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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/20/2020	.	
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The Committee on Appropriations (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



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11 Program:

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

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

15 (c) The program's costs and expenditures, including, but
16 not limited to, salaries and benefits, equipment costs, and
17 contracting costs.

18 (2) By December 31, 2020, the Department of Health and the
19 Department of Environmental Protection shall submit
20 recommendations to the Governor, the President of the Senate,
21 and the Speaker of the House of Representatives regarding the
22 transfer of the Onsite Sewage Program from the Department of
23 Health to the Department of Environmental Protection. The
24 recommendations must address all aspects of the transfer,
25 including the continued role of the county health departments in
26 the permitting, inspection, data management, and tracking of
27 onsite sewage treatment and disposal systems under the direction
28 of the Department of Environmental Protection.

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

35 (a) The continued role of the county health departments in
36 the permitting, inspection, data management, and tracking of
37 onsite sewage treatment and disposal systems under the direction
38 of the Department of Environmental Protection.

39 (b) The appropriate proportionate number of administrative,



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40 auditing, inspector general, attorney, and operational support
41 positions, and their related funding levels and sources and
42 assigned property, to be transferred from the Office of General
43 Counsel, the Office of Inspector General, and the Division of
44 Administrative Services or other relevant offices or divisions
45 within the Department of Health to the Department of
46 Environmental Protection.

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

50 (d) Any operating budget adjustments that are necessary to
51 implement the requirements of this act. Adjustments made to the
52 operating budgets of the agencies in the implementation of this
53 act must be made in consultation with the appropriate
54 substantive and fiscal committees of the Senate and the House of
55 Representatives. The revisions to the approved operating budgets
56 for the 2021-2022 fiscal year which are necessary to reflect the
57 organizational changes made by this act must be implemented
58 pursuant to s. 216.292(4)(d), Florida Statutes, and are subject
59 to s. 216.177, Florida Statutes. Subsequent adjustments between
60 the Department of Health and the Department of Environmental
61 Protection which are determined necessary by the respective
62 agencies and approved by the Executive Office of the Governor
63 are authorized and subject to s. 216.177, Florida Statutes. The
64 appropriate substantive committees of the Senate and the House
65 of Representatives must also be notified of the proposed
66 revisions to ensure their consistency with legislative policy
67 and intent.

68 (4) Effective July 1, 2021, all powers, duties, functions,



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69 records, offices, personnel, associated administrative support
70 positions, property, pending issues, existing contracts,
71 administrative authority, administrative rules, and unexpended
72 balances of appropriations, allocations, and other funds for the
73 regulation of onsite sewage treatment and disposal systems
74 relating to the Onsite Sewage Program in the Department of
75 Health are transferred by a type two transfer, as defined in s.
76 20.06(2), Florida Statutes, to the Department of Environmental
77 Protection.

78 (5) Notwithstanding chapter 60L-34, Florida Administrative
79 Code, or any law to the contrary, employees who are transferred
80 from the Department of Health to the Department of Environmental
81 Protection to fill positions transferred by this act retain and
82 transfer any accrued annual leave, sick leave, and regular and
83 special compensatory leave balances.

84 Section 3. Subsection (1) of section 20.255, Florida
85 Statutes, is amended to read:

86 20.255 Department of Environmental Protection.—There is
87 created a Department of Environmental Protection.

88 (1) The head of the Department of Environmental Protection
89 shall be a secretary, who shall be appointed by the Governor,
90 with the concurrence of one member ~~three members~~ of the Cabinet.
91 The secretary shall be confirmed by the Florida Senate. The
92 secretary shall serve at the pleasure of the Governor.

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

95 373.036 Florida water plan; district water management
96 plans.—

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



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98 (a) By March 1, annually, each water management district
99 shall prepare and submit to the Office of Economic and
100 Demographic Research, the department, the Governor, the
101 President of the Senate, and the Speaker of the House of
102 Representatives a consolidated water management district annual
103 report on the management of water resources. In addition, copies
104 must be provided by the water management districts to the chairs
105 of all legislative committees having substantive or fiscal
106 jurisdiction over the districts and the governing board of each
107 county in the district having jurisdiction or deriving any funds
108 for operations of the district. Copies of the consolidated
109 annual report must be made available to the public, either in
110 printed or electronic format.

111 (b) The consolidated annual report shall contain the
112 following elements, as appropriate to that water management
113 district:

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

116 2. The department-approved minimum flows and minimum water
117 levels annual priority list and schedule required by s.
118 373.042(3).

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

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

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

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



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127 7. The mitigation donation annual report required by s.
128 373.414(1)(b)2.

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

131 a. A list of all specific projects identified to implement
132 a basin management action plan, including any projects to
133 connect onsite sewage treatment and disposal systems to central
134 sewerage systems and convert onsite sewage treatment and
135 disposal systems to enhanced nutrient reducing onsite sewage
136 treatment and disposal systems, or a recovery or prevention
137 strategy;

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

143 c. The estimated cost for each listed project;

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

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

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

151 9. A grade for each watershed, water body, or water segment
152 in which a project listed under subparagraph 8. is located
153 representing the level of impairment and violations of adopted
154 minimum flow or minimum water levels. The grading system must
155 reflect the severity of the impairment of the watershed, water



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156 body, or water segment.

157 Section 5. Subsections (7) and (8) are added to section
158 373.223, Florida Statutes, to read:

159 373.223 Conditions for a permit.-

160 (7) A consumptive use permit to use water derived from a
161 spring for bottled water as defined in s. 500.03 may only be
162 approved by unanimous vote by the governing board finding that
163 the applicant meets the criteria in subsection (1). This
164 subsection shall expire on June 30, 2022.

165 (8) The Department of Environmental Protection shall, in
166 coordination with the water management districts, conduct a
167 study on the bottled water industry in Florida.

168 (a) The study must do all of the following:

169 1. Identify all springs statewide that have an associated
170 consumptive use permit for a bottled water facility producing
171 its product with water derived from a spring as well as:

172 a. The magnitude of the spring;

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

175 c. Any department or water management district adopted
176 minimum flow or minimum water levels, the status of any adopted
177 minimum flow or minimum water levels, and any associated
178 recovery or prevention strategy;

179 d. The permitted and actual use associated with the
180 consumptive use permits;

181 e. The reduction in flow associated with the permitted and
182 actual use associated with the consumptive use permits;

183 f. The impact on springs of bottled water facilities as
184 compared to other users; and



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185 g. Types of water conservation measures employed at bottled
186 water facilities permitted to derive water from a spring.

187 2. Identify the labeling and marketing regulations
188 associated with the identification of bottled water as spring
189 water, including whether these regulations incentivize the
190 withdrawal of water from springs.

191 3. Evaluate the direct and indirect economic benefits to
192 the local communities resulting from bottled water facilities
193 that derive water from springs, including but not limited to tax
194 revenue, job creation and wages.

195 4. Evaluate the direct and indirect costs to the local
196 communities located in proximity to springs impacted by
197 withdrawals from bottled water production, including, but not
198 limited to, the decreased recreational value of the spring and
199 the cost to other users for the development of alternative water
200 supply or reductions in permit durations and allocations.

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

204 6. Evaluate how much bottled water derived from Florida
205 springs is sold in this state.

206 (b) The department shall submit a report containing the
207 findings of the study to the Governor, the President of the
208 Senate, the Speaker of the House of Representatives, and the
209 Office of Economic and Demographic Research by June 30, 2021.

210 (c) As used in this section, the term "bottled water" has
211 the same meaning as in s. 500.03 and the term "water derived
212 from a spring" means water derived from an underground formation
213 from which water flows naturally to the surface of the earth in



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214 the manner described in 21 C.F.R. 165.110(a)(2)(vi).

215 Section 6. Subsection (5) of section 373.4131, Florida
216 Statutes, is amended, and subsection (6) is added to that
217 section, to read:

218 373.4131 Statewide environmental resource permitting
219 rules.—

220 (5) To ensure consistent implementation and interpretation
221 of the rules adopted pursuant to this section, the department
222 shall conduct or oversee regular assessment and training of its
223 staff and the staffs of the water management districts and local
224 governments delegated local pollution control program authority
225 under s. 373.441. The training must include field inspections of
226 publicly and privately owned stormwater structural controls,
227 such as stormwater retention or detention ponds.

228 (6) By January 1, 2021:

229 (a) The department and the water management districts shall
230 initiate rulemaking, including updates to the Environmental
231 Resource Permit Applicant's Handbooks, to update the stormwater
232 design and operation regulations using the most recent
233 scientific information available. As part of rule development,
234 the department must consider and address low-impact design best
235 management practices and design criteria that increase the
236 removal of nutrients from stormwater discharges, and measures
237 for consistent application of the net improvement performance
238 standard to ensure significant reductions of any pollutant
239 loadings to a waterbody; and

240 (b) The department shall evaluate inspection data relating
241 to compliance by those entities that submit a self-certification
242 under s. 403.814(12) and provide the Legislature with



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243 recommendations for improvements to the self-certification
244 process.

245 Section 7. Effective July 1, 2021, present paragraphs (d)
246 through (q) of subsection (2) of section 381.0065, Florida
247 Statutes, are redesignated as paragraphs (e) through (r),
248 respectively, a new paragraph (d) is added to subsection (2),
249 and subsections (3) and (4) of that section are amended, to
250 read:

251 381.0065 Onsite sewage treatment and disposal systems;
252 regulation.—

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

255 (d) "Department" means the Department of Environmental
256 Protection.

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

259 (a) Adopt rules to administer ss. 381.0065-381.0067,
260 including definitions that are consistent with the definitions
261 in this section, ~~decreases to setback requirements where no~~
262 ~~health hazard exists,~~ increases for the lot-flow allowance for
263 performance-based systems, requirements for separation from
264 water table elevation during the wettest season, requirements
265 for the design and construction of any component part of an
266 onsite sewage treatment and disposal system, application and
267 permit requirements for persons who maintain an onsite sewage
268 treatment and disposal system, requirements for maintenance and
269 service agreements for aerobic treatment units and performance-
270 based treatment systems, and recommended standards, including
271 disclosure requirements, for voluntary system inspections to be



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272 performed by individuals who are authorized by law to perform
273 such inspections and who shall inform a person having ownership,
274 control, or use of an onsite sewage treatment and disposal
275 system of the inspection standards and of that person's
276 authority to request an inspection based on all or part of the
277 standards.

278 (b) Perform application reviews and site evaluations, issue
279 permits, and conduct inspections and complaint investigations
280 associated with the construction, installation, maintenance,
281 modification, abandonment, operation, use, or repair of an
282 onsite sewage treatment and disposal system for a residence or
283 establishment with an estimated domestic sewage flow of 10,000
284 gallons or less per day, or an estimated commercial sewage flow
285 of 5,000 gallons or less per day, which is not currently
286 regulated under chapter 403.

287 (c) Develop a comprehensive program to ensure that onsite
288 sewage treatment and disposal systems regulated by the
289 department are sized, designed, constructed, installed, sited,
290 repaired, modified, abandoned, used, operated, and maintained in
291 compliance with this section and rules adopted under this
292 section to prevent groundwater contamination, including impacts
293 from nutrient pollution, and surface water contamination and to
294 preserve the public health. The department is the final
295 administrative interpretive authority regarding rule
296 interpretation. In the event of a conflict regarding rule
297 interpretation, the secretary of the department ~~State Surgeon~~
298 ~~General~~, or his or her designee, shall timely assign a staff
299 person to resolve the dispute.

300 (d) Grant variances in hardship cases under the conditions



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301 prescribed in this section and rules adopted under this section.

302 (e) Permit the use of a limited number of innovative
303 systems for a specific period of time, when there is compelling
304 evidence that the system will function properly and reliably to
305 meet the requirements of this section and rules adopted under
306 this section.

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

308 (g) Establish and collect fees as established under s.
309 381.0066 for services provided with respect to onsite sewage
310 treatment and disposal systems.

311 (h) Conduct enforcement activities, including imposing
312 fines, issuing citations, suspensions, revocations, injunctions,
313 and emergency orders for violations of this section, part I of
314 chapter 386, or part III of chapter 489 or for a violation of
315 any rule adopted under this section, part I of chapter 386, or
316 part III of chapter 489.

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

320 (j) Supervise research on, demonstration of, and training
321 on the performance, environmental impact, and public health
322 impact of onsite sewage treatment and disposal systems within
323 this state. Research fees collected under s. 381.0066(2)(k) must
324 be used to develop and fund hands-on training centers designed
325 to provide practical information about onsite sewage treatment
326 and disposal systems to septic tank contractors, master septic
327 tank contractors, contractors, inspectors, engineers, and the
328 public and must also be used to fund research projects which
329 focus on improvements of onsite sewage treatment and disposal



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330 systems, including use of performance-based standards and
331 reduction of environmental impact. Research projects shall be
332 initially approved by the technical review and advisory panel
333 and shall be applicable to and reflect the soil conditions
334 specific to Florida. Such projects shall be awarded through
335 competitive negotiation, using the procedures provided in s.
336 287.055, to public or private entities that have experience in
337 onsite sewage treatment and disposal systems in Florida and that
338 are principally located in Florida. ~~Research projects shall not~~
339 ~~be awarded to firms or entities that employ or are associated~~
340 ~~with persons who serve on either the technical review and~~
341 ~~advisory panel or the research review and advisory committee.~~

342 (k) Approve the installation of individual graywater
343 disposal systems in which blackwater is treated by a central
344 sewerage system.

345 (l) Regulate and permit the sanitation, handling,
346 treatment, storage, reuse, and disposal of byproducts from any
347 system regulated under this chapter and not regulated by the
348 Department of Environmental Protection.

349 (m) Permit and inspect portable or temporary toilet
350 services and holding tanks. The department shall review
351 applications, perform site evaluations, and issue permits for
352 the temporary use of holding tanks, privies, portable toilet
353 services, or any other toilet facility that is intended for use
354 on a permanent or nonpermanent basis, including facilities
355 placed on construction sites when workers are present. The
356 department may specify standards for the construction,
357 maintenance, use, and operation of any such facility for
358 temporary use.



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359 (n) Regulate and permit maintenance entities for
360 performance-based treatment systems and aerobic treatment unit
361 systems. To ensure systems are maintained and operated according
362 to manufacturer's specifications and designs, the department
363 shall establish by rule minimum qualifying criteria for
364 maintenance entities. The criteria shall include: training,
365 access to approved spare parts and components, access to
366 manufacturer's maintenance and operation manuals, and service
367 response time. The maintenance entity shall employ a contractor
368 licensed under s. 489.105(3)(m), or part III of chapter 489, or
369 a state-licensed wastewater plant operator, who is responsible
370 for maintenance and repair of all systems under contract.

371 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
372 construct, repair, modify, abandon, or operate an onsite sewage
373 treatment and disposal system without first obtaining a permit
374 approved by the department. The department may issue permits to
375 carry out this section, ~~but shall not make the issuance of such~~
376 ~~permits contingent upon prior approval by the Department of~~
377 ~~Environmental Protection, except that~~ The issuance of a permit
378 for work seaward of the coastal construction control line
379 established under s. 161.053 shall be contingent upon receipt of
380 any required coastal construction control line permit from the
381 department ~~of Environmental Protection~~. A construction permit is
382 valid for 18 months from the issuance date and may be extended
383 by the department for one 90-day period under rules adopted by
384 the department. A repair permit is valid for 90 days from the
385 date of issuance. An operating permit must be obtained before
386 ~~prior to~~ the use of any aerobic treatment unit or if the
387 establishment generates commercial waste. Buildings or



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388 establishments that use an aerobic treatment unit or generate
389 commercial waste shall be inspected by the department at least
390 annually to assure compliance with the terms of the operating
391 permit. The operating permit for a commercial wastewater system
392 is valid for 1 year from the date of issuance and must be
393 renewed annually. The operating permit for an aerobic treatment
394 unit is valid for 2 years from the date of issuance and must be
395 renewed every 2 years. If all information pertaining to the
396 siting, location, and installation conditions or repair of an
397 onsite sewage treatment and disposal system remains the same, a
398 construction or repair permit for the onsite sewage treatment
399 and disposal system may be transferred to another person, if the
400 transferee files, within 60 days after the transfer of
401 ownership, an amended application providing all corrected
402 information and proof of ownership of the property. There is no
403 fee associated with the processing of this supplemental
404 information. A person may not contract to construct, modify,
405 alter, repair, service, abandon, or maintain any portion of an
406 onsite sewage treatment and disposal system without being
407 registered under part III of chapter 489. A property owner who
408 personally performs construction, maintenance, or repairs to a
409 system serving his or her own owner-occupied single-family
410 residence is exempt from registration requirements for
411 performing such construction, maintenance, or repairs on that
412 residence, but is subject to all permitting requirements. A
413 municipality or political subdivision of the state may not issue
414 a building or plumbing permit for any building that requires the
415 use of an onsite sewage treatment and disposal system unless the
416 owner or builder has received a construction permit for such



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417 system from the department. A building or structure may not be
418 occupied and a municipality, political subdivision, or any state
419 or federal agency may not authorize occupancy until the
420 department approves the final installation of the onsite sewage
421 treatment and disposal system. A municipality or political
422 subdivision of the state may not approve any change in occupancy
423 or tenancy of a building that uses an onsite sewage treatment
424 and disposal system until the department has reviewed the use of
425 the system with the proposed change, approved the change, and
426 amended the operating permit.

427 (a) Subdivisions and lots in which each lot has a minimum
428 area of at least one-half acre and either a minimum dimension of
429 100 feet or a mean of at least 100 feet of the side bordering
430 the street and the distance formed by a line parallel to the
431 side bordering the street drawn between the two most distant
432 points of the remainder of the lot may be developed with a water
433 system regulated under s. 381.0062 and onsite sewage treatment
434 and disposal systems, provided the projected daily sewage flow
435 does not exceed an average of 1,500 gallons per acre per day,
436 and provided satisfactory drinking water can be obtained and all
437 distance and setback, soil condition, water table elevation, and
438 other related requirements of this section and rules adopted
439 under this section can be met.

440 (b) Subdivisions and lots using a public water system as
441 defined in s. 403.852 may use onsite sewage treatment and
442 disposal systems, provided there are no more than four lots per
443 acre, provided the projected daily sewage flow does not exceed
444 an average of 2,500 gallons per acre per day, and provided that
445 all distance and setback, soil condition, water table elevation,



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446 and other related requirements that are generally applicable to
447 the use of onsite sewage treatment and disposal systems are met.

448 (c) Notwithstanding paragraphs (a) and (b), for
449 subdivisions platted of record on or before October 1, 1991,
450 when a developer or other appropriate entity has previously made
451 or makes provisions, including financial assurances or other
452 commitments, acceptable to the Department ~~of Health~~, that a
453 central water system will be installed by a regulated public
454 utility based on a density formula, private potable wells may be
455 used with onsite sewage treatment and disposal systems until the
456 agreed-upon densities are reached. In a subdivision regulated by
457 this paragraph, the average daily sewage flow may not exceed
458 2,500 gallons per acre per day. This section does not affect the
459 validity of existing prior agreements. After October 1, 1991,
460 the exception provided under this paragraph is not available to
461 a developer or other appropriate entity.

