flood elevation does  
799 not coincide with the boundaries of the regulatory floodway, the  
800 regulatory floodway will be considered for the purposes of this  
801 subsection to extend at a minimum to the 10-year flood  
802 elevation.

803           (u)1. The owner of an aerobic treatment unit system shall  
804 maintain a current maintenance service agreement with an aerobic  
805 treatment unit maintenance entity permitted by the department.  
806 The maintenance entity shall inspect each aerobic treatment unit  
807 system at least twice each year and shall report quarterly to  
808 the department on the number of aerobic treatment unit systems  
809 inspected and serviced. The reports may be submitted  
810 electronically.

811           2. The property owner of an owner-occupied, single-family  
812 residence may be approved and permitted by the department as a  
813 maintenance entity for his or her own aerobic treatment unit  
814 system upon written certification from the system manufacturer's  
815 approved representative that the property owner has received  
816 training on the proper installation and service of the system.  
817 The maintenance entity service agreement must conspicuously  
818 disclose that the property owner has the right to maintain his  
819 or her own system and is exempt from contractor registration  
820 requirements for performing construction, maintenance, or  
821 repairs on the system but is subject to all permitting  
822 requirements.



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823           3. A septic tank contractor licensed under part III of  
824 chapter 489, if approved by the manufacturer, may not be denied  
825 access by the manufacturer to aerobic treatment unit system  
826 training or spare parts for maintenance entities. After the  
827 original warranty period, component parts for an aerobic  
828 treatment unit system may be replaced with parts that meet  
829 manufacturer's specifications but are manufactured by others.  
830 The maintenance entity shall maintain documentation of the  
831 substitute part's equivalency for 2 years and shall provide such  
832 documentation to the department upon request.

833           4. The owner of an aerobic treatment unit system shall  
834 obtain a system operating permit from the department and allow  
835 the department to inspect during reasonable hours each aerobic  
836 treatment unit system at least annually, and such inspection may  
837 include collection and analysis of system-effluent samples for  
838 performance criteria established by rule of the department.

839           (v) The department may require the submission of detailed  
840 system construction plans that are prepared by a professional  
841 engineer registered in this state. The department shall  
842 establish by rule criteria for determining when such a  
843 submission is required.

844           (w) Any permit issued and approved by the department for  
845 the installation, modification, or repair of an onsite sewage  
846 treatment and disposal system shall transfer with the title to  
847 the property in a real estate transaction. A title may not be  
848 encumbered at the time of transfer by new permit requirements by  
849 a governmental entity for an onsite sewage treatment and  
850 disposal system which differ from the permitting requirements in  
851 effect at the time the system was permitted, modified, or



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852 repaired. An inspection of a system may not be mandated by a  
853 governmental entity at the point of sale in a real estate  
854 transaction. This paragraph does not affect a septic tank phase-  
855 out deferral program implemented by a consolidated government as  
856 defined in s. 9, Art. VIII of the State Constitution (1885).

857 (x) A governmental entity, including a municipality,  
858 county, or statutorily created commission, may not require an  
859 engineer-designed performance-based treatment system, excluding  
860 a passive engineer-designed performance-based treatment system,  
861 before the completion of the Florida Onsite Sewage Nitrogen  
862 Reduction Strategies Project. This paragraph does not apply to a  
863 governmental entity, including a municipality, county, or  
864 statutorily created commission, which adopted a local law,  
865 ordinance, or regulation on or before January 31, 2012.  
866 Notwithstanding this paragraph, an engineer-designed  
867 performance-based treatment system may be used to meet the  
868 requirements of the variance review and advisory committee  
869 recommendations.

870 (y)1. An onsite sewage treatment and disposal system is not  
871 considered abandoned if the system is disconnected from a  
872 structure that was made unusable or destroyed following a  
873 disaster and if the system was properly functioning at the time  
874 of disconnection and was not adversely affected by the disaster.  
875 The onsite sewage treatment and disposal system may be  
876 reconnected to a rebuilt structure if:

877 a. The reconnection of the system is to the same type of  
878 structure which contains the same number of bedrooms or fewer,  
879 if the square footage of the structure is less than or equal to  
880 110 percent of the original square footage of the structure that



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881 existed before the disaster;

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

883       c. The system has not been altered without prior  
884 authorization.

885       2. An onsite sewage treatment and disposal system that  
886 serves a property that is foreclosed upon is not considered  
887 abandoned.

888       (z) If an onsite sewage treatment and disposal system  
889 permittee receives, relies upon, and undertakes construction of  
890 a system based upon a validly issued construction permit under  
891 rules applicable at the time of construction but a change to a  
892 rule occurs within 5 years after the approval of the system for  
893 construction but before the final approval of the system, the  
894 rules applicable and in effect at the time of construction  
895 approval apply at the time of final approval if fundamental site  
896 conditions have not changed between the time of construction  
897 approval and final approval.

898       (aa) An existing-system inspection or evaluation and  
899 assessment, or a modification, replacement, or upgrade of an  
900 onsite sewage treatment and disposal system is not required for  
901 a remodeling addition or modification to a single-family home if  
902 a bedroom is not added. However, a remodeling addition or  
903 modification to a single-family home may not cover any part of  
904 the existing system or encroach upon a required setback or the  
905 unobstructed area. To determine if a setback or the unobstructed  
906 area is impacted, the local health department shall review and  
907 verify a floor plan and site plan of the proposed remodeling  
908 addition or modification to the home submitted by a remodeler  
909 which shows the location of the system, including the distance





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910 of the remodeling addition or modification to the home from the  
911 onsite sewage treatment and disposal system. The local health  
912 department may visit the site or otherwise determine the best  
913 means of verifying the information submitted. A verification of  
914 the location of a system is not an inspection or evaluation and  
915 assessment of the system. The review and verification must be  
916 completed within 7 business days after receipt by the local  
917 health department of a floor plan and site plan. If the review  
918 and verification is not completed within such time, the  
919 remodeling addition or modification to the single-family home,  
920 for the purposes of this paragraph, is approved.

921 Section 7. Section 381.00652, Florida Statutes, is created  
922 to read:

923 381.00652 Onsite sewage treatment and disposal systems  
924 technical advisory committee.—

925 (1) An onsite sewage treatment and disposal systems  
926 technical advisory committee, a committee as defined in s.  
927 20.03(8), is created within the department. The committee shall:

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

932 (b) Consider and recommend regulatory options, such as  
933 fast-track approval, prequalification, or expedited permitting,  
934 to facilitate the introduction and use of enhanced nutrient-  
935 reducing onsite sewage treatment and disposal systems that have  
936 been reviewed and approved by a national agency or organization,  
937 such as the American National Standards Institute 245 systems  
938 approved by the NSF International.



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939 (c) Provide recommendations for appropriate setback  
940 distances for onsite sewage treatment and disposal systems from  
941 surface water, groundwater, and wells.

942 (2) The department shall use existing and available  
943 resources to administer and support the activities of the  
944 committee.

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

949 1. A professional engineer.

950 2. A septic tank contractor.

951 3. A representative from the home building industry.

952 4. A representative from the real estate industry.

953 5. A representative from the onsite sewage treatment and  
954 disposal system industry.

955 6. A representative from local government.

956 7. Two representatives from the environmental community.

957 8. A representative of the scientific and technical  
958 community who has substantial expertise in the areas of the fate  
959 and transport of water pollutants, toxicology, epidemiology,  
960 geology, biology, or environmental sciences.

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

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

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

967 (6) For purposes of this section, the term "department"



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968 means the Department of Environmental Protection.

