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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2020	.	
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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



323376

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



323376

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



323376

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.-



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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.



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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.



323376

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



323376

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



323376

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.



323376

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



323376

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



323376

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:



323376

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.



323376

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.



323376

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



323376

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



323376

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



323376

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.



323376

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"



323376

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



323376

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



323376

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



323376

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



323376

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 ~~nor~~ 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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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.~~



323376

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



323376

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



323376

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:



323376

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:



323376

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).



323376

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



323376

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.



323376

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.



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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



323376

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;



323376

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.



323376

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,



323376

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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323376

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



323376

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;



323376

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



323376

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



323376

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



323376

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