462 (d) Paragraphs (a) and (b) do not apply to any proposed
463 residential subdivision with more than 50 lots or to any
464 proposed commercial subdivision with more than 5 lots where a
465 publicly owned or investor-owned sewerage system is available.
466 It is the intent of this paragraph not to allow development of
467 additional proposed subdivisions in order to evade the
468 requirements of this paragraph.

469 (e) The department shall adopt rules to locate onsite
470 sewage treatment and disposal systems, including establishing
471 setback distances, to prevent groundwater contamination and
472 surface water contamination and to preserve the public health.
473 The rulemaking process for such rules must be completed by July
474 1, 2022, and the department shall notify the Division of Law



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475 Revision of the date such rules take effect. The rules must
476 consider conventional and enhanced nutrient-reducing onsite
477 sewage treatment and disposal system designs, impaired or
478 degraded water bodies, domestic wastewater and drinking water
479 infrastructure, potable water sources, nonpotable wells,
480 stormwater infrastructure, the onsite sewage treatment and
481 disposal system remediation plans developed pursuant to s.
482 403.067(7)(a)9.b., nutrient pollution, and the recommendations
483 of the onsite sewage treatment and disposal systems technical
484 advisory committee established pursuant to s. 381.00652.

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

- 488 1. Seventy-five feet from a private potable well.
- 489 2. Two hundred feet from a public potable well serving a
490 residential or nonresidential establishment having a total
491 sewage flow of greater than 2,000 gallons per day.
- 492 3. One hundred feet from a public potable well serving a
493 residential or nonresidential establishment having a total
494 sewage flow of less than or equal to 2,000 gallons per day.
- 495 4. Fifty feet from any nonpotable well.
- 496 5. Ten feet from any storm sewer pipe, to the maximum
497 extent possible, but in no instance shall the setback be less
498 than 5 feet.
- 499 6. Seventy-five feet from the mean high-water line of a
500 tidally influenced surface water body.
- 501 7. Seventy-five feet from the mean annual flood line of a
502 permanent nontidal surface water body.
- 503 8. Fifteen feet from the design high-water line of



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504 retention areas, detention areas, or swales designed to contain
505 standing or flowing water for less than 72 hours after a
506 rainfall or the design high-water level of normally dry drainage
507 ditches or normally dry individual lot stormwater retention
508 areas.

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

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

517 1. Any residential lot that was platted and recorded on or
518 after January 1, 1972, or that is part of a residential
519 subdivision that was approved by the appropriate permitting
520 agency on or after January 1, 1972, and that was eligible for an
521 onsite sewage treatment and disposal system construction permit
522 on the date of such platting and recording or approval shall be
523 eligible for an onsite sewage treatment and disposal system
524 construction permit, regardless of when the application for a
525 permit is made. If rules in effect at the time the permit
526 application is filed cannot be met, residential lots platted and
527 recorded or approved on or after January 1, 1972, shall, to the
528 maximum extent possible, comply with the rules in effect at the
529 time the permit application is filed. At a minimum, however,
530 those residential lots platted and recorded or approved on or
531 after January 1, 1972, but before January 1, 1983, shall comply
532 with those rules in effect on January 1, 1983, and those



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533 residential lots platted and recorded or approved on or after
534 January 1, 1983, shall comply with those rules in effect at the
535 time of such platting and recording or approval. In determining
536 the maximum extent of compliance with current rules that is
537 possible, the department shall allow structures and
538 appurtenances thereto which were authorized at the time such
539 lots were platted and recorded or approved.

540 2. Lots platted before 1972 are subject to a 50-foot
541 minimum surface water setback and are not subject to lot size
542 requirements. The projected daily flow for onsite sewage
543 treatment and disposal systems for lots platted before 1972 may
544 not exceed:

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

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

549 (h)1. The department may grant variances in hardship cases
550 which may be less restrictive than ~~the provisions~~ specified in
551 this section. If a variance is granted and the onsite sewage
552 treatment and disposal system construction permit has been
553 issued, the variance may be transferred with the system
554 construction permit, if the transferee files, within 60 days
555 after the transfer of ownership, an amended construction permit
556 application providing all corrected information and proof of
557 ownership of the property and if the same variance would have
558 been required for the new owner of the property as was
559 originally granted to the original applicant for the variance.
560 There is no fee associated with the processing of this
561 supplemental information. A variance may not be granted under



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562 this section until the department is satisfied that:

563 a. The hardship was not caused intentionally by the action
564 of the applicant;

565 b. No reasonable alternative, taking into consideration
566 factors such as cost, exists for the treatment of the sewage;
567 and

568 c. The discharge from the onsite sewage treatment and
569 disposal system will not adversely affect the health of the
570 applicant or the public or significantly degrade the groundwater
571 or surface waters.

572
573 Where soil conditions, water table elevation, and setback
574 provisions are determined by the department to be satisfactory,
575 special consideration must be given to those lots platted before
576 1972.

577 2. The department shall appoint and staff a variance review
578 and advisory committee, which shall meet monthly to recommend
579 agency action on variance requests. The committee shall make its
580 recommendations on variance requests at the meeting in which the
581 application is scheduled for consideration, except for an
582 extraordinary change in circumstances, the receipt of new
583 information that raises new issues, or when the applicant
584 requests an extension. The committee shall consider the criteria
585 in subparagraph 1. in its recommended agency action on variance
586 requests and shall also strive to allow property owners the full
587 use of their land where possible. The committee consists of the
588 following:

589 a. The Secretary of Environmental Protection ~~State Surgeon~~
590 ~~General~~ or his or her designee.



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591 b. A representative from the county health departments.

592 c. A representative from the home building industry
593 recommended by the Florida Home Builders Association.

594 d. A representative from the septic tank industry
595 recommended by the Florida Onsite Wastewater Association.

596 e. A representative from the Department of Health
597 ~~Environmental Protection~~.

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

602 g. A representative from the engineering profession
603 recommended by the Florida Engineering Society.

604
605 Members shall be appointed for a term of 3 years, with such
606 appointments being staggered so that the terms of no more than
607 two members expire in any one year. Members shall serve without
608 remuneration, but if requested, shall be reimbursed for per diem
609 and travel expenses as provided in s. 112.061.

610 (i) A construction permit may not be issued for an onsite
611 sewage treatment and disposal system in any area zoned or used
612 for industrial or manufacturing purposes, or its equivalent,
613 where a publicly owned or investor-owned sewage treatment system
614 is available, or where a likelihood exists that the system will
615 receive toxic, hazardous, or industrial waste. An existing
616 onsite sewage treatment and disposal system may be repaired if a
617 publicly owned or investor-owned sewerage system is not
618 available within 500 feet of the building sewer stub-out and if
619 system construction and operation standards can be met. This



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620 paragraph does not require publicly owned or investor-owned
621 sewerage treatment systems to accept anything other than
622 domestic wastewater.

623 1. A building located in an area zoned or used for
624 industrial or manufacturing purposes, or its equivalent, when
625 such building is served by an onsite sewage treatment and
626 disposal system, must not be occupied until the owner or tenant
627 has obtained written approval from the department. The
628 department may ~~shall~~ not grant approval when the proposed use of
629 the system is to dispose of toxic, hazardous, or industrial
630 wastewater or toxic or hazardous chemicals.

631 2. Each person who owns or operates a business or facility
632 in an area zoned or used for industrial or manufacturing
633 purposes, or its equivalent, or who owns or operates a business
634 that has the potential to generate toxic, hazardous, or
635 industrial wastewater or toxic or hazardous chemicals, and uses
636 an onsite sewage treatment and disposal system that is installed
637 on or after July 5, 1989, must obtain an annual system operating
638 permit from the department. A person who owns or operates a
639 business that uses an onsite sewage treatment and disposal
640 system that was installed and approved before July 5, 1989, need
641 not obtain a system operating permit. However, upon change of
642 ownership or tenancy, the new owner or operator must notify the
643 department of the change, and the new owner or operator must
644 obtain an annual system operating permit, regardless of the date
645 that the system was installed or approved.

646 3. The department shall periodically review and evaluate
647 the continued use of onsite sewage treatment and disposal
648 systems in areas zoned or used for industrial or manufacturing



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649 purposes, or its equivalent, and may require the collection and
650 analyses of samples from within and around such systems. If the
651 department finds that toxic or hazardous chemicals or toxic,
652 hazardous, or industrial wastewater have been or are being
653 disposed of through an onsite sewage treatment and disposal
654 system, the department shall initiate enforcement actions
655 against the owner or tenant to ensure adequate cleanup,
656 treatment, and disposal.

657 (j) An onsite sewage treatment and disposal system designed
658 by a professional engineer registered in the state and certified
659 by such engineer as complying with performance criteria adopted
660 by the department must be approved by the department subject to
661 the following:

662 1. The performance criteria applicable to engineer-designed
663 systems must be limited to those necessary to ensure that such
664 systems do not adversely affect the public health or
665 significantly degrade the groundwater or surface water. Such
666 performance criteria shall include consideration of the quality
667 of system effluent, the proposed total sewage flow per acre,
668 wastewater treatment capabilities of the natural or replaced
669 soil, water quality classification of the potential surface-
670 water-receiving body, and the structural and maintenance
671 viability of the system for the treatment of domestic
672 wastewater. However, performance criteria shall address only the
673 performance of a system and not a system's design.

674 2. A person electing to utilize an engineer-designed system
675 shall, upon completion of the system design, submit such design,
676 certified by a registered professional engineer, to the county
677 health department. The county health department may utilize an



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678 outside consultant to review the engineer-designed system, with
679 the actual cost of such review to be borne by the applicant.
680 Within 5 working days after receiving an engineer-designed
681 system permit application, the county health department shall
682 request additional information if the application is not
683 complete. Within 15 working days after receiving a complete
684 application for an engineer-designed system, the county health
685 department either shall issue the permit or, if it determines
686 that the system does not comply with the performance criteria,
687 shall notify the applicant of that determination and refer the
688 application to the department for a determination as to whether
689 the system should be approved, disapproved, or approved with
690 modification. The department engineer's determination shall
691 prevail over the action of the county health department. The
692 applicant shall be notified in writing of the department's
693 determination and of the applicant's rights to pursue a variance
694 or seek review under ~~the provisions of~~ chapter 120.

695 3. The owner of an engineer-designed performance-based
696 system must maintain a current maintenance service agreement
697 with a maintenance entity permitted by the department. The
698 maintenance entity shall inspect each system at least twice each
699 year and shall report quarterly to the department on the number
700 of systems inspected and serviced. The reports may be submitted
701 electronically.

702 4. The property owner of an owner-occupied, single-family
703 residence may be approved and permitted by the department as a
704 maintenance entity for his or her own performance-based
705 treatment system upon written certification from the system
706 manufacturer's approved representative that the property owner



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707 has received training on the proper installation and service of
708 the system. The maintenance service agreement must conspicuously
709 disclose that the property owner has the right to maintain his
710 or her own system and is exempt from contractor registration
711 requirements for performing construction, maintenance, or
712 repairs on the system but is subject to all permitting
713 requirements.

714 5. The property owner shall obtain a biennial system
715 operating permit from the department for each system. The
716 department shall inspect the system at least annually, or on
717 such periodic basis as the fee collected permits, and may
718 collect system-effluent samples if appropriate to determine
719 compliance with the performance criteria. The fee for the
720 biennial operating permit shall be collected beginning with the
721 second year of system operation.

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

726 (k) An innovative system may be approved in conjunction
727 with an engineer-designed site-specific system which is
728 certified by the engineer to meet the performance-based criteria
729 adopted by the department.

730 (l) For the Florida Keys, the department shall adopt a
731 special rule for the construction, installation, modification,
732 operation, repair, maintenance, and performance of onsite sewage
733 treatment and disposal systems which considers the unique soil
734 conditions and water table elevations, densities, and setback
735 requirements. On lots where a setback distance of 75 feet from



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736 surface waters, saltmarsh, and buttonwood association habitat
737 areas cannot be met, an injection well, approved and permitted
738 by the department, may be used for disposal of effluent from
739 onsite sewage treatment and disposal systems. The following
740 additional requirements apply to onsite sewage treatment and
741 disposal systems in Monroe County:

742 1. The county, each municipality, and those special
743 districts established for the purpose of the collection,
744 transmission, treatment, or disposal of sewage shall ensure, in
745 accordance with the specific schedules adopted by the
746 Administration Commission under s. 380.0552, the completion of
747 onsite sewage treatment and disposal system upgrades to meet the
748 requirements of this paragraph.

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

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

755 b. Suspended Solids of 10 mg/l.

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

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

762

763 In addition, onsite sewage treatment and disposal systems
764 discharging to an injection well must provide basic disinfection



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765 as defined by department rule.

766 3. In areas not scheduled to be served by a central sewer,
767 onsite sewage treatment and disposal systems must, by December
768 31, 2015, comply with department rules and provide the level of
769 treatment described in subparagraph 2.

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

776 a. The existing tanks must be pumped and inspected and
777 certified as being watertight and free of defects in accordance
778 with department rule; and

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

781 5. Onsite sewage treatment and disposal systems must be
782 monitored for total nitrogen and total phosphorus concentrations
783 as required by department rule.

784 6. The department shall enforce proper installation,
785 operation, and maintenance of onsite sewage treatment and
786 disposal systems pursuant to this chapter, including ensuring
787 that the appropriate level of treatment described in
788 subparagraph 2. is met.

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

793 8. Notwithstanding any other ~~provision of~~ law, an onsite



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794 sewage treatment and disposal system installed after July 1,
795 2010, in unincorporated Monroe County, excluding special
796 wastewater districts, that complies with the standards in
797 subparagraph 2. is not required to connect to a central sewer
798 system until December 31, 2020.

799 (m) No product sold in the state for use in onsite sewage
800 treatment and disposal systems may contain any substance in
801 concentrations or amounts that would interfere with or prevent
802 the successful operation of such system, or that would cause
803 discharges from such systems to violate applicable water quality
804 standards. The department shall publish criteria for products
805 known or expected to meet the conditions of this paragraph. In
806 the event a product does not meet such criteria, such product
807 may be sold if the manufacturer satisfactorily demonstrates to
808 the department that the conditions of this paragraph are met.

809 (n) Evaluations for determining the seasonal high-water
810 table elevations or the suitability of soils for the use of a
811 new onsite sewage treatment and disposal system shall be
812 performed by department personnel, professional engineers
813 registered in the state, or such other persons with expertise,
814 as defined by rule, in making such evaluations. Evaluations for
815 determining mean annual flood lines shall be performed by those
816 persons identified in paragraph (2)(k) ~~(2)(j)~~. The department
817 shall accept evaluations submitted by professional engineers and
818 such other persons as meet the expertise established by this
819 section or by rule unless the department has a reasonable
820 scientific basis for questioning the accuracy or completeness of
821 the evaluation.

822 ~~(o) The department shall appoint a research review and~~



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823 ~~advisory committee, which shall meet at least semiannually. The~~
824 ~~committee shall advise the department on directions for new~~
825 ~~research, review and rank proposals for research contracts, and~~
826 ~~review draft research reports and make comments. The committee~~
827 ~~is comprised of:~~

828 ~~1. A representative of the State Surgeon General, or his or~~
829 ~~her designee.~~

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

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

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

833 ~~5. A representative from the State University System, from~~
834 ~~a department knowledgeable about onsite sewage treatment and~~
835 ~~disposal systems.~~

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

838 ~~7. A representative from local government who is~~
839 ~~knowledgeable about domestic wastewater treatment.~~

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

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

842 ~~10. A consumer.~~

843
844 ~~Members shall be appointed for a term of 3 years, with the~~
845 ~~appointments being staggered so that the terms of no more than~~
846 ~~four members expire in any one year. Members shall serve without~~
847 ~~remuneration, but are entitled to reimbursement for per diem and~~
848 ~~travel expenses as provided in s. 112.061.~~

849 ~~(o) (p)~~ An application for an onsite sewage treatment and
850 disposal system permit shall be completed in full, signed by the
851 owner or the owner's authorized representative, or by a



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852 contractor licensed under chapter 489, and shall be accompanied
853 by all required exhibits and fees. No specific documentation of
854 property ownership shall be required as a prerequisite to the
855 review of an application or the issuance of a permit. The
856 issuance of a permit does not constitute determination by the
857 department of property ownership.

858 ~~(p)~~ ~~(e)~~ The department may not require any form of
859 subdivision analysis of property by an owner, developer, or
860 subdivider prior to submission of an application for an onsite
861 sewage treatment and disposal system.

862 ~~(q)~~ ~~(r)~~ Nothing in this section limits the power of a
863 municipality or county to enforce other laws for the protection
864 of the public health and safety.

865 ~~(r)~~ ~~(s)~~ In the siting of onsite sewage treatment and
866 disposal systems, including drainfields, shoulders, and slopes,
867 guttering may ~~shall~~ not be required on single-family residential
868 dwelling units for systems located greater than 5 feet from the
869 roof drip line of the house. If guttering is used on residential
870 dwelling units, the downspouts shall be directed away from the
871 drainfield.

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

876 1. The absorption surface of the drainfield may ~~shall~~ not
877 be subject to flooding based on 10-year flood elevations.
878 Provided, however, for lots or parcels created by the
879 subdivision of land in accordance with applicable local
880 government regulations prior to January 17, 1990, if an



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881 applicant cannot construct a drainfield system with the
882 absorption surface of the drainfield at an elevation equal to or
883 above 10-year flood elevation, the department shall issue a
884 permit for an onsite sewage treatment and disposal system within
885 the 10-year floodplain of rivers, streams, and other bodies of
886 flowing water if all of the following criteria are met:

887 a. The lot is at least one-half acre in size;
888 b. The bottom of the drainfield is at least 36 inches above
889 the 2-year flood elevation; and

890 c. The applicant installs either: a waterless,
891 incinerating, or organic waste composting toilet and a graywater
892 system and drainfield in accordance with department rules; an
893 aerobic treatment unit and drainfield in accordance with
894 department rules; a system ~~approved by the State Health Office~~
895 that is capable of reducing effluent nitrate by at least 50
896 percent in accordance with department rules; or a system other
897 than a system using alternative drainfield materials in

898 accordance with department rules ~~approved by the county health~~
899 ~~department pursuant to department rule other than a system using~~
900 ~~alternative drainfield materials~~. The United States Department
901 of Agriculture Soil Conservation Service soil maps, State of
902 Florida Water Management District data, and Federal Emergency
903 Management Agency Flood Insurance maps are resources that shall
904 be used to identify flood-prone areas.

905 2. The use of fill or mounding to elevate a drainfield
906 system out of the 10-year floodplain of rivers, streams, or
907 other bodies of flowing water may ~~shall~~ not be permitted if such
908 a system lies within a regulatory floodway of the Suwannee and
909 Aucilla Rivers. In cases where the 10-year flood elevation does



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910 not coincide with the boundaries of the regulatory floodway, the
911 regulatory floodway will be considered for the purposes of this
912 subsection to extend at a minimum to the 10-year flood
913 elevation.