969 Section 8. Effective July 1, 2021, section 381.0068,  
970 Florida Statutes, is repealed.

971 Section 9. Present subsections (14) through (44) of section  
972 403.061, Florida Statutes, are redesignated as subsections (15)  
973 through (45), respectively, a new subsection (14) is added to  
974 that section, and subsection (7) of that section is amended, to  
975 read:

976 403.061 Department; powers and duties.—The department shall  
977 have the power and the duty to control and prohibit pollution of  
978 air and water in accordance with the law and rules adopted and  
979 promulgated by it and, for this purpose, to:

980 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
981 ~~implement the provisions of~~ this act. Any rule adopted pursuant  
982 to this act must ~~shall~~ be consistent with the provisions of  
983 federal law, if any, relating to control of emissions from motor  
984 vehicles, effluent limitations, pretreatment requirements, or  
985 standards of performance. A ~~No~~ county, municipality, or  
986 political subdivision may not ~~shall~~ adopt or enforce any local  
987 ordinance, special law, or local regulation requiring the  
988 installation of Stage II vapor recovery systems, as currently  
989 defined by department rule, unless such county, municipality, or  
990 political subdivision is or has been in the past designated by  
991 federal regulation as a moderate, serious, or severe ozone  
992 nonattainment area. Rules adopted pursuant to this act may ~~shall~~  
993 not require dischargers of waste into waters of the state to  
994 improve natural background conditions. The department shall  
995 adopt rules to reasonably limit, reduce, and eliminate domestic  
996 wastewater collection and transmission system pipe leakages and



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997 inflow and infiltration. Discharges from steam electric  
998 generating plants existing or licensed under this chapter on  
999 July 1, 1984, may ~~shall~~ not be required to be treated to a  
1000 greater extent than may be necessary to assure that the quality  
1001 of nonthermal components of discharges from nonrecirculated  
1002 cooling water systems is as high as the quality of the makeup  
1003 waters; that the quality of nonthermal components of discharges  
1004 from recirculated cooling water systems is no lower than is  
1005 allowed for blowdown from such systems; or that the quality of  
1006 noncooling system discharges which receive makeup water from a  
1007 receiving body of water which does not meet applicable  
1008 department water quality standards is as high as the quality of  
1009 the receiving body of water. The department may not adopt  
1010 standards more stringent than federal regulations, except as  
1011 provided in s. 403.804.

1012 (14) In order to promote resilient utilities, require  
1013 public utilities or their affiliated companies holding, applying  
1014 for, or renewing a domestic wastewater discharge permit to file  
1015 annual reports and other data regarding transactions or  
1016 allocations of common costs and expenditures on pollution  
1017 mitigation and prevention among the utility's permitted systems,  
1018 including, but not limited to, the prevention of sanitary sewer  
1019 overflows, collection and transmission system pipe leakages, and  
1020 inflow and infiltration. The department shall adopt rules to  
1021 implement this subsection.

1022  
1023 The department shall implement such programs in conjunction with  
1024 its other powers and duties and shall place special emphasis on  
1025 reducing and eliminating contamination that presents a threat to



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1026 humans, animals or plants, or to the environment.

1027 Section 10. Section 403.0616, Florida Statutes, is created  
1028 to read:

1029 403.0616 Real-time water quality monitoring program.-

1030 (1) Subject to appropriation, the department shall  
1031 establish a real-time water quality monitoring program to assist  
1032 in the restoration, preservation, and enhancement of impaired  
1033 waterbodies and coastal resources.

1034 (2) In order to expedite the creation and implementation of  
1035 the program, the department is encouraged to form public-private  
1036 partnerships with established scientific entities that have  
1037 proven existing real-time water quality monitoring equipment and  
1038 experience in deploying the equipment.

1039 Section 11. Subsection (7) of section 403.067, Florida  
1040 Statutes, is amended to read:

1041 403.067 Establishment and implementation of total maximum  
1042 daily loads.-

1043 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
1044 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

1045 (a) *Basin management action plans.-*

1046 1. In developing and implementing the total maximum daily  
1047 load for a water body, the department, or the department in  
1048 conjunction with a water management district, may develop a  
1049 basin management action plan that addresses some or all of the  
1050 watersheds and basins tributary to the water body. Such plan  
1051 must integrate the appropriate management strategies available  
1052 to the state through existing water quality protection programs  
1053 to achieve the total maximum daily loads and may provide for  
1054 phased implementation of these management strategies to promote



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1055 timely, cost-effective actions as provided for in s. 403.151.  
1056 The plan must establish a schedule implementing the management  
1057 strategies, establish a basis for evaluating the plan's  
1058 effectiveness, and identify feasible funding strategies for  
1059 implementing the plan's management strategies. The management  
1060 strategies may include regional treatment systems or other  
1061 public works, where appropriate, and voluntary trading of water  
1062 quality credits to achieve the needed pollutant load reductions.

1063 2. A basin management action plan must equitably allocate,  
1064 pursuant to paragraph (6) (b), pollutant reductions to individual  
1065 basins, as a whole to all basins, or to each identified point  
1066 source or category of nonpoint sources, as appropriate. For  
1067 nonpoint sources for which best management practices have been  
1068 adopted, the initial requirement specified by the plan must be  
1069 those practices developed pursuant to paragraph (c). When ~~Where~~  
1070 appropriate, the plan may take into account the benefits of  
1071 pollutant load reduction achieved by point or nonpoint sources  
1072 that have implemented management strategies to reduce pollutant  
1073 loads, including best management practices, before the  
1074 development of the basin management action plan. The plan must  
1075 also identify the mechanisms that will address potential future  
1076 increases in pollutant loading.

1077 3. The basin management action planning process is intended  
1078 to involve the broadest possible range of interested parties,  
1079 with the objective of encouraging the greatest amount of  
1080 cooperation and consensus possible. In developing a basin  
1081 management action plan, the department shall assure that key  
1082 stakeholders, including, but not limited to, applicable local  
1083 governments, water management districts, the Department of



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1084 Agriculture and Consumer Services, other appropriate state  
1085 agencies, local soil and water conservation districts,  
1086 environmental groups, regulated interests, and affected  
1087 pollution sources, are invited to participate in the process.  
1088 The department shall hold at least one public meeting in the  
1089 vicinity of the watershed or basin to discuss and receive  
1090 comments during the planning process and shall otherwise  
1091 encourage public participation to the greatest practicable  
1092 extent. Notice of the public meeting must be published in a  
1093 newspaper of general circulation in each county in which the  
1094 watershed or basin lies at least ~~not less than~~ 5 days, but not  
1095 ~~not~~ more than 15 days, before the public meeting. A basin  
1096 management action plan does not supplant or otherwise alter any  
1097 assessment made under subsection (3) or subsection (4) or any  
1098 calculation or initial allocation.

1099 4. Each new or revised basin management action plan shall  
1100 include:

1101 a. The appropriate management strategies available through  
1102 existing water quality protection programs to achieve total  
1103 maximum daily loads, which may provide for phased implementation  
1104 to promote timely, cost-effective actions as provided for in s.  
1105 403.151;

1106 b. A description of best management practices adopted by  
1107 rule;

1108 c. A list of projects in priority ranking with a planning-  
1109 level cost estimate and estimated date of completion for each  
1110 listed project;

1111 d. The source and amount of financial assistance to be made  
1112 available by the department, a water management district, or



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1113 other entity for each listed project, if applicable; and  
1114 e. A planning-level estimate of each listed project's  
1115 expected load reduction, if applicable.  
1116 5. The department shall adopt all or any part of a basin  
1117 management action plan and any amendment to such plan by  
1118 secretarial order pursuant to chapter 120 to implement ~~the~~  
1119 ~~provisions of~~ this section.  
1120 6. The basin management action plan must include milestones  
1121 for implementation and water quality improvement, and an  
1122 associated water quality monitoring component sufficient to  
1123 evaluate whether reasonable progress in pollutant load  
1124 reductions is being achieved over time. An assessment of  
1125 progress toward these milestones shall be conducted every 5  
1126 years, and revisions to the plan shall be made as appropriate.  
1127 Revisions to the basin management action plan shall be made by  
1128 the department in cooperation with basin stakeholders. Revisions  
1129 to the management strategies required for nonpoint sources must  
1130 follow the procedures set forth in subparagraph (c)4. Revised  
1131 basin management action plans must be adopted pursuant to  
1132 subparagraph 5.  
1133 7. In accordance with procedures adopted by rule under  
1134 paragraph (9)(c), basin management action plans, and other  
1135 pollution control programs under local, state, or federal  
1136 authority as provided in subsection (4), may allow point or  
1137 nonpoint sources that will achieve greater pollutant reductions  
1138 than required by an adopted total maximum daily load or  
1139 wasteload allocation to generate, register, and trade water  
1140 quality credits for the excess reductions to enable other  
1141 sources to achieve their allocation; however, the generation of





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1142 water quality credits does not remove the obligation of a source  
1143 or activity to meet applicable technology requirements or  
1144 adopted best management practices. Such plans must allow trading  
1145 between NPDES permittees, and trading that may or may not  
1146 involve NPDES permittees, where the generation or use of the  
1147 credits involve an entity or activity not subject to department  
1148 water discharge permits whose owner voluntarily elects to obtain  
1149 department authorization for the generation and sale of credits.

1150 8. ~~The provisions of~~ The department's rule relating to the  
1151 equitable abatement of pollutants into surface waters do not  
1152 apply to water bodies or water body segments for which a basin  
1153 management plan that takes into account future new or expanded  
1154 activities or discharges has been adopted under this section.