914 (t)~~(u)~~1. The owner of an aerobic treatment unit system
915 shall maintain a current maintenance service agreement with an
916 aerobic treatment unit maintenance entity permitted by the
917 department. The maintenance entity shall inspect each aerobic
918 treatment unit system at least twice each year and shall report
919 quarterly to the department on the number of aerobic treatment
920 unit systems inspected and serviced. The reports may be
921 submitted electronically.

922 2. The property owner of an owner-occupied, single-family
923 residence may be approved and permitted by the department as a
924 maintenance entity for his or her own aerobic treatment unit
925 system upon written certification from the system manufacturer's
926 approved representative that the property owner has received
927 training on the proper installation and service of the system.
928 The maintenance entity service agreement must conspicuously
929 disclose that the property owner has the right to maintain his
930 or her own system and is exempt from contractor registration
931 requirements for performing construction, maintenance, or
932 repairs on the system but is subject to all permitting
933 requirements.

934 3. A septic tank contractor licensed under part III of
935 chapter 489, if approved by the manufacturer, may not be denied
936 access by the manufacturer to aerobic treatment unit system
937 training or spare parts for maintenance entities. After the
938 original warranty period, component parts for an aerobic



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939 treatment unit system may be replaced with parts that meet
940 manufacturer's specifications but are manufactured by others.
941 The maintenance entity shall maintain documentation of the
942 substitute part's equivalency for 2 years and shall provide such
943 documentation to the department upon request.

944 4. The owner of an aerobic treatment unit system shall
945 obtain a system operating permit from the department and allow
946 the department to inspect during reasonable hours each aerobic
947 treatment unit system at least annually, and such inspection may
948 include collection and analysis of system-effluent samples for
949 performance criteria established by rule of the department.

950 (u)~~(v)~~ The department may require the submission of
951 detailed system construction plans that are prepared by a
952 professional engineer registered in this state. The department
953 shall establish by rule criteria for determining when such a
954 submission is required.

955 (v)~~(w)~~ Any permit issued and approved by the department for
956 the installation, modification, or repair of an onsite sewage
957 treatment and disposal system shall transfer with the title to
958 the property in a real estate transaction. A title may not be
959 encumbered at the time of transfer by new permit requirements by
960 a governmental entity for an onsite sewage treatment and
961 disposal system which differ from the permitting requirements in
962 effect at the time the system was permitted, modified, or
963 repaired. An inspection of a system may not be mandated by a
964 governmental entity at the point of sale in a real estate
965 transaction. This paragraph does not affect a septic tank phase-
966 out deferral program implemented by a consolidated government as
967 defined in s. 9, Art. VIII of the State Constitution (1885).



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968 (w)~~(*)~~ A governmental entity, including a municipality,
969 county, or statutorily created commission, may not require an
970 engineer-designed performance-based treatment system, excluding
971 a passive engineer-designed performance-based treatment system,
972 before the completion of the Florida Onsite Sewage Nitrogen
973 Reduction Strategies Project. This paragraph does not apply to a
974 governmental entity, including a municipality, county, or
975 statutorily created commission, which adopted a local law,
976 ordinance, or regulation on or before January 31, 2012.
977 Notwithstanding this paragraph, an engineer-designed
978 performance-based treatment system may be used to meet the
979 requirements of the variance review and advisory committee
980 recommendations.

981 (x)~~(y)~~1. An onsite sewage treatment and disposal system is
982 not considered abandoned if the system is disconnected from a
983 structure that was made unusable or destroyed following a
984 disaster and if the system was properly functioning at the time
985 of disconnection and was not adversely affected by the disaster.
986 The onsite sewage treatment and disposal system may be
987 reconnected to a rebuilt structure if:

988 a. The reconnection of the system is to the same type of
989 structure which contains the same number of bedrooms or fewer,
990 if the square footage of the structure is less than or equal to
991 110 percent of the original square footage of the structure that
992 existed before the disaster;

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

994 c. The system has not been altered without prior
995 authorization.

996 2. An onsite sewage treatment and disposal system that



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997 serves a property that is foreclosed upon is not considered
998 abandoned.

999 (y)~~(z)~~ If an onsite sewage treatment and disposal system
1000 permittee receives, relies upon, and undertakes construction of
1001 a system based upon a validly issued construction permit under
1002 rules applicable at the time of construction but a change to a
1003 rule occurs within 5 years after the approval of the system for
1004 construction but before the final approval of the system, the
1005 rules applicable and in effect at the time of construction
1006 approval apply at the time of final approval if fundamental site
1007 conditions have not changed between the time of construction
1008 approval and final approval.

1009 (z)~~(aa)~~ An existing-system inspection or evaluation and
1010 assessment, or a modification, replacement, or upgrade of an
1011 onsite sewage treatment and disposal system is not required for
1012 a remodeling addition or modification to a single-family home if
1013 a bedroom is not added. However, a remodeling addition or
1014 modification to a single-family home may not cover any part of
1015 the existing system or encroach upon a required setback or the
1016 unobstructed area. To determine if a setback or the unobstructed
1017 area is impacted, the local health department shall review and
1018 verify a floor plan and site plan of the proposed remodeling
1019 addition or modification to the home submitted by a remodeler
1020 which shows the location of the system, including the distance
1021 of the remodeling addition or modification to the home from the
1022 onsite sewage treatment and disposal system. The local health
1023 department may visit the site or otherwise determine the best
1024 means of verifying the information submitted. A verification of
1025 the location of a system is not an inspection or evaluation and



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1026 assessment of the system. The review and verification must be
1027 completed within 7 business days after receipt by the local
1028 health department of a floor plan and site plan. If the review
1029 and verification is not completed within such time, the
1030 remodeling addition or modification to the single-family home,
1031 for the purposes of this paragraph, is approved.

1032 Section 8. Subsection (7) is added to section 381.0065,
1033 Florida Statutes, to read:

1034 381.0065 Onsite sewage treatment and disposal systems;
1035 regulation.—

1036 (7) USE OF NUTRIENT REDUCING ONSITE SEWAGE TREATMENT AND
1037 DISPOSAL SYSTEMS.—To meet the requirements of a total maximum
1038 daily load, the department shall implement a fast-track approval
1039 process for the use in this state of American National Standards
1040 Institute 245 systems approved by NSF International before July
1041 1, 2020.

1042 Section 9. Section 381.00652, Florida Statutes, is created
1043 to read:

1044 381.00652 Onsite sewage treatment and disposal systems
1045 technical advisory committee.—

1046 (1) An onsite sewage treatment and disposal systems
1047 technical advisory committee, a committee as defined in s.
1048 20.03(8), is created within the department. The committee shall:

1049 (a) Provide recommendations to increase the availability in
1050 the marketplace of enhanced nutrient-reducing onsite sewage
1051 treatment and disposal systems, including systems that are cost-
1052 effective, low-maintenance, and reliable.

1053 (b) Consider and recommend regulatory options, such as
1054 fast-track approval, prequalification, or expedited permitting,



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1055 to facilitate the introduction and use of enhanced nutrient-
1056 reducing onsite sewage treatment and disposal systems that have
1057 been reviewed and approved by a national agency or organization,
1058 such as the American National Standards Institute 245 systems
1059 approved by the NSF International.

1060 (c) Provide recommendations for appropriate setback
1061 distances for onsite sewage treatment and disposal systems from
1062 surface water, groundwater, and wells.

1063 (2) The department shall use existing and available
1064 resources to administer and support the activities of the
1065 committee.

1066 (3) (a) By August 1, 2021, the department, in consultation
1067 with the Department of Health, shall appoint no more than 10
1068 members to the committee, including, but not limited to, the
1069 following:

- 1070 1. A professional engineer.
- 1071 2. A septic tank contractor.
- 1072 3. Two representatives from the home building industry.
- 1073 4. A representative from the real estate industry.
- 1074 5. A representative from the onsite sewage treatment and
1075 disposal system industry.
- 1076 6. A representative from local government.
- 1077 7. Two representatives from the environmental community.
- 1078 8. A representative of the scientific and technical
1079 community who has substantial expertise in the areas of the fate
1080 and transport of water pollutants, toxicology, epidemiology,
1081 geology, biology, or environmental sciences.

1082 (b) Members shall serve without compensation and are not
1083 entitled to reimbursement for per diem or travel expenses.



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1084 (4) By January 1, 2022, the committee shall submit its
1085 recommendations to the Governor, the President of the Senate,
1086 and the Speaker of the House of Representatives.

1087 (5) This section expires August 15, 2022.

1088 (6) For purposes of this section, the term "department"
1089 means the Department of Environmental Protection.

1090 Section 10. Effective July 1, 2021, section 381.0068,
1091 Florida Statutes, is repealed.

1092 Section 11. Present subsections (14) through (44) of
1093 section 403.061, Florida Statutes, are redesignated as
1094 subsections (15) through (45), respectively, a new subsection
1095 (14) is added to that section, and subsection (7) of that
1096 section is amended, to read:

1097 403.061 Department; powers and duties.—The department shall
1098 have the power and the duty to control and prohibit pollution of
1099 air and water in accordance with the law and rules adopted and
1100 promulgated by it and, for this purpose, to:

1101 (7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
1102 ~~implement the provisions of~~ this act. Any rule adopted pursuant
1103 to this act must ~~shall~~ be consistent with the provisions of
1104 federal law, if any, relating to control of emissions from motor
1105 vehicles, effluent limitations, pretreatment requirements, or
1106 standards of performance. A ~~No~~ county, municipality, or
1107 political subdivision may not ~~shall~~ adopt or enforce any local
1108 ordinance, special law, or local regulation requiring the
1109 installation of Stage II vapor recovery systems, as currently
1110 defined by department rule, unless such county, municipality, or
1111 political subdivision is or has been in the past designated by
1112 federal regulation as a moderate, serious, or severe ozone



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1113 nonattainment area. Rules adopted pursuant to this act may shall
1114 not require dischargers of waste into waters of the state to
1115 improve natural background conditions. The department shall
1116 adopt rules to reasonably limit, reduce, and eliminate domestic
1117 wastewater collection and transmission system pipe leakages and
1118 inflow and infiltration. Discharges from steam electric
1119 generating plants existing or licensed under this chapter on
1120 July 1, 1984, may shall not be required to be treated to a
1121 greater extent than may be necessary to assure that the quality
1122 of nonthermal components of discharges from nonrecirculated
1123 cooling water systems is as high as the quality of the makeup
1124 waters; that the quality of nonthermal components of discharges
1125 from recirculated cooling water systems is no lower than is
1126 allowed for blowdown from such systems; or that the quality of
1127 noncooling system discharges which receive makeup water from a
1128 receiving body of water which does not meet applicable
1129 department water quality standards is as high as the quality of
1130 the receiving body of water. The department may not adopt
1131 standards more stringent than federal regulations, except as
1132 provided in s. 403.804.

1133 (14) In order to promote resilient utilities, require
1134 public utilities or their affiliated companies holding, applying
1135 for, or renewing a domestic wastewater discharge permit to file
1136 annual reports and other data regarding transactions or
1137 allocations of common costs and expenditures on pollution
1138 mitigation and prevention among the utility's permitted systems,
1139 including, but not limited to, the prevention of sanitary sewer
1140 overflows, collection and transmission system pipe leakages, and
1141 inflow and infiltration. The department shall adopt rules to



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1142 implement this subsection.

1143

1144 The department shall implement such programs in conjunction with
1145 its other powers and duties and shall place special emphasis on
1146 reducing and eliminating contamination that presents a threat to
1147 humans, animals or plants, or to the environment.

1148 Section 12. Section 403.0616, Florida Statutes, is created
1149 to read:

1150 403.0616 Real-time water quality monitoring program.-

1151 (1) Subject to appropriation, the department shall
1152 establish a real-time water quality monitoring program to assist
1153 in the restoration, preservation, and enhancement of impaired
1154 waterbodies and coastal resources.

1155 (2) In order to expedite the creation and implementation of
1156 the program, the department is encouraged to form public-private
1157 partnerships with established scientific entities that have
1158 proven existing real-time water quality monitoring equipment and
1159 experience in deploying the equipment.

1160 Section 13. Subsection (7) of section 403.067, Florida
1161 Statutes, is amended to read:

1162 403.067 Establishment and implementation of total maximum
1163 daily loads.-

1164 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
1165 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.-

1166 (a) *Basin management action plans.-*

1167 1. In developing and implementing the total maximum daily
1168 load for a water body, the department, or the department in
1169 conjunction with a water management district, may develop a
1170 basin management action plan that addresses some or all of the



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1171 watersheds and basins tributary to the water body. Such plan
1172 must integrate the appropriate management strategies available
1173 to the state through existing water quality protection programs
1174 to achieve the total maximum daily loads and may provide for
1175 phased implementation of these management strategies to promote
1176 timely, cost-effective actions as provided for in s. 403.151.
1177 The plan must establish a schedule implementing the management
1178 strategies, establish a basis for evaluating the plan's
1179 effectiveness, and identify feasible funding strategies for
1180 implementing the plan's management strategies. The management
1181 strategies may include regional treatment systems or other
1182 public works, when ~~where~~ appropriate, and voluntary trading of
1183 water quality credits to achieve the needed pollutant load
1184 reductions.

1185 2. A basin management action plan must equitably allocate,
1186 pursuant to paragraph (6) (b), pollutant reductions to individual
1187 basins, as a whole to all basins, or to each identified point
1188 source or category of nonpoint sources, as appropriate. For
1189 nonpoint sources for which best management practices have been
1190 adopted, the initial requirement specified by the plan must be
1191 those practices developed pursuant to paragraph (c). When ~~Where~~
1192 appropriate, the plan may take into account the benefits of
1193 pollutant load reduction achieved by point or nonpoint sources
1194 that have implemented management strategies to reduce pollutant
1195 loads, including best management practices, before the
1196 development of the basin management action plan. The plan must
1197 also identify the mechanisms that will address potential future
1198 increases in pollutant loading.

1199 3. The basin management action planning process is intended



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1200 to involve the broadest possible range of interested parties,
1201 with the objective of encouraging the greatest amount of
1202 cooperation and consensus possible. In developing a basin
1203 management action plan, the department shall assure that key
1204 stakeholders, including, but not limited to, applicable local
1205 governments, water management districts, the Department of
1206 Agriculture and Consumer Services, other appropriate state
1207 agencies, local soil and water conservation districts,
1208 environmental groups, regulated interests, and affected
1209 pollution sources, are invited to participate in the process.
1210 The department shall hold at least one public meeting in the
1211 vicinity of the watershed or basin to discuss and receive
1212 comments during the planning process and shall otherwise
1213 encourage public participation to the greatest practicable
1214 extent. Notice of the public meeting must be published in a
1215 newspaper of general circulation in each county in which the
1216 watershed or basin lies at least not less than 5 days, but not
1217 ~~nor~~ more than 15 days, before the public meeting. A basin
1218 management action plan does not supplant or otherwise alter any
1219 assessment made under subsection (3) or subsection (4) or any
1220 calculation or initial allocation.

1221 4. Each new or revised basin management action plan shall
1222 include:

1223 a. The appropriate management strategies available through
1224 existing water quality protection programs to achieve total
1225 maximum daily loads, which may provide for phased implementation
1226 to promote timely, cost-effective actions as provided for in s.
1227 403.151;

1228 b. A description of best management practices adopted by



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1229 rule;

1230 c. A list of projects in priority ranking with a planning-
1231 level cost estimate and estimated date of completion for each
1232 listed project;

1233 d. The source and amount of financial assistance to be made
1234 available by the department, a water management district, or
1235 other entity for each listed project, if applicable; ~~and~~

1236 e. A planning-level estimate of each listed project's
1237 expected load reduction, if applicable; ~~and~~.

1238 f. An estimated allocation of the pollutant load reduction
1239 for each point source or category of point sources.

1240 5. The department shall adopt all or any part of a basin
1241 management action plan and any amendment to such plan by
1242 secretarial order pursuant to chapter 120 to implement ~~the~~
1243 ~~provisions of~~ this section.

1244 6. The basin management action plan must include milestones
1245 for implementation and water quality improvement, and an
1246 associated water quality monitoring component sufficient to
1247 evaluate whether reasonable progress in pollutant load
1248 reductions is being achieved over time. An assessment of
1249 progress toward these milestones shall be conducted every 5
1250 years, and revisions to the plan shall be made as appropriate.
1251 Revisions to the basin management action plan shall be made by
1252 the department in cooperation with basin stakeholders. Revisions
1253 to the management strategies required for nonpoint sources must
1254 follow the procedures set forth in subparagraph (c)4. Revised
1255 basin management action plans must be adopted pursuant to
1256 subparagraph 5.

1257 7. In accordance with procedures adopted by rule under



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1258 paragraph (9)(c), basin management action plans, and other
1259 pollution control programs under local, state, or federal
1260 authority as provided in subsection (4), may allow point or
1261 nonpoint sources that will achieve greater pollutant reductions
1262 than required by an adopted total maximum daily load or
1263 wasteload allocation to generate, register, and trade water
1264 quality credits for the excess reductions to enable other
1265 sources to achieve their allocation; however, the generation of
1266 water quality credits does not remove the obligation of a source
1267 or activity to meet applicable technology requirements or
1268 adopted best management practices. Such plans must allow trading
1269 between NPDES permittees, and trading that may or may not
1270 involve NPDES permittees, where the generation or use of the
1271 credits involve an entity or activity not subject to department
1272 water discharge permits whose owner voluntarily elects to obtain
1273 department authorization for the generation and sale of credits.

1274 ~~8. The provisions of~~ The department's rule relating to the
1275 equitable abatement of pollutants into surface waters do not
1276 apply to water bodies or water body segments for which a basin
1277 management plan that takes into account future new or expanded
1278 activities or discharges has been adopted under this section.

1279 9. In order to promote resilient wastewater utilities, if
1280 the department identifies domestic wastewater treatment
1281 facilities or onsite sewage treatment and disposal systems as
1282 contributors of at least 20 percent of point source or nonpoint
1283 source nutrient pollution or if the department determines
1284 remediation is necessary to achieve the total maximum daily
1285 load, a basin management action plan for a nutrient total
1286 maximum daily load must include the following:



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1287 a. A wastewater treatment plan that addresses domestic
1288 wastewater developed by each local government in cooperation
1289 with the department, the water management district, and the
1290 public and private domestic wastewater treatment facilities
1291 within the jurisdiction of the local government. The wastewater
1292 treatment plan must:

1293 (I) Provide for construction, expansion, or upgrades
1294 necessary to achieve the total maximum daily load requirements
1295 applicable to the domestic wastewater treatment facility.

1296 (II) Include the permitted capacity in average annual
1297 gallons per day for the domestic wastewater treatment facility;
1298 the average nutrient concentration and the estimated average
1299 nutrient load of the domestic wastewater; a timeline of the
1300 dates by which the construction of any facility improvements
1301 will begin and be completed and the date by which operations of
1302 the improved facility will begin; the estimated cost of the
1303 improvements; and the identity of responsible parties.

1304
1305 The wastewater treatment plan must be adopted as part of the
1306 basin management action plan no later than July 1, 2025. A local
1307 government that does not have a domestic wastewater treatment
1308 facility in its jurisdiction is not required to develop a
1309 wastewater treatment plan unless there is a demonstrated need to
1310 establish a domestic wastewater treatment facility within its
1311 jurisdiction to improve water quality necessary to achieve a
1312 total maximum daily load. A local government is not responsible
1313 for a private domestic wastewater facility's compliance with a
1314 basin management action plan unless such facility is operated
1315 through a public-private partnership to which the local



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1316 government is a party.

1317 b. An onsite sewage treatment and disposal system
1318 remediation plan developed by each local government in
1319 cooperation with the department, the Department of Health, water
1320 management districts, and public and private domestic wastewater
1321 treatment facilities.

1322 (I) The onsite sewage treatment and disposal system
1323 remediation plan must identify cost-effective and financially
1324 feasible projects necessary to achieve the nutrient load
1325 reductions required for onsite sewage treatment and disposal
1326 systems. To identify cost-effective and financially feasible
1327 projects for remediation of onsite sewage treatment and disposal
1328 systems, the local government shall:

1329 (A) Include an inventory of onsite sewage treatment and
1330 disposal systems based on the best information available;

1331 (B) Identify onsite sewage treatment and disposal systems
1332 that would be eliminated through connection to existing or
1333 future central domestic wastewater infrastructure in the
1334 jurisdiction or domestic wastewater service area of the local
1335 government, that would be replaced with or upgraded to enhanced
1336 nutrient-reducing systems, or that would remain on conventional
1337 onsite sewage treatment and disposal systems;

1338 (C) Estimate the costs of potential onsite sewage treatment
1339 and disposal systems connections, upgrades, or replacements; and

1340 (D) Identify deadlines and interim milestones for the
1341 planning, design, and construction of projects.

1342 (II) The department shall adopt the onsite sewage treatment
1343 and disposal system remediation plan as part of the basin
1344 management action plan no later than July 1, 2025, or as



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1345 required for Outstanding Florida Springs under s. 373.807.

1346 10. When identifying wastewater projects in a basin
1347 management action plan, the department may not require the
1348 higher cost option if it achieves the same nutrient load
1349 reduction as a lower cost option. A regulated entity may choose
1350 a different cost option if it complies with the pollutant
1351 reduction requirements of an adopted total maximum daily load
1352 and provides additional benefits.

1353 *(b) Total maximum daily load implementation.—*

1354 1. The department shall be the lead agency in coordinating
1355 the implementation of the total maximum daily loads through
1356 existing water quality protection programs. Application of a
1357 total maximum daily load by a water management district must be
1358 consistent with this section and does not require the issuance
1359 of an order or a separate action pursuant to s. 120.536(1) or s.
1360 120.54 for the adoption of the calculation and allocation
1361 previously established by the department. Such programs may
1362 include, but are not limited to:

1363 a. Permitting and other existing regulatory programs,
1364 including water-quality-based effluent limitations;

1365 b. Nonregulatory and incentive-based programs, including
1366 best management practices, cost sharing, waste minimization,
1367 pollution prevention, agreements established pursuant to s.
1368 403.061(22) ~~s. 403.061(21)~~, and public education;

1369 c. Other water quality management and restoration
1370 activities, for example surface water improvement and management
1371 plans approved by water management districts or basin management
1372 action plans developed pursuant to this subsection;

1373 d. Trading of water quality credits or other equitable



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1374 economically based agreements;

1375 e. Public works including capital facilities; or

1376 f. Land acquisition.

1377 2. For a basin management action plan adopted pursuant to
1378 paragraph (a), any management strategies and pollutant reduction
1379 requirements associated with a pollutant of concern for which a
1380 total maximum daily load has been developed, including effluent
1381 limits set forth for a discharger subject to NPDES permitting,
1382 if any, must be included in a timely manner in subsequent NPDES
1383 permits or permit modifications for that discharger. The
1384 department may not impose limits or conditions implementing an
1385 adopted total maximum daily load in an NPDES permit until the
1386 permit expires, the discharge is modified, or the permit is
1387 reopened pursuant to an adopted basin management action plan.

1388 a. Absent a detailed allocation, total maximum daily loads
1389 must be implemented through NPDES permit conditions that provide
1390 for a compliance schedule. In such instances, a facility's NPDES
1391 permit must allow time for the issuance of an order adopting the
1392 basin management action plan. The time allowed for the issuance
1393 of an order adopting the plan may not exceed 5 years. Upon
1394 issuance of an order adopting the plan, the permit must be
1395 reopened or renewed, as necessary, and permit conditions
1396 consistent with the plan must be established. Notwithstanding
1397 the other provisions of this subparagraph, upon request by an
1398 NPDES permittee, the department as part of a permit issuance,
1399 renewal, or modification may establish individual allocations
1400 before the adoption of a basin management action plan.

1401 b. For holders of NPDES municipal separate storm sewer
1402 system permits and other stormwater sources, implementation of a



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1403 total maximum daily load or basin management action plan must be
1404 achieved, to the maximum extent practicable, through the use of
1405 best management practices or other management measures.

1406 c. The basin management action plan does not relieve the
1407 discharger from any requirement to obtain, renew, or modify an
1408 NPDES permit or to abide by other requirements of the permit.

1409 d. Management strategies set forth in a basin management
1410 action plan to be implemented by a discharger subject to
1411 permitting by the department must be completed pursuant to the
1412 schedule set forth in the basin management action plan. This
1413 implementation schedule may extend beyond the 5-year term of an
1414 NPDES permit.

1415 e. Management strategies and pollution reduction
1416 requirements set forth in a basin management action plan for a
1417 specific pollutant of concern are not subject to challenge under
1418 chapter 120 at the time they are incorporated, in an identical
1419 form, into a subsequent NPDES permit or permit modification.

1420 f. For nonagricultural pollutant sources not subject to
1421 NPDES permitting but permitted pursuant to other state,
1422 regional, or local water quality programs, the pollutant
1423 reduction actions adopted in a basin management action plan must
1424 be implemented to the maximum extent practicable as part of
1425 those permitting programs.

1426 g. A nonpoint source discharger included in a basin
1427 management action plan must demonstrate compliance with the
1428 pollutant reductions established under subsection (6) by
1429 implementing the appropriate best management practices
1430 established pursuant to paragraph (c) or conducting water
1431 quality monitoring prescribed by the department or a water



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1432 management district. A nonpoint source discharger may, in
1433 accordance with department rules, supplement the implementation
1434 of best management practices with water quality credit trades in
1435 order to demonstrate compliance with the pollutant reductions
1436 established under subsection (6).

1437 h. A nonpoint source discharger included in a basin
1438 management action plan may be subject to enforcement action by
1439 the department or a water management district based upon a
1440 failure to implement the responsibilities set forth in sub-
1441 subparagraph g.

1442 i. A landowner, discharger, or other responsible person who
1443 is implementing applicable management strategies specified in an
1444 adopted basin management action plan may not be required by
1445 permit, enforcement action, or otherwise to implement additional
1446 management strategies, including water quality credit trading,
1447 to reduce pollutant loads to attain the pollutant reductions
1448 established pursuant to subsection (6) and shall be deemed to be
1449 in compliance with this section. This subparagraph does not
1450 limit the authority of the department to amend a basin
1451 management action plan as specified in subparagraph (a)6.

1452 (c) *Best management practices.*—

1453 1. The department, in cooperation with the water management
1454 districts and other interested parties, as appropriate, may
1455 develop suitable interim measures, best management practices, or
1456 other measures necessary to achieve the level of pollution
1457 reduction established by the department for nonagricultural
1458 nonpoint pollutant sources in allocations developed pursuant to
1459 subsection (6) and this subsection. These practices and measures
1460 may be adopted by rule by the department and the water



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1461 management districts and, where adopted by rule, shall be
1462 implemented by those parties responsible for nonagricultural
1463 nonpoint source pollution.

1464 2. The Department of Agriculture and Consumer Services may
1465 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
1466 suitable interim measures, best management practices, or other
1467 measures necessary to achieve the level of pollution reduction
1468 established by the department for agricultural pollutant sources
1469 in allocations developed pursuant to subsection (6) and this
1470 subsection or for programs implemented pursuant to paragraph
1471 (12) (b). These practices and measures may be implemented by
1472 those parties responsible for agricultural pollutant sources and
1473 the department, the water management districts, and the
1474 Department of Agriculture and Consumer Services shall assist
1475 with implementation. In the process of developing and adopting
1476 rules for interim measures, best management practices, or other
1477 measures, the Department of Agriculture and Consumer Services
1478 shall consult with the department, the Department of Health, the
1479 water management districts, representatives from affected
1480 farming groups, and environmental group representatives. Such
1481 rules must also incorporate provisions for a notice of intent to
1482 implement the practices and a system to assure the
1483 implementation of the practices, including site inspection and
1484 recordkeeping requirements.

1485 3. Where interim measures, best management practices, or
1486 other measures are adopted by rule, the effectiveness of such
1487 practices in achieving the levels of pollution reduction
1488 established in allocations developed by the department pursuant
1489 to subsection (6) and this subsection or in programs implemented



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1490 pursuant to paragraph (12) (b) must be verified at representative
1491 sites by the department. The department shall use best
1492 professional judgment in making the initial verification that
1493 the best management practices are reasonably expected to be
1494 effective and, where applicable, must notify the appropriate
1495 water management district or the Department of Agriculture and
1496 Consumer Services of its initial verification before the
1497 adoption of a rule proposed pursuant to this paragraph.
1498 Implementation, in accordance with rules adopted under this
1499 paragraph, of practices that have been initially verified to be
1500 effective, or verified to be effective by monitoring at
1501 representative sites, by the department, shall provide a
1502 presumption of compliance with state water quality standards and
1503 release from ~~the provisions of~~ s. 376.307(5) for those
1504 pollutants addressed by the practices, and the department is not
1505 authorized to institute proceedings against the owner of the
1506 source of pollution to recover costs or damages associated with
1507 the contamination of surface water or groundwater caused by
1508 those pollutants. Research projects funded by the department, a
1509 water management district, or the Department of Agriculture and
1510 Consumer Services to develop or demonstrate interim measures or
1511 best management practices shall be granted a presumption of
1512 compliance with state water quality standards and a release from
1513 ~~the provisions of~~ s. 376.307(5). The presumption of compliance
1514 and release is limited to the research site and only for those
1515 pollutants addressed by the interim measures or best management
1516 practices. Eligibility for the presumption of compliance and
1517 release is limited to research projects on sites where the owner
1518 or operator of the research site and the department, a water



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1519 management district, or the Department of Agriculture and
1520 Consumer Services have entered into a contract or other
1521 agreement that, at a minimum, specifies the research objectives,
1522 the cost-share responsibilities of the parties, and a schedule
1523 that details the beginning and ending dates of the project.

1524 4. Where water quality problems are demonstrated, despite
1525 the appropriate implementation, operation, and maintenance of
1526 best management practices and other measures required by rules
1527 adopted under this paragraph, the department, a water management
1528 district, or the Department of Agriculture and Consumer
1529 Services, in consultation with the department, shall institute a
1530 reevaluation of the best management practice or other measure.
1531 Should the reevaluation determine that the best management
1532 practice or other measure requires modification, the department,
1533 a water management district, or the Department of Agriculture
1534 and Consumer Services, as appropriate, shall revise the rule to
1535 require implementation of the modified practice within a
1536 reasonable time period as specified in the rule.

1537 5. Subject to subparagraph 6., the Department of
1538 Agriculture and Consumer Services shall provide to the
1539 department information that it obtains pursuant to subparagraph
1540 (d) 3.

1541 6. Agricultural records relating to processes or methods of
1542 production, costs of production, profits, or other financial
1543 information held by the Department of Agriculture and Consumer
1544 Services pursuant to subparagraphs 3., ~~and~~ 4., and 5. or
1545 pursuant to any rule adopted pursuant to subparagraph 2. are
1546 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1547 of the State Constitution. Upon request, records made



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1548 confidential and exempt pursuant to this subparagraph shall be
1549 released to the department or any water management district
1550 provided that the confidentiality specified by this subparagraph
1551 for such records is maintained.

1552 ~~7.6. The provisions of~~ Subparagraphs 1. and 2. do not
1553 preclude the department or water management district from
1554 requiring compliance with water quality standards or with
1555 current best management practice requirements set forth in any
1556 applicable regulatory program authorized by law for the purpose
1557 of protecting water quality. Additionally, subparagraphs 1. and
1558 2. are applicable only to the extent that they do not conflict
1559 with any rules adopted by the department that are necessary to
1560 maintain a federally delegated or approved program.

1561 (d) *Enforcement and verification of basin management action*
1562 *plans and management strategies.*—

1563 1. Basin management action plans are enforceable pursuant
1564 to this section and ss. 403.121, 403.141, and 403.161.
1565 Management strategies, including best management practices and
1566 water quality monitoring, are enforceable under this chapter.

1567 2. No later than January 1, 2017:

1568 a. The department, in consultation with the water
1569 management districts and the Department of Agriculture and
1570 Consumer Services, shall initiate rulemaking to adopt procedures
1571 to verify implementation of water quality monitoring required in
1572 lieu of implementation of best management practices or other
1573 measures pursuant to sub-subparagraph (b)2.g.;

1574 b. The department, in consultation with the water
1575 management districts and the Department of Agriculture and
1576 Consumer Services, shall initiate rulemaking to adopt procedures



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1577 to verify implementation of nonagricultural interim measures,
1578 best management practices, or other measures adopted by rule
1579 pursuant to subparagraph (c)1.; and

1580 c. The Department of Agriculture and Consumer Services, in
1581 consultation with the water management districts and the
1582 department, shall initiate rulemaking to adopt procedures to
1583 verify implementation of agricultural interim measures, best
1584 management practices, or other measures adopted by rule pursuant
1585 to subparagraph(c)2.

1586

1587 The rules required under this subparagraph shall include
1588 enforcement procedures applicable to the landowner, discharger,
1589 or other responsible person required to implement applicable
1590 management strategies, including best management practices or
1591 water quality monitoring as a result of noncompliance.

1592 3. At least every 2 years, the Department of Agriculture
1593 and Consumer Services shall perform onsite inspections of each
1594 agricultural producer that enrolls in a best management practice
1595 to ensure that such practice is being properly implemented. Such
1596 verification must include a collection and review of the best
1597 management practice documentation from the previous 2 years
1598 required by rule adopted in accordance with subparagraph (c)2.,
1599 including, but not limited to, nitrogen and phosphorous
1600 fertilizer application records, which must be collected and
1601 retained pursuant to subparagraphs (c)3., 4., and 6. The
1602 Department of Agriculture and Consumer Services shall initially
1603 prioritize the inspection of agricultural producers located in
1604 the basin management action plans for Lake Okeechobee, the
1605 Indian River Lagoon, the Caloosahatchee River and Estuary, and



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1606 Silver Springs.
1607 (e) Cooperative agricultural regional water quality
1608 improvement element.—
1609 1. The department, the Department of Agriculture and
1610 Consumer Services, and owners of agricultural operations in the
1611 basin shall develop a cooperative agricultural regional water
1612 quality improvement element as part of a basin management action
1613 plan only if:
1614 a. Agricultural measures have been adopted by the
1615 Department of Agriculture and Consumer Services pursuant to
1616 subparagraph (c)2. and have been implemented and the waterbody
1617 remains impaired;
1618 b. Agricultural nonpoint sources contribute to at least 20
1619 percent of nonpoint source nutrient discharges; and
1620 c. The department determines that additional measures, in
1621 combination with state-sponsored regional projects and other
1622 management strategies included in the basin management action
1623 plan, are necessary to achieve the total maximum daily load.
1624 2. The element will be implemented through the use of cost-
1625 sharing projects. The element must include cost-effective and
1626 technically and financially practical cooperative regional
1627 agricultural nutrient reduction projects that can be implemented
1628 on private properties on a site-specific, cooperative basis.
1629 Such cooperative regional agricultural nutrient reduction
1630 projects may include land acquisition in fee or conservation
1631 easements on the lands of willing sellers and site-specific
1632 water quality improvement or dispersed water management projects
1633 on the lands of project participants.
1634 3. To qualify for participation in the cooperative



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1635 agricultural regional water quality improvement element, the
1636 participant must have already implemented the interim measures,
1637 best management practices, or other measures adopted by the
1638 Department of Agriculture and Consumer Services pursuant to
1639 subparagraph (c)2. The element may be included in the basin
1640 management action plan as a part of the next 5-year assessment
1641 under subparagraph (a)6.

1642 4. The department may submit a legislative budget request
1643 to fund projects developed pursuant to this paragraph.

1644 (f) *Data collection and research.*—

1645 1. The Department of Agriculture and Consumer Services, in
1646 cooperation with the University of Florida Institute of Food and
1647 Agricultural Sciences and other state universities and Florida
1648 College System institutions with agricultural research programs,
1649 shall annually develop research plans and legislative budget
1650 requests to:

1651 a. Evaluate and suggest enhancements to the existing
1652 adopted agricultural best management practices to reduce
1653 nutrient runoff;

1654 b. Develop new best management practices that, if proven
1655 effective, the Department of Agriculture and Consumer Services
1656 may adopt by rule pursuant to subparagraph (c)2.; and

1657 c. Develop agricultural nutrient runoff reduction projects
1658 that willing participants could implement on a site-specific,
1659 cooperative basis, in addition to best management practices. The
1660 department may consider these projects for inclusion in a basin
1661 management action plan. These nutrient runoff reduction projects
1662 must reduce the nutrient impacts from agricultural operations on
1663 water quality when evaluated with the projects and management



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1664 strategies currently included in the basin management action
1665 plan.

1666 2. To be considered for funding, the University of Florida
1667 Institute of Food and Agricultural Sciences and other state
1668 universities and Florida College System institutions that have
1669 agricultural research programs must submit such plans to the
1670 department and the Department of Agriculture and Consumer
1671 Services by August 1, 2020, for the 2021-2022 fiscal year, and
1672 by May 1 for each subsequent fiscal year.

1673 3. The department shall work with the University of Florida
1674 Institute of Food and Agricultural Sciences and regulated
1675 entities to consider the adoption by rule of best management
1676 practices for nutrient impacts from golf courses. Such adopted
1677 best management practices are subject to the requirements of
1678 paragraph (c).

1679 Section 14. Section 403.0671, Florida Statutes, is created
1680 to read:

1681 403.0671 Basin management action plan wastewater reports.-

1682 (1) By July 1, 2021, the department, in coordination with
1683 the county health departments, wastewater treatment facilities,
1684 and other governmental entities, shall submit a report to the
1685 Governor, the President of the Senate, and the Speaker of the
1686 House of Representatives evaluating the costs of wastewater
1687 projects identified in the basin management action plans
1688 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
1689 sewage treatment and disposal system remediation plans and other
1690 restoration plans developed to meet the total maximum daily
1691 loads required under s. 403.067. The report must include:

1692 (a) Projects to:



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1693 1. Replace onsite sewage treatment and disposal systems
1694 with enhanced nutrient reducing onsite sewage treatment and
1695 disposal systems.