1155 9. In order to promote resilient utilities, if the  
1156 department identifies domestic wastewater facilities or onsite  
1157 sewage treatment and disposal systems as contributors of at  
1158 least 20 percent of point source or nonpoint source nutrient  
1159 pollution or if the department determines remediation is  
1160 necessary to achieve the total maximum daily load, a basin  
1161 management action plan for a nutrient total maximum daily load  
1162 must include the following:

1163 a. A wastewater treatment plan that addresses domestic  
1164 wastewater developed by each local government in cooperation  
1165 with the department, the water management district, and the  
1166 public and private domestic wastewater facilities within the  
1167 jurisdiction of the local government. The wastewater treatment  
1168 plan must:

1169 (I) Provide for construction, expansion, or upgrades  
1170 necessary to achieve the total maximum daily load requirements



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1171 applicable to the domestic wastewater facility.

1172 (II) Include the permitted capacity in average annual  
1173 gallons per day for the domestic wastewater facility; the  
1174 average nutrient concentration and the estimated average  
1175 nutrient load of the domestic wastewater; a timeline of the  
1176 dates by which the construction of any facility improvements  
1177 will begin and be completed and the date by which operations of  
1178 the improved facility will begin; the estimated cost of the  
1179 improvements; and the identity of responsible parties.

1180  
1181 The wastewater treatment plan must be adopted as part of the  
1182 basin management action plan no later than July 1, 2025. A local  
1183 government that does not have a domestic wastewater treatment  
1184 facility in its jurisdiction is not required to develop a  
1185 wastewater treatment plan unless there is a demonstrated need to  
1186 establish a domestic wastewater treatment facility within its  
1187 jurisdiction to improve water quality necessary to achieve a  
1188 total maximum daily load. A local government is not responsible  
1189 for a private domestic wastewater facility's compliance with a  
1190 basin management action plan.

1191 b. An onsite sewage treatment and disposal system  
1192 remediation plan developed by each local government in  
1193 cooperation with the department, the Department of Health, water  
1194 management districts, and public and private domestic wastewater  
1195 facilities.

1196 (I) The onsite sewage treatment and disposal system  
1197 remediation plan must identify cost-effective and financially  
1198 feasible projects necessary to achieve the nutrient load  
1199 reductions required for onsite sewage treatment and disposal



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1200 systems. To identify cost-effective and financially feasible  
1201 projects for remediation of onsite sewage treatment and disposal  
1202 systems, the local government shall:

1203 (A) Include an inventory of onsite sewage treatment and  
1204 disposal systems based on the best information available;

1205 (B) Identify onsite sewage treatment and disposal systems  
1206 that would be eliminated through connection to existing or  
1207 future central domestic wastewater infrastructure in the  
1208 jurisdiction or domestic wastewater service area of the local  
1209 government, that would be replaced with or upgraded to enhanced  
1210 nutrient-reducing systems, or that would remain on conventional  
1211 onsite sewage treatment and disposal systems;

1212 (C) Estimate the costs of potential onsite sewage treatment  
1213 and disposal systems connections, upgrades, or replacements; and

1214 (D) Identify deadlines and interim milestones for the  
1215 planning, design, and construction of projects.

1216 (II) The department shall adopt the onsite sewage treatment  
1217 and disposal system remediation plan as part of the basin  
1218 management action plan no later than July 1, 2025, or as  
1219 required for Outstanding Florida Springs under s. 373.807.

1220 10. When identifying wastewater projects in a basin  
1221 management action plan, the department may not require the  
1222 higher cost option if it achieves the same nutrient load  
1223 reduction as a lower cost option.

1224 (b) Total maximum daily load implementation.-

1225 1. The department shall be the lead agency in coordinating  
1226 the implementation of the total maximum daily loads through  
1227 existing water quality protection programs. Application of a  
1228 total maximum daily load by a water management district must be



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1229 consistent with this section and does not require the issuance  
1230 of an order or a separate action pursuant to s. 120.536(1) or s.  
1231 120.54 for the adoption of the calculation and allocation  
1232 previously established by the department. Such programs may  
1233 include, but are not limited to:

1234 a. Permitting and other existing regulatory programs,  
1235 including water-quality-based effluent limitations;

1236 b. Nonregulatory and incentive-based programs, including  
1237 best management practices, cost sharing, waste minimization,  
1238 pollution prevention, agreements established pursuant to s.  
1239 403.061(22) ~~s. 403.061(21)~~, and public education;

1240 c. Other water quality management and restoration  
1241 activities, for example surface water improvement and management  
1242 plans approved by water management districts or basin management  
1243 action plans developed pursuant to this subsection;

1244 d. Trading of water quality credits or other equitable  
1245 economically based agreements;

1246 e. Public works including capital facilities; or

1247 f. Land acquisition.

1248 2. For a basin management action plan adopted pursuant to  
1249 paragraph (a), any management strategies and pollutant reduction  
1250 requirements associated with a pollutant of concern for which a  
1251 total maximum daily load has been developed, including effluent  
1252 limits set forth for a discharger subject to NPDES permitting,  
1253 if any, must be included in a timely manner in subsequent NPDES  
1254 permits or permit modifications for that discharger. The  
1255 department may not impose limits or conditions implementing an  
1256 adopted total maximum daily load in an NPDES permit until the  
1257 permit expires, the discharge is modified, or the permit is



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1258 reopened pursuant to an adopted basin management action plan.

1259       a. Absent a detailed allocation, total maximum daily loads  
1260 must be implemented through NPDES permit conditions that provide  
1261 for a compliance schedule. In such instances, a facility's NPDES  
1262 permit must allow time for the issuance of an order adopting the  
1263 basin management action plan. The time allowed for the issuance  
1264 of an order adopting the plan may not exceed 5 years. Upon  
1265 issuance of an order adopting the plan, the permit must be  
1266 reopened or renewed, as necessary, and permit conditions  
1267 consistent with the plan must be established. Notwithstanding  
1268 the other provisions of this subparagraph, upon request by an  
1269 NPDES permittee, the department as part of a permit issuance,  
1270 renewal, or modification may establish individual allocations  
1271 before the adoption of a basin management action plan.

1272       b. For holders of NPDES municipal separate storm sewer  
1273 system permits and other stormwater sources, implementation of a  
1274 total maximum daily load or basin management action plan must be  
1275 achieved, to the maximum extent practicable, through the use of  
1276 best management practices or other management measures.

1277       c. The basin management action plan does not relieve the  
1278 discharger from any requirement to obtain, renew, or modify an  
1279 NPDES permit or to abide by other requirements of the permit.

1280       d. Management strategies set forth in a basin management  
1281 action plan to be implemented by a discharger subject to  
1282 permitting by the department must be completed pursuant to the  
1283 schedule set forth in the basin management action plan. This  
1284 implementation schedule may extend beyond the 5-year term of an  
1285 NPDES permit.

1286       e. Management strategies and pollution reduction



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1287 requirements set forth in a basin management action plan for a  
1288 specific pollutant of concern are not subject to challenge under  
1289 chapter 120 at the time they are incorporated, in an identical  
1290 form, into a subsequent NPDES permit or permit modification.

1291 f. For nonagricultural pollutant sources not subject to  
1292 NPDES permitting but permitted pursuant to other state,  
1293 regional, or local water quality programs, the pollutant  
1294 reduction actions adopted in a basin management action plan must  
1295 be implemented to the maximum extent practicable as part of  
1296 those permitting programs.

1297 g. A nonpoint source discharger included in a basin  
1298 management action plan must demonstrate compliance with the  
1299 pollutant reductions established under subsection (6) by  
1300 implementing the appropriate best management practices  
1301 established pursuant to paragraph (c) or conducting water  
1302 quality monitoring prescribed by the department or a water  
1303 management district. A nonpoint source discharger may, in  
1304 accordance with department rules, supplement the implementation  
1305 of best management practices with water quality credit trades in  
1306 order to demonstrate compliance with the pollutant reductions  
1307 established under subsection (6).

1308 h. A nonpoint source discharger included in a basin  
1309 management action plan may be subject to enforcement action by  
1310 the department or a water management district based upon a  
1311 failure to implement the responsibilities set forth in sub-  
1312 subparagraph g.

1313 i. A landowner, discharger, or other responsible person who  
1314 is implementing applicable management strategies specified in an  
1315 adopted basin management action plan may not be required by



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1316 permit, enforcement action, or otherwise to implement additional  
1317 management strategies, including water quality credit trading,  
1318 to reduce pollutant loads to attain the pollutant reductions  
1319 established pursuant to subsection (6) and shall be deemed to be  
1320 in compliance with this section. This subparagraph does not  
1321 limit the authority of the department to amend a basin  
1322 management action plan as specified in subparagraph (a)6.