1696 2. Install or retrofit onsite sewage treatment and disposal
1697 systems with enhanced nutrient reducing technologies.

1698 3. Construct, upgrade, or expand domestic wastewater
1699 treatment facilities to meet the wastewater treatment plan
1700 required under s. 403.067(7) (a) 9.

1701 4. Connect onsite sewage treatment and disposal systems to
1702 domestic wastewater treatment facilities;

1703 (b) The estimated costs, nutrient load reduction estimates,
1704 and other benefits of each project;

1705 (c) The estimated implementation timeline for each project;
1706 (d) A proposed 5-year funding plan for each project and the
1707 source and amount of financial assistance the department, a
1708 water management district, or other project partner will make
1709 available to fund the project; and

1710 (e) The projected costs of installing enhanced nutrient
1711 reducing onsite sewage treatment and disposal systems on
1712 buildable lots in priority focus areas to comply with s.
1713 373.811.

1714 (2) By July 1, 2021, the department shall submit a report
1715 to the Governor, the President of the Senate, and the Speaker of
1716 the House of Representatives that provides an assessment of the
1717 water quality monitoring being conducted for each basin
1718 management action plan implementing a nutrient total maximum
1719 daily load. In developing the report, the department may
1720 coordinate with water management districts and any applicable
1721 university. The report must:



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1722 (a) Evaluate the water quality monitoring prescribed for
1723 each basin management action plan to determine if it is
1724 sufficient to detect changes in water quality caused by the
1725 implementation of a project.

1726 (b) Identify gaps in water quality monitoring.

1727 (c) Recommend ways to address water quality monitoring
1728 needs.

1729 (3) Beginning January 1, 2022, and each January 1
1730 thereafter, the department shall submit to the Office of
1731 Economic and Demographic Research the cost estimates for
1732 projects required under s. 403.067(7)(a)9. The office shall
1733 include the project cost estimates in its annual assessment
1734 conducted pursuant to s. 403.928.

1735 Section 15. Section 403.0673, Florida Statutes, is created
1736 to read:

1737 403.0673 Wastewater grant program.—A wastewater grant
1738 program is established within the Department of Environmental
1739 Protection.

1740 (1) Subject to the appropriation of funds by the
1741 Legislature, the department may provide grants for the following
1742 projects within a basin management action plan, an alternative
1743 restoration plan adopted by final order, or a rural area of
1744 opportunity under s. 288.0656 which will individually or
1745 collectively reduce excess nutrient pollution:

1746 (a) Projects to retrofit onsite sewage treatment and
1747 disposal systems to upgrade them to enhanced nutrient-reducing
1748 onsite sewage treatment and disposal systems.

1749 (b) Projects to construct, upgrade, or expand facilities to
1750 provide advanced waste treatment, as defined in s. 403.086(4).



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1751 (c) Projects to connect onsite sewage treatment and
1752 disposal systems to central sewer facilities.

1753 (2) In allocating such funds, priority must be given to
1754 projects that subsidize the connection of onsite sewage
1755 treatment and disposal systems to wastewater treatment plants.
1756 First priority must be given to subsidize connection to existing
1757 infrastructure. Second priority must be given to any expansion
1758 of a collection or transmission system that promotes efficiency
1759 by planning the installation of wastewater transmission
1760 facilities to be constructed concurrently with other
1761 construction projects occurring within or along a transportation
1762 facility right-of-way. Third priority must be given to all other
1763 connection of onsite sewage treatment and disposal systems to
1764 wastewater treatment plants. The department shall consider the
1765 estimated reduction in nutrient load per project; project
1766 readiness; cost-effectiveness of the project; overall
1767 environmental benefit of a project; the location of a project;
1768 the availability of local matching funds; and projected water
1769 savings or quantity improvements associated with a project.

1770 (3) Each grant for a project described in subsection (1)
1771 must require a minimum of a 50 percent local match of funds.
1772 However, the department may, at its discretion, waive, in whole
1773 or in part, this consideration of the local contribution for
1774 proposed projects within an area designated as a rural area of
1775 opportunity under s. 288.0656.

1776 (4) The department shall coordinate with each water
1777 management district, as necessary, to identify grant recipients
1778 in each district.

1779 (5) Beginning January 1, 2021, and each January 1



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1780 thereafter, the department shall submit a report regarding the
1781 projects funded pursuant to this section to the Governor, the
1782 President of the Senate, and the Speaker of the House of
1783 Representatives.

1784 Section 16. Section 403.0855, Florida Statutes, is created
1785 to read:

1786 403.0855 Biosolids management.-

1787 (1) The Legislature finds that it is in the best interest
1788 of this state to regulate biosolids management in order to
1789 minimize the offsite migration of nutrients that impair
1790 waterbodies. The Legislature further finds that the expedited
1791 implementation of the recommendations of the Biosolids Technical
1792 Advisory Committee, including permitting according to site-
1793 specific application conditions, an increased inspection rate,
1794 groundwater and surface water monitoring protocols, and nutrient
1795 management research, will improve biosolids management and
1796 assist in protecting this state's water resources and water
1797 quality.

1798 (2) The department shall adopt rules for biosolids
1799 management.

1800 (3) Effective July 1, 2020, all biosolids application sites
1801 must meet department rules in effect at the time of the renewal
1802 of the biosolids application site permit or facility permit.

1803 (4) A municipality or county may enforce or extend an
1804 ordinance, a regulation, a resolution, a rule, a moratorium, or
1805 a policy, any of which was adopted before November 1, 2019,
1806 relating to the land application of Class B biosolids until the
1807 ordinance, regulation, resolution, rule, moratorium, or policy
1808 is repealed by the municipality or county.



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1809 (5) The permittee of a biosolids land application site
1810 shall:
1811 (a) Conduct the land application of biosolids in accordance
1812 with basin management action plans adopted in accordance with
1813 ss. 373.807 and 403.067(7).
1814 (b) Establish a groundwater monitoring program approved by
1815 the department for land application sites when:
1816 1. The application rate in the nutrient management plan
1817 exceeds more than 160 pounds per acre per year of total plant
1818 available nitrogen or 40 pounds per acre per year of total P205;
1819 or
1820 2. The soil capacity index is less than 0 mg/kg.
1821 (c) When soil fertility testing indicates the soil capacity
1822 index has become less than 0 mg/kg, establish a groundwater
1823 monitoring program in accordance with department rules within 1
1824 year of the date of the sampling results.
1825 (d) When groundwater monitoring is not required, allow the
1826 department to install groundwater monitoring wells at any time
1827 during the effective period of the department-issued facility or
1828 land application site permit and conduct monitoring.
1829 (e) Ensure a minimum unsaturated soil depth of 2 feet
1830 between the depth of biosolids placement and the water table
1831 level at the time the Class A or Class B biosolids are applied
1832 to the soil. Biosolids may not be applied on soils that have a
1833 seasonal high-water table less than 15 centimeters from the soil
1834 surface or within 15 centimeters of the intended depth of
1835 biosolids placement. As used in this section, the term "seasonal
1836 high water" means the elevation to which the ground and surface
1837 water may be expected to rise due to a normal wet season.



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1838 (f) Be enrolled in the Department of Agriculture and
1839 Consumer Service's Best Management Practices Program or be
1840 within an agricultural operation enrolled in the program for the
1841 applicable commodity type.

1842 (6) This subsection and subsection (5) are repealed upon
1843 the effective date of biosolids rules adopted by the department
1844 after July 1, 2020.

1845 Section 17. Present subsections (7) through (10) of section
1846 403.086, Florida Statutes, are redesignated as subsections (8)
1847 through (11), respectively, paragraph (d) is added to subsection
1848 (1) and a new subsection (7) is added to that section, and
1849 paragraph (c) of subsection (1) and subsection (2) of that
1850 section are amended, to read:

1851 403.086 Sewage disposal facilities; advanced and secondary
1852 waste treatment.—

1853 (1)

1854 (c) Notwithstanding ~~any other provisions of~~ this chapter or
1855 chapter 373, facilities for sanitary sewage disposal may not
1856 dispose of any wastes into Old Tampa Bay, Tampa Bay,
1857 Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater
1858 Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay,
1859 ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025, Indian
1860 River Lagoon, or into any river, stream, channel, canal, bay,
1861 bayou, sound, or other water tributary thereto, without
1862 providing advanced waste treatment, as defined in subsection
1863 (4), approved by the department. This paragraph does ~~shall~~ not
1864 apply to facilities which were permitted by February 1, 1987,
1865 and which discharge secondary treated effluent, followed by
1866 water hyacinth treatment, to tributaries of tributaries of the



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1867 named waters; or to facilities permitted to discharge to the
1868 nontidally influenced portions of the Peace River.

1869 (d) By December 31, 2020, the department, in consultation
1870 with the water management districts and sewage disposal
1871 facilities, shall submit to the Governor, the President of the
1872 Senate, and the Speaker of the House of Representatives a
1873 progress report on the status of upgrades made by each facility
1874 to meet the advanced waste treatment requirements under
1875 paragraph (c). The report must include a list of sewage disposal
1876 facilities required to upgrade to advanced waste treatment, the
1877 preliminary cost estimates for the upgrades, and a projected
1878 timeline of the dates by which the upgrades will begin and be
1879 completed and the date by which operations of the upgraded
1880 facility will begin.

1881 (2) Any facilities for sanitary sewage disposal shall
1882 provide for secondary waste treatment, a power outage
1883 contingency plan that mitigates the impacts of power outages on
1884 the utility's collection system and pump stations, and, ~~in~~
1885 addition thereto, advanced waste treatment as deemed necessary
1886 and ordered by the Department of Environmental Protection.
1887 Failure to conform is ~~shall be~~ punishable by a civil penalty of
1888 \$500 for each 24-hour day or fraction thereof that such failure
1889 is allowed to continue thereafter.

1890 (7) All facilities for sanitary sewage under subsection (2)
1891 which control a collection or transmission system of pipes and
1892 pumps to collect and transmit wastewater from domestic or
1893 industrial sources to the facility shall take steps to prevent
1894 sanitary sewer overflows or underground pipe leaks and ensure
1895 that collected wastewater reaches the facility for appropriate



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1896 treatment. Facilities must use inflow and infiltration studies
1897 and leakage surveys to develop pipe assessment, repair, and
1898 replacement action plans with at least a 5-year planning horizon
1899 which comply with department rule to limit, reduce, and
1900 eliminate leaks, seepages, or inputs into wastewater treatment
1901 systems' underground pipes. The pipe assessment, repair, and
1902 replacement action plans must be reported to the department. The
1903 facility action plan must include information regarding the
1904 annual expenditures dedicated to the inflow and infiltration
1905 studies and the required replacement action plans; expenditures
1906 that are dedicated to pipe assessment, repair, and replacement;
1907 and expenditures designed to limit the presence of fats, roots,
1908 oils, and grease in the utility's collection system. The
1909 department shall adopt rules regarding the implementation of
1910 inflow and infiltration studies and leakage surveys; however,
1911 such department rules may not fix or revise utility rates or
1912 budgets. Any entity subject to this subsection and s.
1913 403.061(14) may submit one report to comply with both
1914 provisions. Substantial compliance with this subsection is
1915 evidence in mitigation for the purposes of assessing penalties
1916 pursuant to ss. 403.121 and 403.141.

1917 Section 18. Present subsections (4) through (10) of section
1918 403.087, Florida Statutes, are redesignated as subsections (5)
1919 through (11), respectively, and a new subsection (4) is added to
1920 that section, to read:

1921 403.087 Permits; general issuance; denial; revocation;
1922 prohibition; penalty.—

1923 (4) The department shall issue an operation permit for a
1924 domestic wastewater treatment facility other than a facility



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1925 regulated under the National Pollutant Discharge Elimination
1926 System Program under s. 403.0885 for a term of up to 10 years if
1927 the facility is meeting the stated goals in its action plan
1928 adopted pursuant to s. 403.086(7).

1929 Section 19. Present subsections (3) and (4) of section
1930 403.088, Florida Statutes, are redesignated as subsections (4)
1931 and (5), respectively, a new subsection (3) is added to that
1932 section, and paragraph (c) of subsection (2) of that section is
1933 amended, to read:

1934 403.088 Water pollution operation permits; conditions.—

1935 (2)

1936 (c) A permit shall:

1937 1. Specify the manner, nature, volume, and frequency of the
1938 discharge permitted;

1939 2. Require proper operation and maintenance of any
1940 pollution abatement facility by qualified personnel in
1941 accordance with standards established by the department;

1942 3. Require a deliberate, proactive approach to
1943 investigating or surveying a significant percentage of the
1944 domestic wastewater collection system throughout the duration of
1945 the permit to determine pipe integrity, which must be
1946 accomplished in an economically feasible manner. The permittee
1947 shall submit an annual report to the department which details
1948 facility revenues and expenditures in a manner prescribed by
1949 department rule. The report must detail any deviation of annual
1950 expenditures from identified system needs related to inflow and
1951 infiltration studies; model plans for pipe assessment, repair,
1952 and replacement; and pipe assessment, repair, and replacement
1953 required under s. 403.086(7). Substantial compliance with this



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1954 subsection is evidence in mitigation for the purposes of
1955 assessing penalties pursuant to ss. 403.121 and 403.141;

1956 4. Contain such additional conditions, requirements, and
1957 restrictions as the department deems necessary to preserve and
1958 protect the quality of the receiving waters;

1959 5.4. Be valid for the period of time specified therein; and

1960 6.5. Constitute the state National Pollutant Discharge
1961 Elimination System permit when issued pursuant to the authority
1962 in s. 403.0885.

1963 (3) No later than March 1 of each year, the department
1964 shall submit a report to the Governor, the President of the
1965 Senate, and the Speaker of the House of Representatives which
1966 identifies all domestic wastewater treatment facilities that
1967 experienced a sanitary sewer overflow in the preceding calendar
1968 year. The report must identify the utility or responsible
1969 operating entity name, permitted capacity in annual average
1970 gallons per day, number of overflows, type of water discharged,
1971 and total volume of sewage released, and, to the extent known
1972 and available, volume of sewage recovered, volume of sewage
1973 discharged to surface waters, and cause of the sanitary sewer
1974 overflow, including whether caused by a third party. The
1975 department shall include with this report the annual report
1976 specified under subparagraph (2)(c)3. for each utility that
1977 experienced an overflow.

1978 Section 20. Subsection (6) of section 403.0891, Florida
1979 Statutes, is amended to read:

1980 403.0891 State, regional, and local stormwater management
1981 plans and programs.—The department, the water management
1982 districts, and local governments shall have the responsibility



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1983 for the development of mutually compatible stormwater management
1984 programs.

1985 (6) The department and the Department of Economic
1986 Opportunity, in cooperation with local governments in the
1987 coastal zone, shall develop a model stormwater management
1988 program that could be adopted by local governments. The model
1989 program must contain model ordinances that target nutrient
1990 reduction practices and use green infrastructure. The model
1991 program shall contain dedicated funding options, including a
1992 stormwater utility fee system based upon an equitable unit cost
1993 approach. Funding options shall be designed to generate capital
1994 to retrofit existing stormwater management systems, build new
1995 treatment systems, operate facilities, and maintain and service
1996 debt.

1997 Section 21. Paragraphs (b) and (g) of subsection (2),
1998 paragraph (b) of subsection (3), and subsection (9) of section
1999 403.121, Florida Statutes, are amended to read:

2000 403.121 Enforcement; procedure; remedies.—The department
2001 shall have the following judicial and administrative remedies
2002 available to it for violations of this chapter, as specified in
2003 s. 403.161(1).

2004 (2) Administrative remedies:

2005 (b) If the department has reason to believe a violation has
2006 occurred, it may institute an administrative proceeding to order
2007 the prevention, abatement, or control of the conditions creating
2008 the violation or other appropriate corrective action. Except for
2009 violations involving hazardous wastes, asbestos, or underground
2010 injection, the department shall proceed administratively in all
2011 cases in which the department seeks administrative penalties



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2012 that do not exceed \$50,000 ~~\$10,000~~ per assessment as calculated
2013 in accordance with subsections (3), (4), (5), (6), and (7).
2014 Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty
2015 assessed pursuant to subsection (3), subsection (4), or
2016 subsection (5) against a public water system serving a
2017 population of more than 10,000 shall be not less than \$1,000 per
2018 day per violation. The department shall not impose
2019 administrative penalties in excess of \$50,000 ~~\$10,000~~ in a
2020 notice of violation. The department shall not have more than one
2021 notice of violation seeking administrative penalties pending
2022 against the same party at the same time unless the violations
2023 occurred at a different site or the violations were discovered
2024 by the department subsequent to the filing of a previous notice
2025 of violation.

2026 (g) Nothing herein shall be construed as preventing any
2027 other legal or administrative action in accordance with law.
2028 Nothing in this subsection shall limit the department's
2029 authority provided in ss. 403.131, 403.141, and this section to
2030 judicially pursue injunctive relief. When the department
2031 exercises its authority to judicially pursue injunctive relief,
2032 penalties in any amount up to the statutory maximum sought by
2033 the department must be pursued as part of the state court action
2034 and not by initiating a separate administrative proceeding. The
2035 department retains the authority to judicially pursue penalties
2036 in excess of \$50,000 ~~\$10,000~~ for violations not specifically
2037 included in the administrative penalty schedule, or for multiple
2038 or multiday violations alleged to exceed a total of \$50,000
2039 ~~\$10,000~~. The department also retains the authority provided in
2040 ss. 403.131, 403.141, and this section to judicially pursue



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2041 injunctive relief and damages, if a notice of violation seeking
2042 the imposition of administrative penalties has not been issued.
2043 The department has the authority to enter into a settlement,
2044 either before or after initiating a notice of violation, and the
2045 settlement may include a penalty amount different from the
2046 administrative penalty schedule. Any case filed in state court
2047 because it is alleged to exceed a total of \$50,000 ~~\$10,000~~ in
2048 penalties may be settled in the court action for less than
2049 \$50,000 ~~\$10,000~~.

2050 (3) Except for violations involving hazardous wastes,
2051 asbestos, or underground injection, administrative penalties
2052 must be calculated according to the following schedule:

2053 (b) For failure to obtain a required wastewater permit,
2054 other than a permit required for surface water discharge, the
2055 department shall assess a penalty of \$2,000 ~~\$1,000~~. For a
2056 domestic or industrial wastewater violation not involving a
2057 surface water or groundwater quality violation, the department
2058 shall assess a penalty of \$4,000 ~~\$2,000~~ for an unpermitted or
2059 unauthorized discharge or effluent-limitation exceedance or
2060 failure to comply with s. 403.061(14) or s. 403.086(7) or rules
2061 adopted thereunder. For an unpermitted or unauthorized discharge
2062 or effluent-limitation exceedance that resulted in a surface
2063 water or groundwater quality violation, the department shall
2064 assess a penalty of \$10,000 ~~\$5,000~~.

2065 (9) The administrative penalties assessed for any
2066 particular violation shall not exceed \$10,000 ~~\$5,000~~ against any
2067 one violator, unless the violator has a history of
2068 noncompliance, the economic benefit of the violation as
2069 described in subsection (8) exceeds \$10,000 ~~\$5,000~~, or there are



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2070 multiday violations. The total administrative penalties shall
2071 not exceed \$50,000 ~~\$10,000~~ per assessment for all violations
2072 attributable to a specific person in the notice of violation.

2073 Section 22. Subsection (7) of section 403.1835, Florida
2074 Statutes, is amended to read:

2075 403.1835 Water pollution control financial assistance.—

2076 (7) Eligible projects must be given priority according to
2077 the extent each project is intended to remove, mitigate, or
2078 prevent adverse effects on surface or ground water quality and
2079 public health. The relative costs of achieving environmental and
2080 public health benefits must be taken into consideration during
2081 the department's assignment of project priorities. The
2082 department shall adopt a priority system by rule. In developing
2083 the priority system, the department shall give priority to
2084 projects that:

2085 (a) Eliminate public health hazards;

2086 (b) Enable compliance with laws requiring the elimination
2087 of discharges to specific water bodies, including the
2088 requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic
2089 wastewater ocean outfalls;

2090 (c) Assist in the implementation of total maximum daily
2091 loads adopted under s. 403.067;

2092 (d) Enable compliance with other pollution control
2093 requirements, including, but not limited to, toxics control,
2094 wastewater residuals management, and reduction of nutrients and
2095 bacteria;

2096 (e) Assist in the implementation of surface water
2097 improvement and management plans and pollutant load reduction
2098 goals developed under state water policy;



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2099 (f) Promote reclaimed water reuse;

2100 (g) Eliminate failing onsite sewage treatment and disposal
2101 systems or those that are causing environmental damage; or

2102 (h) Reduce pollutants to and otherwise promote the
2103 restoration of Florida's surface and ground waters.

2104 (i) Implement the requirements of s. 403.086(7) or s.
2105 403.088(2)(c).

2106 (j) Promote efficiency by planning for the installation of
2107 wastewater transmission facilities to be constructed
2108 concurrently with other construction projects occurring within
2109 or along a transportation facility right-of-way.

2110 Section 23. Paragraph (b) of subsection (3) of section
2111 403.1838, Florida Statutes, is amended to read:

2112 403.1838 Small Community Sewer Construction Assistance
2113 Act.—

2114 (3)

2115 (b) The rules of the Environmental Regulation Commission
2116 must:

2117 1. Require that projects to plan, design, construct,
2118 upgrade, or replace wastewater collection, transmission,
2119 treatment, disposal, and reuse facilities be cost-effective,
2120 environmentally sound, permittable, and implementable.

2121 2. Require appropriate user charges, connection fees, and
2122 other charges sufficient to ensure the long-term operation,
2123 maintenance, and replacement of the facilities constructed under
2124 each grant.

2125 3. Require grant applications to be submitted on
2126 appropriate forms with appropriate supporting documentation, and
2127 require records to be maintained.



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2128 4. Establish a system to determine eligibility of grant
2129 applications.

2130 5. Establish a system to determine the relative priority of
2131 grant applications. The system must consider public health
2132 protection and water pollution prevention or abatement and must
2133 prioritize projects that plan for the installation of wastewater
2134 transmission facilities to be constructed concurrently with
2135 other construction projects occurring within or along a
2136 transportation facility right-of-way.

2137 6. Establish requirements for competitive procurement of
2138 engineering and construction services, materials, and equipment.

2139 7. Provide for termination of grants when program
2140 requirements are not met.

2141 Section 24. Subsection (9) is added to section 403.412,
2142 Florida Statutes, to read:

2143 403.412 Environmental Protection Act.—

2144 (9) (a) A local government regulation, ordinance, code,
2145 rule, comprehensive plan, charter, or any other provision of law
2146 may not recognize or grant any legal rights to a plant, an
2147 animal, a body of water, or any other part of the natural
2148 environment that is not a person or political subdivision as
2149 defined in s. 1.01 or grant such person or political subdivision
2150 any specific rights relating to the natural environment not
2151 otherwise authorized in general law or specifically granted in
2152 the State Constitution.

2153 (b) This subsection does not limit the power of an
2154 adversely affected party to challenge the consistency of a
2155 development order with a comprehensive plan as provided in s.
2156 163.3215 or to file an action for injunctive relief to enforce



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2157 the terms of a development agreement or challenge compliance of
2158 the agreement as provided in s. 163.3243.

2159 (c) This subsection does not limit the standing of the
2160 Department of Legal Affairs, a political subdivision or
2161 municipality of the state, or a citizen of the state to maintain
2162 an action for injunctive relief as provided in this section.

2163 Section 25. The Legislature determines and declares that
2164 this act fulfills an important state interest.

2165 Section 26. Effective July 1, 2021, subsection (5) of
2166 section 153.54, Florida Statutes, is amended to read:

2167 153.54 Preliminary report by county commissioners with
2168 respect to creation of proposed district.—Upon receipt of a
2169 petition duly signed by not less than 25 qualified electors who
2170 are also freeholders residing within an area proposed to be
2171 incorporated into a water and sewer district pursuant to this
2172 law and describing in general terms the proposed boundaries of
2173 such proposed district, the board of county commissioners if it
2174 shall deem it necessary and advisable to create and establish
2175 such proposed district for the purpose of constructing,
2176 establishing or acquiring a water system or a sewer system or
2177 both in and for such district (herein called "improvements"),
2178 shall first cause a preliminary report to be made which such
2179 report together with any other relevant or pertinent matters,
2180 shall include at least the following:

2181 (5) For the construction of a new proposed central sewerage
2182 system or the extension of an existing sewerage system that was
2183 not previously approved, the report shall include a study that
2184 includes the available information from the Department of
2185 Environmental Protection ~~Health~~ on the history of onsite sewage



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2186 treatment and disposal systems currently in use in the area and
2187 a comparison of the projected costs to the owner of a typical
2188 lot or parcel of connecting to and using the proposed sewerage
2189 system versus installing, operating, and properly maintaining an
2190 onsite sewage treatment and disposal system that is approved by
2191 the Department of Environmental Protection ~~Health~~ and that
2192 provides for the comparable level of environmental and health
2193 protection as the proposed central sewerage system;
2194 consideration of the local authority's obligations or reasonably
2195 anticipated obligations for water body cleanup and protection
2196 under state or federal programs, including requirements for
2197 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2198 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2199 deemed relevant by the local authority.

2200
2201 Such report shall be filed in the office of the clerk of the
2202 circuit court and shall be open for the inspection of any
2203 taxpayer, property owner, qualified elector or any other
2204 interested or affected person.

2205 Section 27. Effective July 1, 2021, paragraph (c) of
2206 subsection (2) of section 153.73, Florida Statutes, is amended
2207 to read:

2208 153.73 Assessable improvements; levy and payment of special
2209 assessments.—Any district may provide for the construction or
2210 reconstruction of assessable improvements as defined in s.
2211 153.52, and for the levying of special assessments upon
2212 benefited property for the payment thereof, under ~~the provisions~~
2213 ~~of~~ this section.

2214 (2)



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2215 (c) For the construction of a new proposed central sewerage
2216 system or the extension of an existing sewerage system that was
2217 not previously approved, the report shall include a study that
2218 includes the available information from the Department of
2219 Environmental Protection Health on the history of onsite sewage
2220 treatment and disposal systems currently in use in the area and
2221 a comparison of the projected costs to the owner of a typical
2222 lot or parcel of connecting to and using the proposed sewerage
2223 system versus installing, operating, and properly maintaining an
2224 onsite sewage treatment and disposal system that is approved by
2225 the Department of Environmental Protection Health and that
2226 provides for the comparable level of environmental and health
2227 protection as the proposed central sewerage system;
2228 consideration of the local authority's obligations or reasonably
2229 anticipated obligations for water body cleanup and protection
2230 under state or federal programs, including requirements for
2231 water bodies listed under s. 303(d) of the Clean Water Act, Pub.
2232 L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors
2233 deemed relevant by the local authority.

2234 Section 28. Effective July 1, 2021, subsection (2) of
2235 section 163.3180, Florida Statutes, is amended to read:

2236 163.3180 Concurrency.—

2237 (2) Consistent with public health and safety, sanitary
2238 sewer, solid waste, drainage, adequate water supplies, and
2239 potable water facilities shall be in place and available to
2240 serve new development no later than the issuance by the local
2241 government of a certificate of occupancy or its functional
2242 equivalent. Prior to approval of a building permit or its
2243 functional equivalent, the local government shall consult with



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2244 the applicable water supplier to determine whether adequate
2245 water supplies to serve the new development will be available no
2246 later than the anticipated date of issuance by the local
2247 government of a certificate of occupancy or its functional
2248 equivalent. A local government may meet the concurrency
2249 requirement for sanitary sewer through the use of onsite sewage
2250 treatment and disposal systems approved by the Department of
2251 Environmental Protection ~~Health~~ to serve new development.

2252 Section 29. Effective July 1, 2021, subsection (3) of
2253 section 180.03, Florida Statutes, is amended to read:

2254 180.03 Resolution or ordinance proposing construction or
2255 extension of utility; objections to same.-

2256 (3) For the construction of a new proposed central sewerage
2257 system or the extension of an existing central sewerage system
2258 that was not previously approved, the report shall include a
2259 study that includes the available information from the
2260 Department of Environmental Protection ~~Health~~ on the history of
2261 onsite sewage treatment and disposal systems currently in use in
2262 the area and a comparison of the projected costs to the owner of
2263 a typical lot or parcel of connecting to and using the proposed
2264 central sewerage system versus installing, operating, and
2265 properly maintaining an onsite sewage treatment and disposal
2266 system that is approved by the Department of Environmental
2267 Protection ~~Health~~ and that provides for the comparable level of
2268 environmental and health protection as the proposed central
2269 sewerage system; consideration of the local authority's
2270 obligations or reasonably anticipated obligations for water body
2271 cleanup and protection under state or federal programs,
2272 including requirements for water bodies listed under s. 303(d)



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2273 of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251
2274 et seq.; and other factors deemed relevant by the local
2275 authority. The results of such a study shall be included in the
2276 resolution or ordinance required under subsection (1).

2277 Section 30. Subsections (2), (3), and (6) of section
2278 311.105, Florida Statutes, are amended to read:

2279 311.105 Florida Seaport Environmental Management Committee;
2280 permitting; mitigation.—

2281 (2) Each application for a permit authorized pursuant to s.
2282 403.061(38) ~~s. 403.061(37)~~ must include:

2283 (a) A description of maintenance dredging activities to be
2284 conducted and proposed methods of dredged-material management.

2285 (b) A characterization of the materials to be dredged and
2286 the materials within dredged-material management sites.

2287 (c) A description of dredged-material management sites and
2288 plans.

2289 (d) A description of measures to be undertaken, including
2290 environmental compliance monitoring, to minimize adverse
2291 environmental effects of maintenance dredging and dredged-
2292 material management.

2293 (e) Such scheduling information as is required to
2294 facilitate state supplementary funding of federal maintenance
2295 dredging and dredged-material management programs consistent
2296 with beach restoration criteria of the Department of
2297 Environmental Protection.

2298 (3) Each application for a permit authorized pursuant to s.
2299 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~
2300 paragraphs (2) (b)-(e) and the following:

2301 (a) A description of dredging and dredged-material



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2302 management and other related activities associated with port
2303 development, including the expansion of navigation channels,
2304 dredged-material management sites, port harbors, turning basins,
2305 harbor berths, and associated facilities.

2306 (b) A discussion of environmental mitigation as is proposed
2307 for dredging and dredged-material management for port
2308 development, including the expansion of navigation channels,
2309 dredged-material management sites, port harbors, turning basins,
2310 harbor berths, and associated facilities.

2311 (6) Dredged-material management activities authorized
2312 pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~
2313 shall be incorporated into port master plans developed pursuant
2314 to s. 163.3178(2)(k).

2315 Section 31. Paragraph (d) of subsection (1) of section
2316 327.46, Florida Statutes, is amended to read:

2317 327.46 Boating-restricted areas.—

2318 (1) Boating-restricted areas, including, but not limited
2319 to, restrictions of vessel speeds and vessel traffic, may be
2320 established on the waters of this state for any purpose
2321 necessary to protect the safety of the public if such
2322 restrictions are necessary based on boating accidents,
2323 visibility, hazardous currents or water levels, vessel traffic
2324 congestion, or other navigational hazards or to protect
2325 seagrasses on privately owned submerged lands.

2326 (d) Owners of private submerged lands that are adjacent to
2327 Outstanding Florida Waters, as defined in s. 403.061(28) ~~s.~~
2328 ~~403.061(27)~~, or an aquatic preserve established under ss.
2329 258.39-258.399 may request that the commission establish
2330 boating-restricted areas solely to protect any seagrass and



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2331 contiguous seagrass habitat within their private property
2332 boundaries from seagrass scarring due to propeller dredging.
2333 Owners making a request pursuant to this paragraph must
2334 demonstrate to the commission clear ownership of the submerged
2335 lands. The commission shall adopt rules to implement this
2336 paragraph, including, but not limited to, establishing an
2337 application process and criteria for meeting the requirements of
2338 this paragraph. Each approved boating-restricted area shall be
2339 established by commission rule. For marking boating-restricted
2340 zones established pursuant to this paragraph, owners of
2341 privately submerged lands shall apply to the commission for a
2342 uniform waterway marker permit in accordance with ss. 327.40 and
2343 327.41, and shall be responsible for marking the boating-
2344 restricted zone in accordance with the terms of the permit.

2345 Section 32. Paragraph (d) of subsection (3) of section
2346 373.250, Florida Statutes, is amended to read:

2347 373.250 Reuse of reclaimed water.-

2348 (3)

2349 (d) The South Florida Water Management District shall
2350 require the use of reclaimed water made available by the
2351 elimination of wastewater ocean outfall discharges as provided
2352 for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or
2353 groundwater when the use of reclaimed water is available; is
2354 environmentally, economically, and technically feasible; and is
2355 of such quality and reliability as is necessary to the user.
2356 Such reclaimed water may also be required in lieu of other
2357 alternative sources. In determining whether to require such
2358 reclaimed water in lieu of other alternative sources, the water
2359 management district shall consider existing infrastructure



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2360 investments in place or obligated to be constructed by an
2361 executed contract or similar binding agreement as of July 1,
2362 2011, for the development of other alternative sources.

2363 Section 33. Subsection (9) of section 373.414, Florida
2364 Statutes, is amended to read:

2365 373.414 Additional criteria for activities in surface
2366 waters and wetlands.-

2367 (9) The department and the governing boards, on or before
2368 July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~
2369 this section, relying primarily on the existing rules of the
2370 department and the water management districts, into the rules
2371 governing the management and storage of surface waters. Such
2372 rules shall seek to achieve a statewide, coordinated and
2373 consistent permitting approach to activities regulated under
2374 this part. Variations in permitting criteria in the rules of
2375 individual water management districts or the department shall
2376 only be provided to address differing physical or natural
2377 characteristics. Such rules adopted pursuant to this subsection
2378 shall include the special criteria adopted pursuant to s.
2379 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria
2380 adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules
2381 shall include a provision requiring that a notice of intent to
2382 deny or a permit denial based upon this section shall contain an
2383 explanation of the reasons for such denial and an explanation,
2384 in general terms, of what changes, if any, are necessary to
2385 address such reasons for denial. Such rules may establish
2386 exemptions and general permits, if such exemptions and general
2387 permits do not allow significant adverse impacts to occur
2388 individually or cumulatively. Such rules may require submission



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2389 of proof of financial responsibility which may include the
2390 posting of a bond or other form of surety prior to the
2391 commencement of construction to provide reasonable assurance
2392 that any activity permitted pursuant to this section, including
2393 any mitigation for such permitted activity, will be completed in
2394 accordance with the terms and conditions of the permit once the
2395 construction is commenced. Until rules adopted pursuant to this
2396 subsection become effective, existing rules adopted under this
2397 part and rules adopted pursuant to the authority of ss. 403.91-
2398 403.929 shall be deemed authorized under this part and shall
2399 remain in full force and effect. Neither the department nor the
2400 governing boards are limited or prohibited from amending any
2401 such rules.

2402 Section 34. Paragraph (b) of subsection (4) of section
2403 373.705, Florida Statutes, is amended to read:

2404 373.705 Water resource development; water supply
2405 development.-

2406 (4)

2407 (b) Water supply development projects that meet the
2408 criteria in paragraph (a) and that meet one or more of the
2409 following additional criteria shall be given first consideration
2410 for state or water management district funding assistance:

2411 1. The project brings about replacement of existing sources
2412 in order to help implement a minimum flow or minimum water
2413 level;

2414 2. The project implements reuse that assists in the
2415 elimination of domestic wastewater ocean outfalls as provided in
2416 s. 403.086(10) ~~s. 403.086(9)~~; or

2417 3. The project reduces or eliminates the adverse effects of



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2418 competition between legal users and the natural system.
2419 Section 35. Paragraph (f) of subsection (8) of section
2420 373.707, Florida Statutes, is amended to read:
2421 373.707 Alternative water supply development.—
2422 (8)
2423 (f) The governing boards shall determine those projects
2424 that will be selected for financial assistance. The governing
2425 boards may establish factors to determine project funding;
2426 however, significant weight shall be given to the following
2427 factors:
2428 1. Whether the project provides substantial environmental
2429 benefits by preventing or limiting adverse water resource
2430 impacts.
2431 2. Whether the project reduces competition for water
2432 supplies.
2433 3. Whether the project brings about replacement of
2434 traditional sources in order to help implement a minimum flow or
2435 level or a reservation.
2436 4. Whether the project will be implemented by a consumptive
2437 use permittee that has achieved the targets contained in a goal-
2438 based water conservation program approved pursuant to s.
2439 373.227.
2440 5. The quantity of water supplied by the project as
2441 compared to its cost.
2442 6. Projects in which the construction and delivery to end
2443 users of reuse water is a major component.
2444 7. Whether the project will be implemented by a
2445 multijurisdictional water supply entity or regional water supply
2446 authority.



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2447 8. Whether the project implements reuse that assists in the
2448 elimination of domestic wastewater ocean outfalls as provided in
2449 s. 403.086(10) ~~s. 403.086(9)~~.

2450 9. Whether the county or municipality, or the multiple
2451 counties or municipalities, in which the project is located has
2452 implemented a high-water recharge protection tax assessment
2453 program as provided in s. 193.625.

2454 Section 36. Subsection (4) of section 373.709, Florida
2455 Statutes, is amended to read:

2456 373.709 Regional water supply planning.—

2457 (4) The South Florida Water Management District shall
2458 include in its regional water supply plan water resource and
2459 water supply development projects that promote the elimination
2460 of wastewater ocean outfalls as provided in s. 403.086(10) ~~s.~~
2461 ~~403.086(9)~~.