1323 (c) *Best management practices.*—

1324 1. The department, in cooperation with the water management  
1325 districts and other interested parties, as appropriate, may  
1326 develop suitable interim measures, best management practices, or  
1327 other measures necessary to achieve the level of pollution  
1328 reduction established by the department for nonagricultural  
1329 nonpoint pollutant sources in allocations developed pursuant to  
1330 subsection (6) and this subsection. These practices and measures  
1331 may be adopted by rule by the department and the water  
1332 management districts and, where adopted by rule, shall be  
1333 implemented by those parties responsible for nonagricultural  
1334 nonpoint source pollution.

1335 2. The Department of Agriculture and Consumer Services may  
1336 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
1337 suitable interim measures, best management practices, or other  
1338 measures necessary to achieve the level of pollution reduction  
1339 established by the department for agricultural pollutant sources  
1340 in allocations developed pursuant to subsection (6) and this  
1341 subsection or for programs implemented pursuant to paragraph  
1342 (12) (b). These practices and measures may be implemented by  
1343 those parties responsible for agricultural pollutant sources and  
1344 the department, the water management districts, and the



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1345 Department of Agriculture and Consumer Services shall assist  
1346 with implementation. In the process of developing and adopting  
1347 rules for interim measures, best management practices, or other  
1348 measures, the Department of Agriculture and Consumer Services  
1349 shall consult with the department, the Department of Health, the  
1350 water management districts, representatives from affected  
1351 farming groups, and environmental group representatives. Such  
1352 rules must also incorporate provisions for a notice of intent to  
1353 implement the practices and a system to assure the  
1354 implementation of the practices, including site inspection and  
1355 recordkeeping requirements.

1356         3. Where interim measures, best management practices, or  
1357 other measures are adopted by rule, the effectiveness of such  
1358 practices in achieving the levels of pollution reduction  
1359 established in allocations developed by the department pursuant  
1360 to subsection (6) and this subsection or in programs implemented  
1361 pursuant to paragraph (12)(b) must be verified at representative  
1362 sites by the department. The department shall use best  
1363 professional judgment in making the initial verification that  
1364 the best management practices are reasonably expected to be  
1365 effective and, where applicable, must notify the appropriate  
1366 water management district or the Department of Agriculture and  
1367 Consumer Services of its initial verification before the  
1368 adoption of a rule proposed pursuant to this paragraph.  
1369 Implementation, in accordance with rules adopted under this  
1370 paragraph, of practices that have been initially verified to be  
1371 effective, or verified to be effective by monitoring at  
1372 representative sites, by the department, shall provide a  
1373 presumption of compliance with state water quality standards and





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1374 release from ~~the provisions of~~ s. 376.307(5) for those  
1375 pollutants addressed by the practices, and the department is not  
1376 authorized to institute proceedings against the owner of the  
1377 source of pollution to recover costs or damages associated with  
1378 the contamination of surface water or groundwater caused by  
1379 those pollutants. Research projects funded by the department, a  
1380 water management district, or the Department of Agriculture and  
1381 Consumer Services to develop or demonstrate interim measures or  
1382 best management practices shall be granted a presumption of  
1383 compliance with state water quality standards and a release from  
1384 ~~the provisions of~~ s. 376.307(5). The presumption of compliance  
1385 and release is limited to the research site and only for those  
1386 pollutants addressed by the interim measures or best management  
1387 practices. Eligibility for the presumption of compliance and  
1388 release is limited to research projects on sites where the owner  
1389 or operator of the research site and the department, a water  
1390 management district, or the Department of Agriculture and  
1391 Consumer Services have entered into a contract or other  
1392 agreement that, at a minimum, specifies the research objectives,  
1393 the cost-share responsibilities of the parties, and a schedule  
1394 that details the beginning and ending dates of the project.

1395 4. Where water quality problems are demonstrated, despite  
1396 the appropriate implementation, operation, and maintenance of  
1397 best management practices and other measures required by rules  
1398 adopted under this paragraph, the department, a water management  
1399 district, or the Department of Agriculture and Consumer  
1400 Services, in consultation with the department, shall institute a  
1401 reevaluation of the best management practice or other measure.  
1402 Should the reevaluation determine that the best management



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1403 practice or other measure requires modification, the department,  
1404 a water management district, or the Department of Agriculture  
1405 and Consumer Services, as appropriate, shall revise the rule to  
1406 require implementation of the modified practice within a  
1407 reasonable time period as specified in the rule.

1408 5. Subject to subparagraph 6., the Department of  
1409 Agriculture and Consumer Services shall provide to the  
1410 department information that it obtains pursuant to subparagraph  
1411 (d)3.

1412 6. Agricultural records relating to processes or methods of  
1413 production, costs of production, profits, or other financial  
1414 information held by the Department of Agriculture and Consumer  
1415 Services pursuant to subparagraphs 3., and 4., and 5. or  
1416 pursuant to any rule adopted pursuant to subparagraph 2. are  
1417 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1418 of the State Constitution. Upon request, records made  
1419 confidential and exempt pursuant to this subparagraph shall be  
1420 released to the department or any water management district  
1421 provided that the confidentiality specified by this subparagraph  
1422 for such records is maintained.

1423 ~~7.6. The provisions of Subparagraphs 1. and 2. do not~~  
1424 ~~preclude the department or water management district from~~  
1425 ~~requiring compliance with water quality standards or with~~  
1426 ~~current best management practice requirements set forth in any~~  
1427 ~~applicable regulatory program authorized by law for the purpose~~  
1428 ~~of protecting water quality. Additionally, subparagraphs 1. and~~  
1429 ~~2. are applicable only to the extent that they do not conflict~~  
1430 ~~with any rules adopted by the department that are necessary to~~  
1431 ~~maintain a federally delegated or approved program.~~



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1432           (d) *Enforcement and verification of basin management action*  
1433 *plans and management strategies.*—

1434           1. Basin management action plans are enforceable pursuant  
1435 to this section and ss. 403.121, 403.141, and 403.161.

1436 Management strategies, including best management practices and  
1437 water quality monitoring, are enforceable under this chapter.

1438           2. No later than January 1, 2017:

1439           a. The department, in consultation with the water  
1440 management districts and the Department of Agriculture and  
1441 Consumer Services, shall initiate rulemaking to adopt procedures  
1442 to verify implementation of water quality monitoring required in  
1443 lieu of implementation of best management practices or other  
1444 measures pursuant to sub-subparagraph (b)2.g.;

1445           b. The department, in consultation with the water  
1446 management districts and the Department of Agriculture and  
1447 Consumer Services, shall initiate rulemaking to adopt procedures  
1448 to verify implementation of nonagricultural interim measures,  
1449 best management practices, or other measures adopted by rule  
1450 pursuant to subparagraph (c)1.; and

1451           c. The Department of Agriculture and Consumer Services, in  
1452 consultation with the water management districts and the  
1453 department, shall initiate rulemaking to adopt procedures to  
1454 verify implementation of agricultural interim measures, best  
1455 management practices, or other measures adopted by rule pursuant  
1456 to subparagraph (c)2.

1457  
1458 The rules required under this subparagraph shall include  
1459 enforcement procedures applicable to the landowner, discharger,  
1460 or other responsible person required to implement applicable



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1461 management strategies, including best management practices or  
1462 water quality monitoring as a result of noncompliance.

1463 3. At least every 2 years, the Department of Agriculture  
1464 and Consumer Services shall perform onsite inspections of each  
1465 agricultural producer that enrolls in a best management practice  
1466 to ensure that such practice is being properly implemented. Such  
1467 verification must include a collection and review of the best  
1468 management practice documentation from the previous 2 years  
1469 required by rule adopted in accordance with subparagraph (c)2.,  
1470 including, but not limited to, nitrogen and phosphorous  
1471 fertilizer application records, which must be collected and  
1472 retained pursuant to subparagraphs (c)3., 4., and 6. The  
1473 Department of Agriculture and Consumer Services shall initially  
1474 prioritize the inspection of agricultural producers located in a  
1475 basin management action plan for Lake Okeechobee or the Indian  
1476 River Lagoon.