2462 Section 37. Effective July 1, 2021, subsection (3) of
2463 section 373.807, Florida Statutes, is amended to read:

2464 373.807 Protection of water quality in Outstanding Florida
2465 Springs.—By July 1, 2016, the department shall initiate
2466 assessment, pursuant to s. 403.067(3), of Outstanding Florida
2467 Springs or spring systems for which an impairment determination
2468 has not been made under the numeric nutrient standards in effect
2469 for spring vents. Assessments must be completed by July 1, 2018.

2470 (3) As part of a basin management action plan that includes
2471 an Outstanding Florida Spring, the department, ~~the Department of~~
2472 ~~Health~~, relevant local governments, and relevant local public
2473 and private wastewater utilities shall develop an onsite sewage
2474 treatment and disposal system remediation plan for a spring if
2475 the department determines onsite sewage treatment and disposal



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2476 systems within a priority focus area contribute at least 20
2477 percent of nonpoint source nitrogen pollution or if the
2478 department determines remediation is necessary to achieve the
2479 total maximum daily load. The plan shall identify cost-effective
2480 and financially feasible projects necessary to reduce the
2481 nutrient impacts from onsite sewage treatment and disposal
2482 systems and shall be completed and adopted as part of the basin
2483 management action plan no later than the first 5-year milestone
2484 required by subparagraph (1)(b)8. The department is the lead
2485 agency in coordinating the preparation of and the adoption of
2486 the plan. The department shall:

2487 (a) Collect and evaluate credible scientific information on
2488 the effect of nutrients, particularly forms of nitrogen, on
2489 springs and springs systems; and

2490 (b) Develop a public education plan to provide area
2491 residents with reliable, understandable information about onsite
2492 sewage treatment and disposal systems and springs.

2493
2494 In addition to the requirements in s. 403.067, the plan shall
2495 include options for repair, upgrade, replacement, drainfield
2496 modification, addition of effective nitrogen reducing features,
2497 connection to a central sewerage system, or other action for an
2498 onsite sewage treatment and disposal system or group of systems
2499 within a priority focus area that contribute at least 20 percent
2500 of nonpoint source nitrogen pollution or if the department
2501 determines remediation is necessary to achieve a total maximum
2502 daily load. For these systems, the department shall include in
2503 the plan a priority ranking for each system or group of systems
2504 that requires remediation and shall award funds to implement the



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2505 remediation projects contingent on an appropriation in the
2506 General Appropriations Act, which may include all or part of the
2507 costs necessary for repair, upgrade, replacement, drainfield
2508 modification, addition of effective nitrogen reducing features,
2509 initial connection to a central sewerage system, or other
2510 action. In awarding funds, the department may consider expected
2511 nutrient reduction benefit per unit cost, size and scope of
2512 project, relative local financial contribution to the project,
2513 and the financial impact on property owners and the community.
2514 The department may waive matching funding requirements for
2515 proposed projects within an area designated as a rural area of
2516 opportunity under s. 288.0656.

2517 Section 38. Paragraph (k) of subsection (1) of section
2518 376.307, Florida Statutes, is amended to read:

2519 376.307 Water Quality Assurance Trust Fund.—

2520 (1) The Water Quality Assurance Trust Fund is intended to
2521 serve as a broad-based fund for use in responding to incidents
2522 of contamination that pose a serious danger to the quality of
2523 groundwater and surface water resources or otherwise pose a
2524 serious danger to the public health, safety, or welfare. Moneys
2525 in this fund may be used:

2526 (k) For funding activities described in s. 403.086(10) ~~s.~~
2527 ~~403.086(9)~~ which are authorized for implementation under the
2528 Leah Schad Memorial Ocean Outfall Program.

2529 Section 39. Paragraph (i) of subsection (2), paragraph (b)
2530 of subsection (4), paragraph (j) of subsection (7), and
2531 paragraph (a) of subsection (9) of section 380.0552, Florida
2532 Statutes, are amended to read:

2533 380.0552 Florida Keys Area; protection and designation as



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2534 area of critical state concern.—

2535 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature
2536 to:

2537 (i) Protect and improve the nearshore water quality of the
2538 Florida Keys through federal, state, and local funding of water
2539 quality improvement projects, including the construction and
2540 operation of wastewater management facilities that meet the
2541 requirements of ss. 381.0065(4)(1) and 403.086(11) ~~403.086(10)~~,
2542 as applicable.

2543 (4) REMOVAL OF DESIGNATION.—

2544 (b) Beginning November 30, 2010, the state land planning
2545 agency shall annually submit a written report to the
2546 Administration Commission describing the progress of the Florida
2547 Keys Area toward completing the work program tasks specified in
2548 commission rules. The land planning agency shall recommend
2549 removing the Florida Keys Area from being designated as an area
2550 of critical state concern to the commission if it determines
2551 that:

2552 1. All of the work program tasks have been completed,
2553 including construction of, operation of, and connection to
2554 central wastewater management facilities pursuant to s.
2555 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage
2556 treatment and disposal systems pursuant to s. 381.0065(4)(1);

2557 2. All local comprehensive plans and land development
2558 regulations and the administration of such plans and regulations
2559 are adequate to protect the Florida Keys Area, fulfill the
2560 legislative intent specified in subsection (2), and are
2561 consistent with and further the principles guiding development;
2562 and



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2563 3. A local government has adopted a resolution at a public
2564 hearing recommending the removal of the designation.

2565 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
2566 and local agencies and units of government in the Florida Keys
2567 Area shall coordinate their plans and conduct their programs and
2568 regulatory activities consistent with the principles for guiding
2569 development as specified in chapter 27F-8, Florida
2570 Administrative Code, as amended effective August 23, 1984, which
2571 is adopted and incorporated herein by reference. For the
2572 purposes of reviewing the consistency of the adopted plan, or
2573 any amendments to that plan, with the principles for guiding
2574 development, and any amendments to the principles, the
2575 principles shall be construed as a whole and specific provisions
2576 may not be construed or applied in isolation from the other
2577 provisions. However, the principles for guiding development are
2578 repealed 18 months from July 1, 1986. After repeal, any plan
2579 amendments must be consistent with the following principles:

2580 (j) Ensuring the improvement of nearshore water quality by
2581 requiring the construction and operation of wastewater
2582 management facilities that meet the requirements of ss.
2583 381.0065(4)(1) and s. 403.086(11) ~~403.086(10)~~, as applicable,
2584 and by directing growth to areas served by central wastewater
2585 treatment facilities through permit allocation systems.

2586 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2587 (a) Any land development regulation or element of a local
2588 comprehensive plan in the Florida Keys Area may be enacted,
2589 amended, or rescinded by a local government, but the enactment,
2590 amendment, or rescission becomes effective only upon approval by
2591 the state land planning agency. The state land planning agency



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2592 shall review the proposed change to determine if it is in
2593 compliance with the principles for guiding development specified
2594 in chapter 27F-8, Florida Administrative Code, as amended
2595 effective August 23, 1984, and must approve or reject the
2596 requested changes within 60 days after receipt. Amendments to
2597 local comprehensive plans in the Florida Keys Area must also be
2598 reviewed for compliance with the following:

2599 1. Construction schedules and detailed capital financing
2600 plans for wastewater management improvements in the annually
2601 adopted capital improvements element, and standards for the
2602 construction of wastewater treatment and disposal facilities or
2603 collection systems that meet or exceed the criteria in s.
2604 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal
2605 facilities or s. 381.0065(4)(1) for onsite sewage treatment and
2606 disposal systems.

2607 2. Goals, objectives, and policies to protect public safety
2608 and welfare in the event of a natural disaster by maintaining a
2609 hurricane evacuation clearance time for permanent residents of
2610 no more than 24 hours. The hurricane evacuation clearance time
2611 shall be determined by a hurricane evacuation study conducted in
2612 accordance with a professionally accepted methodology and
2613 approved by the state land planning agency.

2614 Section 40. Effective July 1, 2021, subsections (7) and
2615 (18) of section 381.006, Florida Statutes, are amended to read:

2616 381.006 Environmental health.—The department shall conduct
2617 an environmental health program as part of fulfilling the
2618 state's public health mission. The purpose of this program is to
2619 detect and prevent disease caused by natural and manmade factors
2620 in the environment. The environmental health program shall



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2621 include, but not be limited to:

2622 ~~(7) An onsite sewage treatment and disposal function.~~

2623 (17)~~(18)~~ A food service inspection function for domestic
2624 violence centers that are certified by the Department of
2625 Children and Families and monitored by the Florida Coalition
2626 Against Domestic Violence under part XII of chapter 39 and group
2627 care homes as described in subsection (15) ~~(16)~~, which shall be
2628 conducted annually and be limited to the requirements in
2629 department rule applicable to community-based residential
2630 facilities with five or fewer residents.

2631
2632 The department may adopt rules to carry out the provisions of
2633 this section.

2634 Section 41. Effective July 1, 2021, subsection (1) of
2635 section 381.0061, Florida Statutes, is amended to read:

2636 381.0061 Administrative fines.—

2637 (1) In addition to any administrative action authorized by
2638 chapter 120 or by other law, the department may impose a fine,
2639 which may ~~shall~~ not exceed \$500 for each violation, for a
2640 violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s.
2641 381.0066, s. 381.0072, or part III of chapter 489, for a
2642 violation of any rule adopted under this chapter, or for a
2643 violation of ~~any of the provisions of~~ chapter 386. Notice of
2644 intent to impose such fine shall be given by the department to
2645 the alleged violator. Each day that a violation continues may
2646 constitute a separate violation.

2647 Section 42. Effective July 1, 2021, subsection (1) of
2648 section 381.0064, Florida Statutes, is amended to read:

2649 381.0064 Continuing education courses for persons



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2650 installing or servicing septic tanks.-

2651 (1) The Department of Environmental Protection ~~Health~~ shall
2652 establish a program for continuing education which meets the
2653 purposes of ss. 381.0101 and 489.554 regarding the public health
2654 and environmental effects of onsite sewage treatment and
2655 disposal systems and any other matters the department determines
2656 desirable for the safe installation and use of onsite sewage
2657 treatment and disposal systems. The department may charge a fee
2658 to cover the cost of such program.

2659 Section 43. Effective July 1, 2021, paragraph (d) of
2660 subsection (7), subsection (8), and paragraphs (b), (c), and (d)
2661 of subsection (9) of section 381.00651, Florida Statutes, are
2662 amended to read:

2663 381.00651 Periodic evaluation and assessment of onsite
2664 sewage treatment and disposal systems.-

2665 (7) The following procedures shall be used for conducting
2666 evaluations:

2667 (d) *Assessment procedure.*-All evaluation procedures used by
2668 a qualified contractor shall be documented in the environmental
2669 health database of the Department of Environmental Protection
2670 ~~Health~~. The qualified contractor shall provide a copy of a
2671 written, signed evaluation report to the property owner upon
2672 completion of the evaluation and to the county health department
2673 within 30 days after the evaluation. The report must ~~shall~~
2674 contain the name and license number of the company providing the
2675 report. A copy of the evaluation report shall be retained by the
2676 local county health department for a minimum of 5 years and
2677 until a subsequent inspection report is filed. The front cover
2678 of the report must identify any system failure and include a



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2679 clear and conspicuous notice to the owner that the owner has a
2680 right to have any remediation of the failure performed by a
2681 qualified contractor other than the contractor performing the
2682 evaluation. The report must further identify any crack, leak,
2683 improper fit, or other defect in the tank, manhole, or lid, and
2684 any other damaged or missing component; any sewage or effluent
2685 visible on the ground or discharging to a ditch or other surface
2686 water body; any downspout, stormwater, or other source of water
2687 directed onto or toward the system; and any other maintenance
2688 need or condition of the system at the time of the evaluation
2689 which, in the opinion of the qualified contractor, would
2690 possibly interfere with or restrict any future repair or
2691 modification to the existing system. The report shall conclude
2692 with an overall assessment of the fundamental operational
2693 condition of the system.

2694 (8) The county health department, in coordination with the
2695 department, shall administer any evaluation program on behalf of
2696 a county, or a municipality within the county, that has adopted
2697 an evaluation program pursuant to this section. In order to
2698 administer the evaluation program, the county or municipality,
2699 in consultation with the county health department, may develop a
2700 reasonable fee schedule to be used solely to pay for the costs
2701 of administering the evaluation program. Such a fee schedule
2702 shall be identified in the ordinance that adopts the evaluation
2703 program. When arriving at a reasonable fee schedule, the
2704 estimated annual revenues to be derived from fees may not exceed
2705 reasonable estimated annual costs of the program. Fees shall be
2706 assessed to the system owner during an inspection and separately
2707 identified on the invoice of the qualified contractor. Fees



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2708 shall be remitted by the qualified contractor to the county
2709 health department. The county health department's administrative
2710 responsibilities include the following:

2711 (a) Providing a notice to the system owner at least 60 days
2712 before the system is due for an evaluation. The notice may
2713 include information on the proper maintenance of onsite sewage
2714 treatment and disposal systems.

2715 (b) In consultation with the department ~~of Health,~~
2716 providing uniform disciplinary procedures and penalties for
2717 qualified contractors who do not comply with the requirements of
2718 the adopted ordinance, including, but not limited to, failure to
2719 provide the evaluation report as required in this subsection to
2720 the system owner and the county health department. Only the
2721 county health department may assess penalties against system
2722 owners for failure to comply with the adopted ordinance,
2723 consistent with existing requirements of law.

2724 (9)

2725 (b) Upon receipt of the notice under paragraph (a), the
2726 department ~~of Environmental Protection~~ shall, within existing
2727 resources, notify the county or municipality of the potential
2728 use of, and access to, program funds under the Clean Water State
2729 Revolving Fund or s. 319 of the Clean Water Act, provide
2730 guidance in the application process to receive such moneys, and
2731 provide advice and technical assistance to the county or
2732 municipality on how to establish a low-interest revolving loan
2733 program or how to model a revolving loan program after the low-
2734 interest loan program of the Clean Water State Revolving Fund.
2735 This paragraph does not obligate the department ~~of Environmental~~
2736 ~~Protection~~ to provide any county or municipality with money to



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2737 fund such programs.

2738 (c) The department ~~of Health~~ may not adopt any rule that
2739 alters ~~the provisions of~~ this section.

2740 (d) The department ~~of Health~~ must allow county health
2741 departments and qualified contractors access to the
2742 environmental health database to track relevant information and
2743 assimilate data from assessment and evaluation reports of the
2744 overall condition of onsite sewage treatment and disposal
2745 systems. The environmental health database must be used by
2746 contractors to report each service and evaluation event and by a
2747 county health department to notify owners of onsite sewage
2748 treatment and disposal systems when evaluations are due. Data
2749 and information must be recorded and updated as service and
2750 evaluations are conducted and reported.

2751 Section 44. Effective July 1, 2021, paragraph (g) of
2752 subsection (1) of section 381.0101, Florida Statutes, is amended
2753 to read:

2754 381.0101 Environmental health professionals.—

2755 (1) DEFINITIONS.—As used in this section:

2756 (g) "Primary environmental health program" means those
2757 programs determined by the department to be essential for
2758 providing basic environmental and sanitary protection to the
2759 public. At a minimum, these programs shall include food
2760 protection program work ~~and onsite sewage treatment and disposal~~
2761 ~~system evaluations.~~

2762 Section 45. Section 403.08601, Florida Statutes, is amended
2763 to read:

2764 403.08601 Leah Schad Memorial Ocean Outfall Program.—The
2765 Legislature declares that as funds become available the state



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2766 may assist the local governments and agencies responsible for
2767 implementing the Leah Schad Memorial Ocean Outfall Program
2768 pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from
2769 other sources provided for in law, the General Appropriations
2770 Act, from gifts designated for implementation of the plan from
2771 individuals, corporations, or other entities, or federal funds
2772 appropriated by Congress for implementation of the plan, may be
2773 deposited into an account of the Water Quality Assurance Trust
2774 Fund.

2775 Section 46. Section 403.0871, Florida Statutes, is amended
2776 to read:

2777 403.0871 Florida Permit Fee Trust Fund.—There is
2778 established within the department a nonlapsing trust fund to be
2779 known as the “Florida Permit Fee Trust Fund.” All funds received
2780 from applicants for permits pursuant to ss. 161.041, 161.053,
2781 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7)(a) shall be
2782 deposited in the Florida Permit Fee Trust Fund and shall be used
2783 by the department with the advice and consent of the Legislature
2784 to supplement appropriations and other funds received by the
2785 department for the administration of its responsibilities under
2786 this chapter and chapter 161. In no case shall funds from the
2787 Florida Permit Fee Trust Fund be used for salary increases
2788 without the approval of the Legislature.

2789 Section 47. Paragraph (a) of subsection (11) of section
2790 403.0872, Florida Statutes, is amended to read:

2791 403.0872 Operation permits for major sources of air
2792 pollution; annual operation license fee.—Provided that program
2793 approval pursuant to 42 U.S.C. s. 7661a has been received from
2794 the United States Environmental Protection Agency, beginning



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2795 January 2, 1995, each major source of air pollution, including
2796 electrical power plants certified under s. 403.511, must obtain
2797 from the department an operation permit for a major source of
2798 air pollution under this section. This operation permit is the
2799 only department operation permit for a major source of air
2800 pollution required for such source; provided, at the applicant's
2801 request, the department shall issue a separate acid rain permit
2802 for a major source of air pollution that is an affected source
2803 within the meaning of 42 U.S.C. s. 7651a(1). Operation permits
2804 for major sources of air pollution, except general permits
2805 issued pursuant to s. 403.814, must be issued in accordance with
2806 the procedures contained in this section and in accordance with
2807 chapter 120; however, to the extent that chapter 120 is
2808 inconsistent with ~~the provisions of~~ this section, the procedures
2809 contained in this section prevail.

2810 (11) Each major source of air pollution permitted to
2811 operate in this state must pay between January 15 and April 1 of
2812 each year, upon written notice from the department, an annual
2813 operation license fee in an amount determined by department
2814 rule. The annual operation license fee shall be terminated
2815 immediately in the event the United States Environmental
2816 Protection Agency imposes annual fees solely to implement and
2817 administer the major source air-operation permit program in
2818 Florida under 40 C.F.R. s. 70.10(d).

2819 (a) The annual fee must be assessed based upon the source's
2820 previous year's emissions and must be calculated by multiplying
2821 the applicable annual operation license fee factor times the
2822 tons of each regulated air pollutant actually emitted, as
2823 calculated in accordance with the department's emissions



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2824 computation and reporting rules. The annual fee shall only apply
2825 to those regulated pollutants, except carbon monoxide and
2826 greenhouse gases, for which an allowable numeric emission
2827 limiting standard is specified in the source's most recent
2828 construction or operation permit; provided, however, that:

2829 1. The license fee factor is \$25 or another amount
2830 determined by department rule which ensures that the revenue
2831 provided by each year's operation license fees is sufficient to
2832 cover all reasonable direct and indirect costs of the major
2833 stationary source air-operation permit program established by
2834 this section. The license fee factor may be increased beyond \$25
2835 only if the secretary of the department affirmatively finds that
2836 a shortage of revenue for support of the major stationary source
2837 air-operation permit program will occur in the absence of a fee
2838 factor adjustment. The annual license fee factor may never
2839 exceed \$35.

2840 2. The amount of each regulated air pollutant in excess of
2841 4,000 tons per year emitted by any source, or group of sources
2842 belonging to the same Major Group as described in the Standard
2843 Industrial Classification Manual, 1987, may not be included in
2844 the calculation of the fee. Any source, or group of sources,
2845 which does not emit any regulated air pollutant in excess of
2846 4,000 tons per year, is allowed a one-time credit not to exceed
2847 25 percent of the first annual licensing fee for the prorated
2848 portion of existing air-operation permit application fees
2849 remaining upon commencement of the annual licensing fees.

2850 3. If the department has not received the fee by March 1 of
2851 the calendar year, the permittee must be sent a written warning
2852 of the consequences for failing to pay the fee by April 1. If



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2853 the fee is not postmarked by April 1 of the calendar year, the
2854 department shall impose, in addition to the fee, a penalty of 50
2855 percent of the amount of the fee, plus interest on such amount
2856 computed in accordance with s. 220.807. The department may not
2857 impose such penalty or interest on any amount underpaid,
2858 provided that the permittee has timely remitted payment of at
2859 least 90 percent of the amount determined to be due and remits
2860 full payment within 60 days after receipt of notice of the
2861 amount underpaid. The department may waive the collection of
2862 underpayment and may ~~shall~~ not be required to refund overpayment
2863 of the fee, if the amount due is less than 1 percent of the fee,
2864 up to \$50. The department may revoke any major air pollution
2865 source operation permit if it finds that the permitholder has
2866 failed to timely pay any required annual operation license fee,
2867 penalty, or interest.

2868 4. Notwithstanding the computational provisions of this
2869 subsection, the annual operation license fee for any source
2870 subject to this section may ~~shall~~ not be less than \$250, except
2871 that the annual operation license fee for sources permitted
2872 solely through general permits issued under s. 403.814 may ~~shall~~
2873 not exceed \$50 per year.

2874 5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes
2875 ~~the provisions of s. 403.087(6)(a)5.a., authorizing~~ air
2876 pollution construction permit fees, the department may not
2877 require such fees for changes or additions to a major source of
2878 air pollution permitted pursuant to this section, unless the
2879 activity triggers permitting requirements under Title I, Part C
2880 or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-
2881 7514a. Costs to issue and administer such permits shall be



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2882 considered direct and indirect costs of the major stationary
2883 source air-operation permit program under s. 403.0873. The
2884 department shall, however, require fees pursuant to s.
2885 403.087(7)(a)5.a. ~~the provisions of s. 403.087(6)(a)5.a.~~ for the
2886 construction of a new major source of air pollution that will be
2887 subject to the permitting requirements of this section once
2888 constructed and for activities triggering permitting
2889 requirements under Title I, Part C or Part D, of the federal
2890 Clean Air Act, 42 U.S.C. ss. 7470-7514a.

2891 Section 48. Paragraph (d) of subsection (3) of section
2892 403.707, Florida Statutes, is amended to read:

2893 403.707 Permits.—

2894 (3)

2895 (d) The department may adopt rules to administer this
2896 subsection. However, the department is not required to submit
2897 such rules to the Environmental Regulation Commission for
2898 approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s.~~
2899 ~~403.087(6)(a)~~, permit fee caps for solid waste management
2900 facilities shall be prorated to reflect the extended permit term
2901 authorized by this subsection.

2902 Section 49. Subsections (8) and (21) of section 403.861,
2903 Florida Statutes, are amended to read:

2904 403.861 Department; powers and duties.—The department shall
2905 have the power and the duty to carry out the provisions and
2906 purposes of this act and, for this purpose, to:

2907 (8) Initiate rulemaking to increase each drinking water
2908 permit application fee authorized under s. 403.087(7) ~~s.~~
2909 ~~403.087(6)~~ and this part and adopted by rule to ensure that such
2910 fees are increased to reflect, at a minimum, any upward



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2911 adjustment in the Consumer Price Index compiled by the United
2912 States Department of Labor, or similar inflation indicator,
2913 since the original fee was established or most recently revised.

2914 (a) The department shall establish by rule the inflation
2915 index to be used for this purpose. The department shall review
2916 the drinking water permit application fees authorized under s.
2917 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5
2918 years and shall adjust the fees upward, as necessary, within the
2919 established fee caps to reflect changes in the Consumer Price
2920 Index or similar inflation indicator. In the event of deflation,
2921 the department shall consult with the Executive Office of the
2922 Governor and the Legislature to determine whether downward fee
2923 adjustments are appropriate based on the current budget and
2924 appropriation considerations. The department shall also review
2925 the drinking water operation license fees established pursuant
2926 to paragraph (7)(b) at least once every 5 years to adopt, as
2927 necessary, the same inflationary adjustments provided for in
2928 this subsection.

2929 (b) The minimum fee amount shall be the minimum fee
2930 prescribed in this section, and such fee amount shall remain in
2931 effect until the effective date of fees adopted by rule by the
2932 department.

2933 (21)(a) Upon issuance of a construction permit to construct
2934 a new public water system drinking water treatment facility to
2935 provide potable water supply using a surface water that, at the
2936 time of the permit application, is not being used as a potable
2937 water supply, and the classification of which does not include
2938 potable water supply as a designated use, the department shall
2939 add treated potable water supply as a designated use of the



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2940 surface water segment in accordance with s. 403.061(30)(b) ~~s.~~
2941 ~~403.061(29)(b)~~.

2942 (b) For existing public water system drinking water
2943 treatment facilities that use a surface water as a treated
2944 potable water supply, which surface water classification does
2945 not include potable water supply as a designated use, the
2946 department shall add treated potable water supply as a
2947 designated use of the surface water segment in accordance with
2948 s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

2949 Section 50. Effective July 1, 2021, subsection (1) of
2950 section 489.551, Florida Statutes, is amended to read:

2951 489.551 Definitions.—As used in this part:

2952 (1) "Department" means the Department of Environmental
2953 Protection Health.

2954 Section 51. Paragraph (b) of subsection (10) of section
2955 590.02, Florida Statutes, is amended to read:

2956 590.02 Florida Forest Service; powers, authority, and
2957 duties; liability; building structures; Withlacoochee Training
2958 Center.—

2959 (10)

2960 (b) The Florida Forest Service may delegate to a county,
2961 municipality, or special district its authority:

2962 1. As delegated by the Department of Environmental
2963 Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and
2964 403.081, to manage and enforce regulations pertaining to the
2965 burning of yard trash in accordance with s. 590.125(6).

2966 2. To manage the open burning of land clearing debris in
2967 accordance with s. 590.125.

2968 Section 52. The Division of Law Revision is directed to



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2969 replace the phrase "before the rules identified in paragraph (e)
2970 take effect" as it is used in the amendment made by this act to
2971 s. 381.0065, Florida Statutes, with the date such rules are
2972 adopted, as provided by the Department of Environmental
2973 Protection pursuant to s. 381.0065(4)(f), Florida Statutes, as
2974 amended by this act.

2975 Section 53. Except as otherwise expressly provided in this
2976 act, this act shall take effect July 1, 2020.

2977
2978 ===== T I T L E A M E N D M E N T =====

2979 And the title is amended as follows:

2980 Delete everything before the enacting clause
2981 and insert:

2982 A bill to be entitled
2983 An act relating to environmental resource management;
2984 providing a short title; requiring the Department of
2985 Health to provide a specified report to the Governor
2986 and the Legislature by a specified date; requiring the
2987 Department of Health and the Department of
2988 Environmental Protection to submit to the Governor and
2989 the Legislature, by a specified date, certain
2990 recommendations relating to the transfer of the Onsite
2991 Sewage Program; requiring the departments to enter
2992 into an interagency agreement that meets certain
2993 requirements by a specified date; transferring the
2994 Onsite Sewage Program within the Department of Health
2995 to the Department of Environmental Protection by a
2996 type two transfer by a specified date; providing that
2997 certain employees retain and transfer certain types of



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2998 leave upon the transfer; amending s. 20.255, F.S.;

2999 reducing the number of members of the Cabinet required

3000 concur with the Governor's appointment of the

3001 Secretary of Environmental Protection; amending s.

3002 373.036, F.S.; requiring water management districts to

3003 submit consolidated annual reports to the Office of

3004 Economic and Demographic Research; requiring such

3005 reports to include connection and conversion projects

3006 for onsite sewage treatment and disposal systems;

3007 amending s. 373.223, F.S.; requiring a consumptive use

3008 permit to use water derived from a spring for bottled

3009 water to meet certain requirements before approval;

3010 providing for the expiration of such requirements;

3011 requiring the Department of Environmental Protection,

3012 in coordination with the water management districts,

3013 to conduct a study on the bottled water industry in

3014 this state; providing requirements for the study;

3015 requiring the department to submit a report containing

3016 the findings of the study to the Governor, the

3017 Legislature, and the Office of Economic and

3018 Demographic Research by a specified date; defining the

3019 terms "bottled water" and "water derived from a

3020 spring"; amending s. 373.4131, F.S.; requiring the

3021 Department of Environmental Protection to include

3022 stormwater structural control inspections as part of

3023 its regular staff training; requiring the department

3024 and the water management districts to adopt rules

3025 regarding stormwater design and operation by a

3026 specified date; requiring the department to evaluate



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3027 data relating to self-certification and provide the
3028 Legislature with recommendations; amending s.
3029 381.0065, F.S.; conforming provisions to changes made
3030 by the act; requiring the department to adopt rules
3031 for the location of onsite sewage treatment and
3032 disposal systems and complete such rulemaking by a
3033 specified date; requiring the department to evaluate
3034 certain data relating to the self-certification
3035 program and provide the Legislature with
3036 recommendations by a specified date; providing that
3037 certain provisions relating to existing setback
3038 requirements are applicable to permits only until the
3039 adoption of certain rules by the department; removing
3040 provisions establishing a Department of Health onsite
3041 sewage treatment and disposal system research review
3042 and advisory committee; requiring the department to
3043 implement a specified approval process for the use of
3044 nutrient reducing onsite sewage treatment and disposal
3045 systems standards; creating s. 381.00652, F.S.;
3046 creating an onsite sewage treatment and disposal
3047 systems technical advisory committee within the
3048 department; providing the duties and membership of the
3049 committee; requiring the committee to submit
3050 recommendations to the Governor and the Legislature by
3051 a specified date; providing for the expiration of the
3052 committee; defining a term; repealing s. 381.0068,
3053 F.S., relating to a technical review and advisory
3054 panel; amending s. 403.061, F.S.; requiring the
3055 department to adopt rules relating to the underground



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3056 pipes of wastewater collection systems; requiring
3057 public utilities or their affiliated companies that
3058 hold or are seeking a wastewater discharge permit to
3059 file certain reports and data with the department;
3060 creating s. 403.0616, F.S.; requiring the department,
3061 subject to legislative appropriation, to establish a
3062 real-time water quality monitoring program;
3063 encouraging the formation of public-private
3064 partnerships; amending s. 403.067, F.S.; requiring
3065 basin management action plans for nutrient total
3066 maximum daily loads to include wastewater treatment
3067 and onsite sewage treatment and disposal system
3068 remediation plans that meet certain requirements;
3069 requiring the Department of Agriculture and Consumer
3070 Services to collect fertilization and nutrient records
3071 from certain agricultural producers and provide the
3072 information to the department annually by a specified
3073 date; requiring the Department of Agriculture and
3074 Consumer Services to perform onsite inspections of the
3075 agricultural producers at specified intervals;
3076 providing an additional management strategy for basin
3077 management action plans to include cooperative
3078 agricultural regional water quality improvement
3079 elements; providing requirements for the Department of
3080 Environmental Protection, the Department of
3081 Agriculture and Consumer Services, and owners of
3082 agricultural operations in developing and implementing
3083 such elements; requiring certain entities to develop
3084 research plans and legislative budget requests



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3085 relating to best management practices by a specified
3086 date; creating s. 403.0671, F.S.; directing the
3087 Department of Environmental Protection, in
3088 coordination with the county health departments,
3089 wastewater treatment facilities, and other
3090 governmental entities, to submit a report on the costs
3091 of certain wastewater projects to the Governor and
3092 Legislature by a specified date; providing
3093 requirements for such report; requiring the department
3094 to submit a specified water quality monitoring
3095 assessment report to the Governor and the Legislature
3096 by a specified date; providing requirements for such
3097 report; requiring the department to annually submit
3098 certain wastewater project cost estimates to the
3099 Office of Economic and Demographic Research beginning
3100 on a specified date; creating s. 403.0673, F.S.;
3101 establishing a wastewater grant program within the
3102 Department of Environmental Protection; authorizing
3103 the department to distribute appropriated funds for
3104 certain projects; providing requirements for the
3105 distribution; requiring the department to coordinate
3106 with each water management district to identify grant
3107 recipients; requiring an annual report to the Governor
3108 and the Legislature by a specified date; creating s.
3109 403.0855, F.S.; providing legislative findings
3110 regarding the regulation of biosolids management in
3111 this state; requiring the Department of Environmental
3112 Protection to adopt rules for biosolids management;
3113 specifying requirements for certain existing permits



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3114 and for permit renewals; requiring the permittee of a
3115 biosolids application site to establish a groundwater
3116 monitoring program under certain circumstances;
3117 prohibiting the land application of biosolids within a
3118 specified distance of the seasonal high-water table;
3119 defining the term "seasonal high water"; authorizing
3120 municipalities and counties to take certain actions
3121 with respect to regulation of the land application of
3122 specified biosolids; providing for a contingent
3123 repeal; amending s. 403.086, F.S.; prohibiting
3124 facilities for sanitary sewage disposal from disposing
3125 of any waste in the Indian River Lagoon beginning on a
3126 specified date without first providing advanced waste
3127 treatment; requiring the Department of Environmental
3128 Protection, in consultation with water management
3129 districts and sewage disposal facilities, to submit a
3130 report to the Governor and the Legislature on the
3131 status of certain facility upgrades; specifying
3132 requirements for the report; requiring facilities for
3133 sanitary sewage disposal to have a power outage
3134 contingency plan; requiring the facilities to take
3135 steps to prevent overflows and leaks and ensure that
3136 the water reaches the appropriate facility for
3137 treatment; requiring the facilities to provide the
3138 Department of Environmental Protection with certain
3139 information; requiring the department to adopt rules;
3140 amending s. 403.087, F.S.; requiring the department to
3141 issue operation permits for domestic wastewater
3142 treatment facilities to certain facilities under



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3143 certain circumstances; amending s. 403.088, F.S.;

3144 revising the permit conditions for a water pollution

3145 operation permit; requiring the department to submit a

3146 report to the Governor and the Legislature by a

3147 specified date identifying all wastewater utilities

3148 that experienced sanitary sewer overflows within a

3149 specified timeframe; providing requirements for the

3150 report; amending s. 403.0891, F.S.; requiring model

3151 stormwater management programs to contain model

3152 ordinances for nutrient reduction practices and green

3153 infrastructure; amending s. 403.121, F.S.; increasing

3154 and providing administrative penalties; amending s.

3155 403.1835, F.S.; conforming a cross-reference;

3156 requiring the department to give priority for water

3157 pollution control financial assistance to projects

3158 that implement certain provisions and that promote

3159 efficiency; amending s. 403.1838, F.S.; revising

3160 requirements for the prioritization of grant

3161 applications within the Small Community Sewer

3162 Construction Assistance Act; amending s. 403.412,

3163 F.S.; prohibiting local governments from recognizing

3164 or granting certain legal rights to the natural

3165 environment or granting such rights relating to the

3166 natural environment to a person or political

3167 subdivision; providing construction; providing a

3168 declaration of important state interest; amending ss.

3169 153.54, 153.73, 163.3180, 180.03, 311.105, 327.46,

3170 373.250, 373.414, 373.705, 373.707, 373.709, 373.807,

3171 376.307, 380.0552, 381.006, 381.0061, 381.0064,



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3172 381.00651, 381.0101, 403.08601, 403.0871, 403.0872,
3173 403.707, 403.861, 489.551, and 590.02, F.S.;
3174 conforming cross-references and provisions to changes
3175 made by the act; providing a directive to the Division
3176 of Law Revision upon the adoption of certain rules by
3177 the Department of Environmental Protection; providing
3178 effective dates.

3179
3180 WHEREAS, nutrients negatively impact groundwater and
3181 surface waters in this state and cause the proliferation of
3182 algal blooms, and

3183 WHEREAS, onsite sewage treatment and disposal systems were
3184 designed to manage human waste and are permitted by the
3185 Department of Health for that purpose, and

3186 WHEREAS, conventional onsite sewage treatment and disposal
3187 systems contribute nutrients to groundwater and surface waters
3188 across this state which can cause harmful blue-green algal
3189 blooms, and

3190 WHEREAS, many stormwater systems are designed primarily to
3191 divert and control stormwater rather than to remove pollutants,
3192 and

3193 WHEREAS, most existing stormwater system design criteria
3194 fail to consistently meet either the 80 percent or 95 percent
3195 target pollutant reduction goals established by the Department
3196 of Environmental Protection, and

3197 WHEREAS, other significant pollutants often can be removed
3198 from stormwater more easily than nutrients and, as a result,
3199 design criteria that provide the desired removal efficiencies
3200 for nutrients will likely achieve equal or better removal



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3201 efficiencies for other constituents, and

3202 WHEREAS, the Department of Environmental Protection has
3203 found that the major causes of sanitary sewer overflows during
3204 storm events are infiltration, inflow, and acute power failures,
3205 and

3206 WHEREAS, the Department of Environmental Protection lacks
3207 statutory authority to regulate infiltration and inflow or to
3208 require that all lift stations constructed prior to 2003 have
3209 emergency backup power, and

3210 WHEREAS, sanitary sewer overflows and leaking
3211 infrastructure create both a human health concern and a nutrient
3212 pollution problem, and

3213 WHEREAS, the agricultural sector is a significant
3214 contributor to the excess delivery of nutrients to surface
3215 waters throughout this state and has been identified as the
3216 dominant source of both phosphorus and nitrogen within the Lake
3217 Okeechobee watershed and a number of other basin management
3218 action plan areas, and

3219 WHEREAS, only 75 percent of eligible agricultural parties
3220 within the Lake Okeechobee Basin Management Action Plan area are
3221 enrolled in an appropriate best management practice and
3222 enrollment numbers are considerably less in other basin
3223 management action plan areas, and

3224 WHEREAS, although agricultural best management practices,
3225 by design, should be technically feasible and economically
3226 viable, that does not imply that their adoption and full
3227 implementation, alone, will alleviate downstream water quality
3228 impairments, NOW, THEREFORE,

3229