1477 (e) Data collection and research.—

1478 1. The Department of Agriculture and Consumer Services, the  
1479 University of Florida Institute of Food and Agricultural  
1480 Sciences, and other state universities and Florida College  
1481 System institutions with agricultural research programs shall  
1482 annually develop research plans and legislative budget requests  
1483 to:

1484 a. Evaluate and suggest enhancements to the existing  
1485 adopted agricultural best management practices to reduce  
1486 nutrients;

1487 b. Develop new best management practices that, if proven  
1488 effective, the Department of Agriculture and Consumer Services  
1489 may adopt by rule pursuant to paragraph (c); and



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1490 c. Develop agricultural nutrient reduction projects that  
1491 willing participants could implement on a site-specific,  
1492 cooperative basis, in addition to best management practices. The  
1493 department may consider these projects for inclusion in a basin  
1494 management action plan. These nutrient reduction projects must  
1495 reduce the nutrient impacts from agricultural operations on  
1496 water quality when evaluated with the projects and management  
1497 strategies currently included in the basin management action  
1498 plan.

1499 2. To be considered for funding, the University of Florida  
1500 Institute of Food and Agricultural Sciences and other state  
1501 universities and Florida College System institutions that have  
1502 agricultural research programs must submit such plans to the  
1503 department and the Department of Agriculture and Consumer  
1504 Services by August 1 of each year.

1505 Section 12. Section 403.0671, Florida Statutes, is created  
1506 to read:

1507 403.0671 Basin management action plan wastewater reports.-

1508 (1) By July 1, 2021, the department, in coordination with  
1509 the county health departments, wastewater treatment facilities,  
1510 and other governmental entities, shall submit a report to the  
1511 Governor, the President of the Senate, and the Speaker of the  
1512 House of Representatives evaluating the costs of wastewater  
1513 projects identified in the basin management action plans  
1514 developed pursuant to ss. 373.807 and 403.067(7) and the onsite  
1515 sewage treatment and disposal system remediation plans and other  
1516 restoration plans developed to meet the total maximum daily  
1517 loads required under s. 403.067. The report must include:

1518 (a) Projects to:



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1519           1. Replace onsite sewage treatment and disposal systems  
1520 with enhanced nutrient removing onsite sewage treatment and  
1521 disposal systems.

1522           2. Install or retrofit onsite sewage treatment and disposal  
1523 systems with enhanced nutrient removing technologies.

1524           3. Construct, upgrade, or expand domestic wastewater  
1525 treatment facilities to meet the wastewater treatment plan  
1526 required under s. 403.067(7) (a) 9.

1527           4. Connect onsite sewage treatment and disposal systems to  
1528 domestic wastewater treatment facilities;

1529           (b) The estimated costs, nutrient load reduction estimates,  
1530 and other benefits of each project;

1531           (c) The estimated implementation timeline for each project;

1532           (d) A proposed 5-year funding plan for each project and the  
1533 source and amount of financial assistance the department, a  
1534 water management district, or other project partner will make  
1535 available to fund the project; and

1536           (e) The projected costs of installing enhanced nutrient  
1537 removing onsite sewage treatment and disposal systems on  
1538 buildable lots in priority focus areas to comply with s.  
1539 373.811.

1540           (2) By July 1, 2021, the department shall submit a report  
1541 to the Governor, the President of the Senate, and the Speaker of  
1542 the House of Representatives that provides an assessment of the  
1543 water quality monitoring being conducted for each basin  
1544 management action plan implementing a nutrient total maximum  
1545 daily load. In developing the report, the department may  
1546 coordinate with water management districts and any applicable  
1547 university. The report must:



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1548 (a) Evaluate the water quality monitoring prescribed for  
1549 each basin management action plan to determine if it is  
1550 sufficient to detect changes in water quality caused by the  
1551 implementation of a project.

1552 (b) Identify gaps in water quality monitoring.

1553 (c) Recommend ways to address water quality monitoring  
1554 needs.

1555 (3) Beginning January 1, 2022, and each January 1  
1556 thereafter, the department shall submit to the Office of  
1557 Economic and Demographic Research the cost estimates for  
1558 projects required under s. 403.067(7)(a)9. The office shall  
1559 include the project cost estimates in its annual assessment  
1560 conducted pursuant to s. 403.928.

1561 Section 13. Section 403.0673, Florida Statutes, is created  
1562 to read:

1563 403.0673 Wastewater grant program.—A wastewater grant  
1564 program is established within the Department of Environmental  
1565 Protection.

1566 (1) Subject to the appropriation of funds by the  
1567 Legislature, the department may provide grants for the following  
1568 projects within a basin management action plan, an alternative  
1569 restoration plan adopted by final order, or a rural area of  
1570 opportunity under s. 288.0656 which will individually or  
1571 collectively reduce excess nutrient pollution:

1572 (a) Projects to retrofit onsite sewage treatment and  
1573 disposal systems to upgrade them to enhanced nutrient-reducing  
1574 onsite sewage treatment and disposal systems.

1575 (b) Projects to construct, upgrade, or expand facilities to  
1576 provide advanced waste treatment, as defined in s. 403.086(4).



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1577 (c) Projects to connect onsite sewage treatment and  
1578 disposal systems to central sewer facilities.

1579 (2) In allocating such funds, priority must be given to  
1580 projects that subsidize the connection of onsite sewage  
1581 treatment and disposal systems to wastewater treatment plants.  
1582 First priority must be given to subsidize connection to existing  
1583 infrastructure. Second priority must be given to any expansion  
1584 of a collection or transmission system that promotes efficiency  
1585 by planning the installation of wastewater transmission  
1586 facilities to be constructed concurrently with other  
1587 construction projects occurring within or along a transportation  
1588 facility right-of-way. Third priority must be given to all other  
1589 connection of onsite sewage treatment and disposal systems to a  
1590 wastewater treatment plants. The department shall consider the  
1591 estimated reduction in nutrient load per project; project  
1592 readiness; cost-effectiveness of the project; overall  
1593 environmental benefit of a project; the location of a project;  
1594 the availability of local matching funds; and projected water  
1595 savings or quantity improvements associated with a project.

1596 (3) Each grant for a project described in subsection (1)  
1597 must require a minimum of a 50 percent local match of funds.  
1598 However, the department may, at its discretion, waive, in whole  
1599 or in part, this consideration of the local contribution for  
1600 proposed projects within an area designated as a rural area of  
1601 opportunity under s. 288.0656.

1602 (4) The department shall coordinate with each water  
1603 management district, as necessary, to identify grant recipients  
1604 in each district.

1605 (5) Beginning January 1, 2021, and each January 1





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1606 thereafter, the department shall submit a report regarding the  
1607 projects funded pursuant to this section to the Governor, the  
1608 President of the Senate, and the Speaker of the House of  
1609 Representatives.

1610 Section 14. Section 403.0855, Florida Statutes, is created  
1611 to read:

1612 403.0855 Biosolids management.-

1613 (1) The Legislature finds that it is in the best interest  
1614 of this state to regulate biosolids management in order to  
1615 minimize the migration of nutrients that impair waterbodies. The  
1616 Legislature further finds that the expedited implementation of  
1617 the recommendations of the Biosolids Technical Advisory  
1618 Committee, including permitting according to site-specific  
1619 application conditions, an increased inspection rate,  
1620 groundwater and surface water monitoring protocols, and nutrient  
1621 management research, will improve biosolids management and  
1622 assist in protecting this state's water resources and water  
1623 quality.

1624 (2) The department shall adopt rules for biosolids  
1625 management.

1626 (3) Effective July 1, 2020, all biosolids application sites  
1627 must:

1628 (a) For any renewal application, meet department rules in  
1629 effect at the time of the renewal of the biosolids application  
1630 site permit or facility permit.

1631 (b) Be enrolled in the Department of Agriculture and  
1632 Consumer Service's Best Management Practices Program or be  
1633 within an agricultural operation enrolled in the program for the  
1634 applicable commodity type.



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1635           (4) The permittee of a biosolids land application site  
1636 shall:  
1637           (a) Conduct the land application of biosolids in accordance  
1638 with basin management action plans adopted in accordance with  
1639 ss. 373.807 and 403.067(7).  
1640           (b) Establish a groundwater monitoring program approved by  
1641 the department for land application sites when:  
1642           1. The application rate in the nutrient management plan  
1643 exceeds more than 160,400 pounds per acre per year of total  
1644 plant available nitrogen or 40 pounds per acre per year of total  
1645 P2O5; or  
1646           2. The soil capacity index is less than 0 mg/kg.  
1647           (c) When soil fertility testing indicates the soil capacity  
1648 index has become less than 0 mg/kg, establish a groundwater  
1649 monitoring program in accordance with department rules within 1  
1650 year of the date of the sampling results.  
1651           (d) When groundwater monitoring is not required, allow the  
1652 department to install groundwater monitoring wells at any time  
1653 during the effective period of the department-issued facility or  
1654 land application site permit and conduct monitoring.  
1655           (e) Ensure a minimum unsaturated soil depth of 2 feet  
1656 between the depth of biosolids placement and the water table  
1657 level at the time the Class A or Class B biosolids are applied  
1658 to the soil. Biosolids may not be applied on soils that have a  
1659 seasonal high-water table less than 15 centimeters from the soil  
1660 surface or within 15 centimeters of the intended depth of  
1661 biosolids placement. As used in this section, the term "seasonal  
1662 high water" means the elevation to which the ground and surface  
1663 water may be expected to rise due to a normal wet season.



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1664           (5) A municipality or county may enforce or extend an  
1665 ordinance, a regulation, a resolution, a rule, a moratorium, or  
1666 a policy, any of which was adopted before November 1, 2019,  
1667 relating to the land application of Class B biosolids until the  
1668 ordinance, regulation, resolution, rule, moratorium, or policy  
1669 is repealed by the municipality or county.

1670           Section 15. Present subsections (7) through (10) of section  
1671 403.086, Florida Statutes, are redesignated as subsections (8)  
1672 through (11), respectively, a new subsection (7) is added to  
1673 that section, paragraph (c) of subsection (1) and subsection (2)  
1674 of that section are amended, and paragraph (d) is added to  
1675 subsection (1), to read:

1676           403.086 Sewage disposal facilities; advanced and secondary  
1677 waste treatment.—

1678           (1)

1679           (c) Notwithstanding ~~any other provisions of~~ this chapter or  
1680 chapter 373, facilities for sanitary sewage disposal may not  
1681 dispose of any wastes into Old Tampa Bay, Tampa Bay,  
1682 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater  
1683 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,  
1684 ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025, Indian  
1685 River Lagoon, or into any river, stream, channel, canal, bay,  
1686 bayou, sound, or other water tributary thereto, without  
1687 providing advanced waste treatment, as defined in subsection  
1688 (4), approved by the department. This paragraph does ~~shall~~ not  
1689 apply to facilities which were permitted by February 1, 1987,  
1690 and which discharge secondary treated effluent, followed by  
1691 water hyacinth treatment, to tributaries of tributaries of the  
1692 named waters; or to facilities permitted to discharge to the



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1693 nontidally influenced portions of the Peace River.

1694 (d) By December 31, 2020, the department, in consultation  
1695 with the water management districts and sewage disposal  
1696 facilities, shall submit to the Governor, the President of the  
1697 Senate, and the Speaker of the House of Representatives a  
1698 progress report on the status of upgrades made by each facility  
1699 to meet the advanced waste treatment requirements under  
1700 paragraph (c). The report must include a list of sewage disposal  
1701 facilities required to upgrade to advanced waste treatment, the  
1702 preliminary cost estimates for the upgrades, and a projected  
1703 timeline of the dates by which the upgrades will begin and be  
1704 completed and the date by which operations of the upgraded  
1705 facility will begin.

1706 (2) Any facilities for sanitary sewage disposal shall  
1707 provide for secondary waste treatment, a power outage  
1708 contingency plan that mitigates the impacts of power outages on  
1709 the utility's collection system and pump stations, and, ~~in~~  
1710 ~~addition thereto,~~ advanced waste treatment as deemed necessary  
1711 and ordered by the Department of Environmental Protection.  
1712 Failure to conform is ~~shall be~~ punishable by a civil penalty of  
1713 \$500 for each 24-hour day or fraction thereof that such failure  
1714 is allowed to continue thereafter.

1715 (7) All facilities for sanitary sewage under subsection (2)  
1716 which control a collection or transmission system of pipes and  
1717 pumps to collect and transmit wastewater from domestic or  
1718 industrial sources to the facility shall take steps to prevent  
1719 sanitary sewer overflows or underground pipe leaks and ensure  
1720 that collected wastewater reaches the facility for appropriate  
1721 treatment. Facilities must use inflow and infiltration studies



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1722 and leakage surveys to develop pipe assessment, repair, and  
1723 replacement action plans that comply with department rule to  
1724 limit, reduce, and eliminate leaks, seepages, or inputs into  
1725 wastewater treatment systems' underground pipes. The pipe  
1726 assessment, repair, and replacement action plans must be  
1727 reported to the department. The facility action plan must  
1728 include information regarding the annual expenditures dedicated  
1729 to the inflow and infiltration studies and the required  
1730 replacement action plans, as well as expenditures that are  
1731 dedicated to pipe assessment, repair, and replacement. The  
1732 department shall adopt rules regarding the implementation of  
1733 inflow and infiltration studies and leakage surveys; however,  
1734 such department rules may not fix or revise utility rates or  
1735 budgets. Any entity subject to this subsection and s.  
1736 403.061(14) may submit one report to comply with both  
1737 provisions. Substantial compliance with this subsection is  
1738 evidence in mitigation for the purposes of assessing penalties  
1739 pursuant to ss. 403.121 and 403.141.

1740 Section 16. Present subsections (4) through (10) of section  
1741 403.087, Florida Statutes, are redesignated as subsections (5)  
1742 through (11), respectively, and a new subsection (4) is added to  
1743 that section, to read:

1744 403.087 Permits; general issuance; denial; revocation;  
1745 prohibition; penalty.-

1746 (4) The department shall issue an operation permit for a  
1747 domestic wastewater treatment facility other than a facility  
1748 regulated under the National Pollutant Discharge Elimination  
1749 System Program under s. 403.0885 for a term of up to 10 years if  
1750 the facility is meeting the stated goals in its action plan



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1751 adopted pursuant to s. 403.086(7).

1752       Section 17. Present subsections (3) and (4) of section  
1753 403.088, Florida Statutes, are redesignated as subsections (4)  
1754 and (5), respectively, a new subsection (3) is added to that  
1755 section, and paragraph (c) of subsection (2) of that section is  
1756 amended, to read:

1757       403.088 Water pollution operation permits; conditions.—

1758       (2)

1759       (c) A permit shall:

1760       1. Specify the manner, nature, volume, and frequency of the  
1761 discharge permitted;

1762       2. Require proper operation and maintenance of any  
1763 pollution abatement facility by qualified personnel in  
1764 accordance with standards established by the department;

1765       3. Require a deliberate, proactive approach to  
1766 investigating or surveying a significant percentage of the  
1767 domestic wastewater collection system throughout the duration of  
1768 the permit to determine pipe integrity, which must be  
1769 accomplished in an economically feasible manner. The permittee  
1770 shall submit an annual report to the department which details  
1771 facility revenues and expenditures in a manner prescribed by  
1772 department rule. The report must detail any deviation of annual  
1773 expenditures from identified system needs related to inflow and  
1774 infiltration studies; model plans for pipe assessment, repair,  
1775 and replacement; and pipe assessment, repair, and replacement  
1776 required under s. 403.086(7). Substantial compliance with this  
1777 subsection is evidence in mitigation for the purposes of  
1778 assessing penalties pursuant to ss. 403.121 and 403.141;

1779       4. Contain such additional conditions, requirements, and



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1780 restrictions as the department deems necessary to preserve and  
1781 protect the quality of the receiving waters;

1782 ~~5.4.~~ Be valid for the period of time specified therein; and

1783 ~~6.5.~~ Constitute the state National Pollutant Discharge  
1784 Elimination System permit when issued pursuant to the authority  
1785 in s. 403.0885.

1786 (3) No later than March 1 of each year, the department  
1787 shall submit a report to the Governor, the President of the  
1788 Senate, and the Speaker of the House of Representatives which  
1789 identifies all domestic wastewater treatment facilities that  
1790 experienced a sanitary sewer overflow in the preceding calendar  
1791 year. The report must identify the utility name, operator,  
1792 permitted capacity in annual average gallons per day, the number  
1793 of overflows, and the total volume of sewage released, and, to  
1794 the extent known and available, the volume of sewage recovered,  
1795 the volume of sewage discharged to surface waters, and the cause  
1796 of the sanitary sewer overflow, including whether it was caused  
1797 by a third party. The department shall include with this report  
1798 the annual report specified under subparagraph (2)(c)3. for each  
1799 utility that experienced an overflow.

1800 Section 18. Subsection (6) of section 403.0891, Florida  
1801 Statutes, is amended to read:

1802 403.0891 State, regional, and local stormwater management  
1803 plans and programs.—The department, the water management  
1804 districts, and local governments shall have the responsibility  
1805 for the development of mutually compatible stormwater management  
1806 programs.

1807 (6) The department and the Department of Economic  
1808 Opportunity, in cooperation with local governments in the



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1809 coastal zone, shall develop a model stormwater management  
1810 program that could be adopted by local governments. The model  
1811 program must contain model ordinances that target nutrient  
1812 reduction practices and use green infrastructure. The model  
1813 program shall contain dedicated funding options, including a  
1814 stormwater utility fee system based upon an equitable unit cost  
1815 approach. Funding options shall be designed to generate capital  
1816 to retrofit existing stormwater management systems, build new  
1817 treatment systems, operate facilities, and maintain and service  
1818 debt.

1819 Section 19. Paragraphs (b) and (g) of subsection (2),  
1820 paragraph (b) of subsection (3), and subsections (8) and (9) of  
1821 section 403.121, Florida Statutes, are amended to read:

1822 403.121 Enforcement; procedure; remedies.—The department  
1823 shall have the following judicial and administrative remedies  
1824 available to it for violations of this chapter, as specified in  
1825 s. 403.161(1).

1826 (2) Administrative remedies:

1827 (b) If the department has reason to believe a violation has  
1828 occurred, it may institute an administrative proceeding to order  
1829 the prevention, abatement, or control of the conditions creating  
1830 the violation or other appropriate corrective action. Except for  
1831 violations involving hazardous wastes, asbestos, or underground  
1832 injection, the department shall proceed administratively in all  
1833 cases in which the department seeks administrative penalties  
1834 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated  
1835 in accordance with subsections (3), (4), (5), (6), and (7).  
1836 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty  
1837 assessed pursuant to subsection (3), subsection (4), or





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1838 subsection (5) against a public water system serving a  
1839 population of more than 10,000 shall be not less than \$1,000 per  
1840 day per violation. The department shall not impose  
1841 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a  
1842 notice of violation. The department shall not have more than one  
1843 notice of violation seeking administrative penalties pending  
1844 against the same party at the same time unless the violations  
1845 occurred at a different site or the violations were discovered  
1846 by the department subsequent to the filing of a previous notice  
1847 of violation.

1848 (g) Nothing herein shall be construed as preventing any  
1849 other legal or administrative action in accordance with law.  
1850 Nothing in this subsection shall limit the department's  
1851 authority provided in ss. 403.131, 403.141, and this section to  
1852 judicially pursue injunctive relief. When the department  
1853 exercises its authority to judicially pursue injunctive relief,  
1854 penalties in any amount up to the statutory maximum sought by  
1855 the department must be pursued as part of the state court action  
1856 and not by initiating a separate administrative proceeding. The  
1857 department retains the authority to judicially pursue penalties  
1858 in excess of \$50,000 ~~\$10,000~~ for violations not specifically  
1859 included in the administrative penalty schedule, or for multiple  
1860 or multiday violations alleged to exceed a total of \$50,000  
1861 ~~\$10,000~~. The department also retains the authority provided in  
1862 ss. 403.131, 403.141, and this section to judicially pursue  
1863 injunctive relief and damages, if a notice of violation seeking  
1864 the imposition of administrative penalties has not been issued.  
1865 The department has the authority to enter into a settlement,  
1866 either before or after initiating a notice of violation, and the



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1867 settlement may include a penalty amount different from the  
1868 administrative penalty schedule. Any case filed in state court  
1869 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in  
1870 penalties may be settled in the court action for less than  
1871 \$50,000 ~~\$10,000~~.

1872 (3) Except for violations involving hazardous wastes,  
1873 asbestos, or underground injection, administrative penalties  
1874 must be calculated according to the following schedule:

1875 (b) For failure to obtain a required wastewater permit,  
1876 other than a permit required for surface water discharge, the  
1877 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a  
1878 domestic or industrial wastewater violation not involving a  
1879 surface water or groundwater quality violation, the department  
1880 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or  
1881 unauthorized discharge or effluent-limitation exceedance or  
1882 failure to comply with s. 403.061(14) or s. 403.086(7) or rules  
1883 adopted thereunder. For an unpermitted or unauthorized discharge  
1884 or effluent-limitation exceedance that resulted in a surface  
1885 water or groundwater quality violation, the department shall  
1886 assess a penalty of \$10,000 ~~\$5,000~~.

1887 (8) The direct economic benefit gained by the violator from  
1888 the violation, where consideration of economic benefit is  
1889 provided by Florida law or required by federal law as part of a  
1890 federally delegated or approved program, shall be added to the  
1891 scheduled administrative penalty. The total administrative  
1892 penalty, including any economic benefit added to the scheduled  
1893 administrative penalty, shall not exceed \$10,000.

1894 (9) The administrative penalties assessed for any  
1895 particular violation shall not exceed \$10,000 ~~\$5,000~~ against any



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1896 one violator, unless the violator has a history of  
1897 noncompliance, the economic benefit of the violation as  
1898 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are  
1899 multiday violations. The total administrative penalties shall  
1900 not exceed \$50,000 ~~\$10,000~~ per assessment for all violations  
1901 attributable to a specific person in the notice of violation.

1902 Section 20. Subsection (7) of section 403.1835, Florida  
1903 Statutes, is amended to read:

1904 403.1835 Water pollution control financial assistance.—

1905 (7) Eligible projects must be given priority according to  
1906 the extent each project is intended to remove, mitigate, or  
1907 prevent adverse effects on surface or ground water quality and  
1908 public health. The relative costs of achieving environmental and  
1909 public health benefits must be taken into consideration during  
1910 the department's assignment of project priorities. The  
1911 department shall adopt a priority system by rule. In developing  
1912 the priority system, the department shall give priority to  
1913 projects that:

1914 (a) Eliminate public health hazards;

1915 (b) Enable compliance with laws requiring the elimination  
1916 of discharges to specific water bodies, including the  
1917 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic  
1918 wastewater ocean outfalls;

1919 (c) Assist in the implementation of total maximum daily  
1920 loads adopted under s. 403.067;

1921 (d) Enable compliance with other pollution control  
1922 requirements, including, but not limited to, toxics control,  
1923 wastewater residuals management, and reduction of nutrients and  
1924 bacteria;



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1925 (e) Assist in the implementation of surface water  
1926 improvement and management plans and pollutant load reduction  
1927 goals developed under state water policy;

1928 (f) Promote reclaimed water reuse;

1929 (g) Eliminate failing onsite sewage treatment and disposal  
1930 systems or those that are causing environmental damage; or

1931 (h) Reduce pollutants to and otherwise promote the  
1932 restoration of Florida's surface and ground waters.

1933 (i) Implement the requirements of ss. 403.086(7) and  
1934 403.088(2)(c).

1935 (j) Promote efficiency by planning for the installation of  
1936 wastewater transmission facilities to be constructed  
1937 concurrently with other construction projects occurring within  
1938 or along a transportation facility right-of-way.

1939 Section 21. Paragraph (b) of subsection (3) of section  
1940 403.1838, Florida Statutes, is amended to read:

1941 403.1838 Small Community Sewer Construction Assistance  
1942 Act.—

1943 (3)

1944 (b) The rules of the Environmental Regulation Commission  
1945 must:

1946 1. Require that projects to plan, design, construct,  
1947 upgrade, or replace wastewater collection, transmission,  
1948 treatment, disposal, and reuse facilities be cost-effective,  
1949 environmentally sound, permittable, and implementable.

1950 2. Require appropriate user charges, connection fees, and  
1951 other charges sufficient to ensure the long-term operation,  
1952 maintenance, and replacement of the facilities constructed under  
1953 each grant.



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1954           3. Require grant applications to be submitted on  
1955 appropriate forms with appropriate supporting documentation, and  
1956 require records to be maintained.

1957           4. Establish a system to determine eligibility of grant  
1958 applications.

1959           5. Establish a system to determine the relative priority of  
1960 grant applications. The system must consider public health  
1961 protection and water pollution prevention or abatement and must  
1962 prioritize projects that plan for the installation of wastewater  
1963 transmission facilities to be constructed concurrently with  
1964 other construction projects occurring within or along a  
1965 transportation facility right-of-way.

1966           6. Establish requirements for competitive procurement of  
1967 engineering and construction services, materials, and equipment.

1968           7. Provide for termination of grants when program  
1969 requirements are not met.

1970           Section 22. Subsection (12) of section 403.814, Florida  
1971 Statutes, is amended to read:

1972           403.814 General permits; delegation.-

1973           (12) A general permit is granted for the construction,  
1974 alteration, and maintenance of a stormwater management system  
1975 serving a total project area of up to 10 acres meeting the  
1976 criteria of this subsection. Such stormwater management systems  
1977 must be designed, operated, and maintained in accordance with  
1978 applicable rules adopted pursuant to part IV of chapter 373.  
1979 There is a rebuttable presumption that the discharge from such  
1980 systems complies with state water quality standards. The  
1981 construction of such a system may proceed without any further  
1982 agency action by the department or water management district if,



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1983 before construction begins, an electronic self-certification is  
1984 submitted to the department or water management district which  
1985 certifies that the proposed system was designed by a Florida  
1986 registered professional and that the registered professional has  
1987 certified that the proposed system will meet the following  
1988 additional requirements:

1989 (a) The total project area involves less than 10 acres and  
1990 less than 2 acres of impervious surface;

1991 (b) Activities will not impact wetlands or other surface  
1992 waters;

1993 (c) Activities are not conducted in, on, or over wetlands  
1994 or other surface waters;

1995 (d) Drainage facilities will not include pipes having  
1996 diameters greater than 24 inches, or the hydraulic equivalent,  
1997 and will not use pumps in any manner;

1998 (e) The project is not part of a larger common plan,  
1999 development, or sale; and

2000 (f) The project does not:

2001 1. Cause adverse water quantity or flooding impacts to  
2002 receiving water and adjacent lands;

2003 2. Cause adverse impacts to existing surface water storage  
2004 and conveyance capabilities;

2005 3. Cause or contribute to a violation of state water  
2006 quality standards; or

2007 4. Cause an adverse impact to the maintenance of surface or  
2008 ground water levels or surface water flows established pursuant  
2009 to s. 373.042 or a work of the district established pursuant to  
2010 s. 373.086.

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2012 ===== T I T L E A M E N D M E N T =====

2013 And the title is amended as follows:

2014 Delete lines 17 - 112

2015 and insert:

2016 leave upon the transfer; creating s. 327.62, F.S.;

2017 providing legislative findings; requiring the

2018 Department of Environmental Protection, in

2019 coordination with the Fish and Wildlife Conservation

2020 Commission, to apply to the Administrator of the

2021 United States Environmental Protection Agency to

2022 establish no-discharge zones in specified areas of the

2023 state; requiring the department to submit a biennial

2024 report to the Governor and the Legislature; amending

2025 s. 373.036, F.S.; requiring water management districts

2026 to submit consolidated annual reports to the Office of

2027 Economic and Demographic Research; requiring such

2028 reports to include connection and conversion projects

2029 for onsite sewage treatment and disposal systems;

2030 amending s. 373.4131, F.S.; requiring the water

2031 management districts, with Department of Environmental

2032 Protection oversight, to adopt rules for stormwater

2033 design and performance standards; requiring the

2034 Department of Environmental Protection and water

2035 management districts to amend the Environmental

2036 Resource Permit Applicant's Handbook by a specified

2037 date; requiring the department to include stormwater

2038 structural controls inspections as part of its regular

2039 staff training; requiring the department and the water

2040 management districts to adopt rules regarding



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2041 stormwater design and operation by a specified date;  
2042 amending s. 381.0065, F.S.; conforming provisions to  
2043 changes made by the act; requiring the department to  
2044 adopt rules for the location of onsite sewage  
2045 treatment and disposal systems and complete such  
2046 rulemaking by a specified date; requiring the  
2047 department to evaluate certain data relating to the  
2048 self-certification program and provide the Legislature  
2049 with recommendations by a specified date; providing  
2050 that certain provisions relating to existing setback  
2051 requirements are applicable to permits only until the  
2052 adoption of certain rules by the department; creating  
2053 s. 381.00652, F.S.; creating an onsite sewage  
2054 treatment and disposal systems technical advisory  
2055 committee within the department; providing the duties  
2056 and membership of the committee; requiring the  
2057 committee to submit a report to the Governor and the  
2058 Legislature by a specified date; providing for the  
2059 expiration of the committee; repealing s. 381.0068,  
2060 F.S., relating to a technical review and advisory  
2061 panel; amending s. 403.061, F.S.; requiring the  
2062 department to adopt rules relating to the underground  
2063 pipes of wastewater collection systems; requiring  
2064 public utilities or their affiliated companies that  
2065 hold or are seeking a wastewater discharge permit to  
2066 file certain reports and data with the department;  
2067 creating s. 403.0616, F.S.; requiring the department,  
2068 subject to legislative appropriation, to establish a  
2069 real-time water quality monitoring program;





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2070 encouraging the formation of public-private  
2071 partnerships; amending s. 403.067, F.S.; requiring  
2072 basin management action plans for nutrient total  
2073 maximum daily loads to include wastewater treatment  
2074 and onsite sewage treatment and disposal system  
2075 remediation plans that meet certain requirements;  
2076 requiring the Department of Agriculture and Consumer  
2077 Services to collect fertilization and nutrient records  
2078 from certain agricultural producers and provide the  
2079 information to the department annually by a specified  
2080 date; requiring the Department of Agriculture and  
2081 Consumer Services to perform onsite inspections of the  
2082 agricultural producers at specified intervals;  
2083 requiring certain entities to develop research plans  
2084 and legislative budget requests relating to best  
2085 management practices by a specified date; creating s.  
2086 403.0671, F.S.; directing the Department of  
2087 Environmental Protection, in coordination with the  
2088 county health departments, wastewater treatment  
2089 facilities, and other governmental entities, to submit  
2090 a report on the costs of certain wastewater projects  
2091 to the Governor and Legislature by a specified date;  
2092 requiring the department to submit a specified water  
2093 quality monitoring assessment report to the Governor  
2094 and the Legislature by a specified date; requiring the  
2095 department to submit certain wastewater project cost  
2096 estimates to the Office of Economic and Demographic  
2097 Research; creating s. 403.0673, F.S.; establishing a  
2098 wastewater grant program within the Department of



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2099 Environmental Protection; authorizing the department  
2100 to distribute appropriated funds for certain projects;  
2101 providing requirements for the distribution; requiring  
2102 the department to coordinate with each water  
2103 management district to identify grant recipients;  
2104 requiring an annual report to the Governor and the  
2105 Legislature by a specified date; creating s. 403.0855,  
2106 F.S.; providing legislative findings regarding the  
2107 regulation of biosolids management in this state;  
2108 requiring the Department of Environmental Protection  
2109 to adopt rules for biosolids management; specifying  
2110 requirements for certain existing permits and for  
2111 permit renewals; requiring the permittee of a  
2112 biosolids application site to establish a groundwater  
2113 monitoring program under certain circumstances;  
2114 prohibiting the land application of biosolids within a  
2115 specified distance of the seasonal high-water table;  
2116 defining the term "seasonal high water"; authorizing  
2117 municipalities and counties to take certain actions  
2118 with respect to regulation of the land application of  
2119 specified biosolids; amending s. 403.086, F.S.;  
2120 prohibiting facilities for sanitary sewage disposal  
2121 from disposing of any waste in the Indian River Lagoon  
2122 beginning on a specified date without first providing  
2123 advanced waste treatment; requiring the Department of  
2124 Environmental Protection, in consultation with water  
2125 management districts and sewage disposal facilities,  
2126 to submit a report to the Governor and the Legislature  
2127 on the status of certain facility upgrades; specifying



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2128 requirements for the report; requiring facilities for  
2129 sanitary sewage disposal to have a power outage  
2130 contingency plan; requiring the facilities to take  
2131 steps to prevent overflows and leaks and ensure that  
2132 the water reaches the appropriate facility for  
2133 treatment; requiring the facilities to provide the  
2134 Department of Environmental Protection with certain  
2135 information; requiring the department to adopt rules;  
2136 amending s. 403.087, F.S.; requiring the department to  
2137 issue operation permits for domestic wastewater  
2138 treatment facilities to certain facilities under  
2139 certain circumstances; amending s. 403.088, F.S.;  
2140 revising the permit conditions for a water pollution  
2141 operation permit; requiring the department to submit a  
2142 report to the Governor and the Legislature by a  
2143 specified date identifying all wastewater utilities  
2144 that experienced sanitary sewer overflows within a  
2145 specified timeframe; amending s. 403.0891, F.S.;  
2146 requiring model stormwater management programs to  
2147 contain model ordinances for nutrient reduction  
2148 practices and green infrastructure; amending s.  
2149 403.121, F.S.; increasing and providing administrative  
2150 penalties; amending s. 403.1835, F.S.; conforming a  
2151 cross-reference; requiring the department to give  
2152 priority for water pollution control financial  
2153 assistance to projects that implement certain  
2154 provisions and that promote efficiency; amending s.  
2155 403.1838, F.S.; revising requirements for the  
2156 prioritization of grant applications within the Small



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2157 Community Sewer Construction Assistance Act; amending  
2158 s. 403.814, F.S.; revising the additional requirements  
2159 that a proposed stormwater management system must  
2160 meet; providing